AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

federal register

December 6, 1974—Pages 42671–42898

FRIDAY, DECEMBER 6, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 236

Pages 42671–42898

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PROCLAMATION 4338

National Day of Prayer, 1974

By the President of the United States of America

A Proclamation

Ours is a Nation built upon a belief in a Creator who has endowed all men with inalienable rights, and faith in that Creator permeates every aspect of our way of life.

With characteristically quiet eloquence, President Dwight D. Eisenhower once described the central role of religion in American life:

"Without God there could be no American form of government, nor an American way of life. Recognition of the Supreme Being is the first—the most basic—expression of Americanism. Thus the founding fathers of America saw it, and thus with God's help, it will continue to be."

Let us pray, each in our own way, for the strength and the will to meet the challenges that face us today with the same profound faith in God that inspired the Founders of this Nation.

Let us pray, as our Fathers prayed, for the wisdom to know God's way and the determination to follow it.

Let us pray that God will continue to bless this great and good land as abundantly in the future as he has in the past.

In 1952 the Congress directed the President to set aside a suitable day other than a Sunday each year as a National Day of Prayer, in recognition of the profound religious faith on which America is built.

NOW, THEREFORE, I, Gerald R. Ford, President of the United States of America, do hereby proclaim Wednesday, December 18, as National Day of Prayer, 1974.

I call upon all Americans to pray that day, each after his or her own manner and convictions, for Deity's blessing on our land and for peace on earth, goodwill among all men.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of December, 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.74-28724 Filed 12-5-74;12:19 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.

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Title 7—Agriculture

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

1975 Crop of Upland Cotton; Base Acreage Allotments and National Production Goal

Correction

In FR Doc. 74-27023 appearing at page 40577 in the issue for Tuesday, November 19, 1974 make the following change: in the first column, third paragraph, 12th line, the date should read "November 12, 1974".

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

[Lemon Reg. 669]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period December 8-14, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.969 **Lemon Regulation 669.**

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is good. Auction supplies appear to be ample for next week, except in several markets which have an oversupply. Average f.o.b. price was $4.88 per carton the week ended November 30, 1974, compared to $4.91 per carton the previous week. Track and rolling supplies at 190 cars were up 28 cars from last week.

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

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

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period December 8, 1974, through December 14, 1974, is hereby fixed at 175,000 cartons.

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

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

Dated: December 4, 1974.

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

[FR Doc.74-28643 Filed 12-5-74;8:45 am]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

This document authorizes expenses of $25,375 for the Indian River Grapefruit Committee, under Marketing Order 912, for the 1974-75 fiscal period and fixes a rate of assessment of two and one-half mills ($0.0025) per box of grapefruit handled in such period to be paid to the committee by each handler as his pro rata share of such expenses. The carryover of unexpended 1973-74 assessments is also authorized.

On November 14, 1974, notice of rulemaking was published in the FEDERAL REGISTER (39 FR 40167) inviting written comments not later than November 29, 1974, regarding proposed expenses and the related rate of assessment for the period August 1, 1974, through July 31, 1975, pursuant to the marketing agreement, as amended, and order No. 912, as amended (7 CFR Part 912) regulating the handling of grapefruit grown in the Indian River District in Florida. None were received. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented,

including the proposals set forth in such notice which were submitted by the Indian River Grapefruit Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

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

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Indian River Grapefruit Committee during the period August 1, 1974, through July 31, 1975, will amount to $25,375.

(b) *Rate of assessment.* The rate of assessment for said period payable by each handler in accordance with § 912.41, is fixed at $0.0025 per standard packed box of grapefruit.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the fiscal period ended July 31, 1974, and prior years shall be carried over as a reserve in accordance with § 912.42 of said amended marketing agreement and order.

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

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

Dated: December 3, 1974.

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

[FR Doc.74-28514 Filed 12-5-74;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK) DEPARTMENT OF AGRICULTURE

[Milk Order 60]

PART 1060—MILK IN THE MINNESOTA-NORTH DAKOTA MARKETING AREA

Order Suspending Certain Provisions

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Minnesota-North Dakota marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 40783) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of December 1974, January and February 1975 the following provisions of the order do not tend to effectuate the declared policy of the Act:

The provisions to be suspended are as follows:

§ 1060.13 [Amended]

(1) The parts of paragraph (c)(1) that read, "During March through June" and "During the months of July through February such handler may divert an aggregate quantity not exceeding 50 percent of the milk of all such producers whose milk has been received at a pool plant(s) for at least 3 days during the month."

(2) The parts of paragraph (c)(2) that read, "During March through June" and "During the months of July through February such handler may divert an aggregate quantity not exceeding 50 percent of the milk of all such producers whose milk has been received at his pool plant(s) for at least 3 days during the month."

(3) Paragraph (c)(3) in its entirety.

Statement of consideration. This suspension action will permit unlimited diversion of producer milk under the Minnesota-North Dakota order during December 1974, January and February 1975.

The order provides that during any month of July through February, a cooperative association may divert for its account a total quantity of milk not in excess of 50 percent of the milk of all member producers whose milk has been received at a pool plant(s) for at least three days during the month.

Similarly, a handler in his capacity as the operator of a pool plant may divert for his account the milk of producers, other than members of a cooperative association that is a diverting handler during the month. Total diversions may not exceed 50 percent of the milk of all such producers whose milk has been received at his pool plant(s) for at least three days during the month. The order provides for unlimited diversion during the months of March through June.

The suspension action is requested by Mid-America Dairymen, Inc., and is supported by two other cooperative associations. These cooperatives represent producers who supply a maior portion of the market's total fluid milk needs.

For purposes of efficient handling, cooperatives in this market normally divert reserve fluid milk supplies to nonpool manufacturing plants. It is expected, however, that in the months of December 1974, January and February 1975, reserve milk supplies associated with regulated plants under the Minnesota-North Dakota order will exceed the specified diversion limits. Producer milk supplies on the market in 1974 have been generally at a higher level than in 1973, but fluid sales have been lower than in the previous year.

Unless the suspension action is taken, therefore, a portion of the reserve milk of the market, if it is to be priced under the order, would have to be moved from farms to pool plants and then reshipped to manufacturing plants rather than being diverted.

This temporary suspension action will allow more economic handling of the market's reserve milk while at the same time making it possible for the dairy farmers regularly associated with the market to retain producer status.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

a. This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that the most efficient method of handling the market's reserve milk supply is movement directly from producers' farms to milk manufacturing plants. This suspension will allow such handling on an unlimited basis during December 1974, January and February 1975, while the dairy farmers involved retain producer status.

b. This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

c. Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. No views were received in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective with respect to producer milk deliveries during December 1974, January and February 1975.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of December 1974, January and February 1975.

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

Effective date: December 6, 1974.

Signed at Washington, D.C., on: December 3, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.74-28515 Filed 12-5-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-NE-52; Amdt. 39-2037]

PART 39—AIRWORTHINESS DIRECTIVES

Hamilton Standard Model 54H60 Propellers

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on November 15, 1974, and made effective immediately, before further flight, for Hamilton Standard Model 54H60 propellers. On November 19, 1974, a correction was issued to remedy errors made in the transmission of certain propeller serial numbers and text.

The directive requires replacement of the oil transfer tube in each propeller identified by model and serial number. The AD is necessary to remove tubes with undersize walls installed in propellers covered by the serial numbers listed. Tests have shown that these tubes can fail causing loss of propeller pitch control and pitchlocking.

Since it was found that immediate corrective action was required, notice and public procedure was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately.

These conditions still exist and the airworthiness directive, as corrected, is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons operating aircraft with Hamilton Standard Model 54H60 propellers installed.

HAMILTON STANDARD. Applies to Hamilton Standard Model 54H60 propellers with the following serial numbers installed on, but not limited to, Lockheed Models L-382 and L-188 type aircraft:

PROPELLER MODEL 54H60-81

214617, 215113, 215205, 215284, 215443, 215498, 215550, 215551, 216141, 216394, 217337, 223669, 223810.

PROPELLER MODEL 54H60-91

233124, 233135, 233156 thru 233175, 233210 thru 233221, 233295 thru 233298, 233335

PROPELLER MODEL 54H60-117

thru 233346.

213240, 215104, 215253, 215442, 217294, 217846, 219020, 219497, 220052, 221334, 221945, 222715, 223351, 223570, 223882, 223885, 224146, 224327, 224724, 224730, 225367, 225514, 225540, 225603, 225634, 225857, 226279, 226480, 227098, 227104, 227212, 227945, 228146, 228304, 228385, 229197, 230076, 230415, 230454, 231098, 231099, 231103, 231247, 231254, 231484, 231825, 231830, 233152 thru 233155, 233186 thru 233209, 233224 thru 233231, 233246 thru 233273, 233299 thru 233334, 234146.

To preclude failure of undersize oil transfer tubes and possible loss of propeller control remove P/N 536496, oil transfer tube, before further flight, unless already accomplished. Replace with a P/N 536496 oil transfer tube which has been inspected using a Hamilton Standard inspection tool, P/N HSD506611T501, or by FAA approved equivalent method, and which meets or exceeds minimum wall thickness requirements of Hamilton Standard Alert Service Bulletin HS Code 54H60-A68.

The manufacturer's specifications identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents may obtain copies upon request to the Hamilton Standard Division, United Aircraft Corporation, Windsor Locks, Connecticut 06096. These documents may also be examined at FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

This amendment becomes effective December 6, 1974 for all persons except those to whom it was made effective immediately by telegram.

(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. (c) of the Department of Transportation Act (49 U.S.C. 1655(c))

(The incorporation of reference provision in this document was approved by the Director of the Federal Register on June 19, 1967.)

Issued in Burlington, Massachusetts, on November 25, 1974.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.74-28481 Filed 12-5-74;8:45 am]

[Docket No. 12169; Amdt. Nos. 103-22; 121-113; 123-5; and 135-40]

CARRIAGE OF OXYGEN FOR MEDICAL USE

Storage, Use, and Restriction in Aircraft Passenger Compartments

The purpose of these amendments to Parts 103, 121, and 135 of the Federal Aviation Regulations is to allow the carriage of oxygen for medical purposes, in addition to that already carried as supplemental and first-aid oxygen, in the passenger compartment of aircraft operated by the holders of a Part 121 or Part 135 certificate.

Interested persons have been afforded an opportunity to participate in the making of this amendment by a Notice of Proposed Rule Making (Notice 73-19) issued on June 7, 1973, and published in the FEDERAL REGISTER on June 18, 1973 (38 FR 15852). Due consideration has been given to all comments presented in response to the Notice. Except for minor editorial changes, and except as specifically discussed hereinafter, these amendments and the reasons therefor are the same as those in Notice No. 73-19.

The FAA received 30 public comments in response to Notice 73-19. Most of the comments generally favored the adoption of the proposed amendments. Some commentators recommended certain changes that are discussed hereinafter. Several commentators made suggestions that were not within the scope of the Notice, and, accordingly, those comments are not discussed, but will be retained by the FAA for consideration with regard to future rule-making proceedings.

A number of commentators asserted that allowing passengers to bring on board their own high pressure gaseous oxygen units, which are uncontrolled and could be contaminated with grease, oil, or other flammable materials, would create a potential for serious fire and explosion. One commentator, a manufacturer of oxygen dispensing equipment, stated that there is no way to ensure that these units have not been contaminated with grease or other flammable lubricants during maintenance or refilling. Another oxygen equipment manufacturer asserted that it is impossible for an airline operator, and sometimes even the owner, to know how a piece of equipment has been serviced, altered, or repaired, i.e. whether cleanliness has been observed in its filling, and whether it has been subjected to abuse, resulting in damage. In addition, several commentators, including the Air Transport Association (ATA), contended that it would be impractical to place on the operator the burden of determining the acceptability of equipment supplied by a passenger.

After consideration of these comments and further study, the FAA has concluded that the objections voiced by these commentators have merit. In order to avoid the problem of possible internal contamination the rule as adopted provides that no pressurized oxygen cylinder may be used unless it has been maintained in accordance with an FAA approved maintenance program by a Part 121 or Part 135 certificate holder since either its purchase new or its last hydrostatic test.

Moreover, in view of the standard of care in the operation of oxygen storage and dispensing equipment required by the rules adopted in this amendment, the FAA believes that the use of this equipment should be confined to aircraft operated by the holders of Part 121 or Part 135 certificates. In view of this, and since Part 123 certificate holders do not have approved maintenance programs, the rule as adopted amends Part 123 to specifically except new § 121.574 from those provisions of Part 121 which apply to the holder of a Part 123 operating certificate.

Several commentators inquired whether the proposed rule would apply to oxygen equipment dispensing gaseous oxygen that is stored in a liquid form or is generated at the time of use from the reaction of certain solid chemicals. The intent of the proposed regulations was to provide for the carriage by a passenger for a medical purpose of any form of oxygen storage and dispensing equipment, including both liquid units and chemical oxygen generators. New § 103.-1(c)(6) makes it clear that Part 103 does not apply to any dangerous article used for the generation of oxygen when it is carried for medical use by a passenger in accordance with new § 121.574 or new § 135.114.

The FAA believes that the same problem of possible internal contamination exists with respect to liquid oxygen containers as it does with pressurized units, since the former are also subject to possible contamination during refilling. Accordingly, the rule as adopted requires that any liquid oxygen storage unit carried in the cabin of a passenger-carrying aircraft must have been maintained in accordance with an FAA approved maintenance program by a Part 121 or Part 135 certificate holder since its purchase new or since its last purging.

Containers used to store the chemicals used in chemical oxygen generators are not refillable and are not subject to the same internal contamination possibilities as liquid or pressurized units. However, when using any oxygen dispensing equipment, including a chemical oxygen generator, there is a danger of a flash fire if a flammable contaminant is present on any exterior surface. Moreover, damage

to dispensing equipment due to mishandling during storage or servicing could result in malfunction of the equipment which could cause injury to a passenger or flight attendant. In view of this, the regulation, as adopted, requires that any equipment for the storage, generation, or dispensing of oxygen used by passengers must be furnished by the certificate holder and maintained in accordance with its FAA-approved maintenance program.

Notice 73-19 contained the proposed requirement that oxygen equipment used by passengers be either of an approved type or conform to the manufacturing, packaging, marking, labeling, and maintenance requirements of Parts 171, 172, and 173 of Title 49, except as necessary for the normal operation of the unit. Several commentators questioned the meaning of the word "approved." In accordance with the definition of "approved" in § 1.1 of Part 1 of the Federal Aviation Regulation, the word, as it is used in the notice and this amendment, means approval by the Administrator or the person to whom he delegates his authority for that approval.

With respect to the proposed alternative requirement that the equipment conform to the requirements of 49 CFR Parts 171, 172, and 173, the rule, as adopted, has been clarified by replacing the phrase "except as necessary for the normal operation of the unit" with a specific exception from the requirement of § 173.24(a)(1). That section requires that each package used for shipping hazardous materials be so designed and constructed that under conditions normally incident to transportation there will be no significant release of the hazardous materials to the environment. The FAA recognizes that a small amount of oxygen may be released into the environment during the time that a passenger is using a gaseous oxygen unit and that liquid oxygen systems continuously vent a small amount of oxygen. While the FAA does not consider the release of these amounts as either significant or a safety hazard, the exception has been provided to make it clear that this release is permissible.

The smoking prohibitions in §§ 121.574 (b) and 135.114(b), as adopted, provide that no person may smoke, and no certificate holder may allow any person to smoke, within 10 feet of oxygen storage and dispensing equipment carried in accordance with paragraphs (a) of those sections. The ATA suggested that the proposed smoking prohibition could be more easily administered if the phrase "within 10 feet" were changed to "in the row of seats in front, behind or across the aisle from" the row of seats in which the person using oxygen is seated. The FAA believes that the distance within which smoking is not permitted should be specific and not related to seat size and aisle width. However, for ease of administration, a certificate holder may choose to prohibit smoking within a specific seating area that it has determined will ensure, based on the specific seating configuration of the aircraft, that the 10-foot minimum separation is maintained.

The Air Line Pilots Association expressed the opinion that smoking should not be allowed anywhere in the cabin of the aircraft if oxygen dispensing equipment is in use. The FAA does not agree that smoking should be prohibited entirely in the passenger compartment, since it believes that, beyond 10 feet from the oxygen dispensing equipment, escaping oxygen is sufficiently dissipated into the surrounding air so as not to create any fire hazard.

Some commentators warned against smoking even when the equipment is not in operation, especially in the case of liquid oxygen systems which continuously vent oxygen even when not in use. The provision as adopted clearly prohibits smoking within the specified distance whether or not the equipment is being operated.

The ATA asserted that it would be an untenable burden on an operator to determine the amount of oxygen required to meet the medical needs of a passenger during a flight. In this connection, several commentators suggested that the proposed required physician's statement should specify the necessary flow rate and the duration of the need. In addition, some cautioned that the passenger's physician may think that pressurized aircraft are maintained at sea level pressure altitude, and would not ordinarily think to warn a patient on oxygen therapy of the need to increase flow during flight.

Upon further consideration, the FAA believes that, except in the case of "air ambulances", the passenger should provide the certificate holder with an accurate means of determining what quantity of oxygen could be needed during flight, so that the probability of an inflight medical emergency resulting from the exhaustion of the passenger's oxygen supply would be remote. Therefore, the regulation as adopted requires that the physician's statement of need specify the maximum quantity of oxygen needed each hour and the maximum flow rate needed for the pressure altitude corresponding to the pressure in the cabin of the airplane under normal operating conditions. Under the regulation as adopted, when such a physician's statement is required, the total quantity of oxygen carried must be equal to the maximum quantity of oxygen needed each hour, as specified in the physician's statement, multiplied by the number of hours used to compute the amount of required fuel. This will ensure that the amount of oxygen carried will be sufficient to meet the passenger's needs throughout the flight, including any possible delay.

One commentator, the coductor of an "air ambulance" service, contended that the proposed requirement that the passenger furnish a statement of need signed by a licensed physician could create extreme hardship for operators of air ambulance flights and their patient-passengers. It stated that, although oxygen therapy may not be required as a normal part of a patient's course of treatment and upon departure of the air ambulance flight the patient may be in a stable cardiopulmonary condition, the contingency of a cardiopulmonary emergency arising in flight must be anticipated, and also the need for oxygen must be anticipated when picking up a patient in remote areas. The FAA concurs in this comment, and, as adopted in this amendment, the requirement for a physician's statement does not apply to the carriage of oxygen in an airplane operated by the holder of a Part 121 or Part 135 certificate in which no passenger is carried other than a person who may have a medical need for oxygen during the flight, one relative or other interested person for each such passenger, and a medical attendant. Moreover, the carriage of a specific quantity of oxygen is not required, the amount being left to the judgment of the "air ambulance" operator.

A number of commentators suggested that 147 cubic inches water capacity is not a practical limit on the size of the oxygen cylinders to be carried, since limiting the size of oxygen cylinders as proposed could require the carriage of an unreasonable number of cylinders on flights of long duration. In light of the fact that under the regulation as adopted the oxygen storage and dispensing equipment will be furnished by the holder of a Part 121 or Part 135 certificate, the FAA believes that it is not necessary to limit the size of the equipment in order to ensure that the operator will be prepared to safely stow and secure it. Preparations can be made in advance of the passenger's boarding of the aircraft. Accordingly, the rule as adopted contains no limit on the size of oxygen cylinders that may be carried.

One commentator, a manufacturer and supplier of oxygen equipment, cautioned that the disconnecting or connecting of a dispensing device from a high pressure oxygen cylinder could result in a flash fire or explosion if the dispensing device or cylinder were to become contaminated in the process. After consideration of this problem, the FAA has concluded that the connecting or disconnecting of cylinders for the storage of gaseous oxygen should not be allowed while passengers are on board the airplane, and the rule as adopted prohibits this. Accordingly, whenever a certificate holder provides more than one gaseous oxygen cylinder for a flight, each cylinder will have to have its own dispensing device, or the cylinders will have to be interconnected in such a manner that no connecting or disconnecting will be necessary in flight.

Another commentator objected to the proposed requirement that each oxygen cylinder have an "oxygen cylinder gauge pressure" that does not exceed the rated cylinder pressure, because it seemed to him to suggest that a cylinder without its own pressure gauge might have to be checked with some type of test gauge which could cause a fire if contaminated. The intent of the proposed provision

was not to require that the pressure of a cylinder not equipped with a pressure gauge be checked before being carried aboard the airplane when reliable information as to its actual pressure already exists. Accordingly, the provision as adopted has been clarified to require only that the pressure in any oxygen cylinder not exceed the rated cylinder pressure for that cylinder.

Two commentators sugested that the proposed requirement that the equipment be capable of providing a minimum mass flow of oxygen to the user of four liters per minute might conflict with the six liter per minute requirement contained in the Proposed Statement of Policy issued by the Food and Drug Administration (FDA) of the Department of Health, Education, and Welfare on February 29, 1972 (published in the FEDERAL REGISTER on March 16, 1972; 37 FR 5501). The FAA does not agree, and the requirement has been adopted as proposed.

The six liter per minute requirement in the FDA proposal would apply only to emergency oxygen administration units, which are sold over-the-counter without prescription. No minimum flow requirement was proposed for oxygen dispensing equipment for other medical oxygen deficiency applications, which are sold by prescription. However, under new §§ 121.574 and 135.114, all equipment provided would have to be capable of providing a minimum mass flow of four liters per minute. If the oxygen equipment provided the passenger is an emergency oxygen administration unit within the meaning of FDA regulations, then the proposed FDA flow capability requirement of six liters per minute, if adopted, would also have to be complied with.

As stated in Notice 73–19, the purpose of the four liter per minute capability requirement is to enable the passenger to supply himself with the amount of oxygen needed in the event of an emergency cabin decompression, without having to switch to the aircraft oxygen system. Contrary to the belief of some commentators, this requirement does not prevent the passenger's physician from prescribing a flow of oxygen less than or more than four liters per minute, but merely applies to the capability of the equipment.

The ATA suggested that the proposed requirement that the pilot in command be advised when the oxygen equipment is in use be changed to require only notice of "its intended use during the flight", so that, in the case of a passenger who needs oxygen only intermittently, the pilot would not have to be distracted by repeatedly being advised the equipment is being used. The FAA agrees with this comment, and, accordingly, the requirement as adopted has been changed to conform to this suggestion.

In view of the fact that there is an immediate need for the use of oxygen equipment, other than supplemental or first-aid oxygen, in the passenger compartments of aircraft operated by the holders of Part 121 and Part 135 operating certificates, I find that good cause exists for making these amendments effective on less than 30 days notice.

(Secs. 313(a), 601(a), and 902(h) of the Federal Aviation Act of 1958; (49 U.S.C. 1354(a), 1421(a), and 1472(h)). Sec. 6(c) of the Department of Transportation Act; (49 U.S.C. 1655(c)))

In consideration of the foregoing, and for the reasons stated in Notice No. 73–19, Parts 103, 121, 123, and 135 of the Federal Aviation Regulations are amended, effective December 9, 1974, as follows:

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

1. By amending paragraph (c) of § 103.1 by deleting the period at the end of subparagraph (5) and substituting therefor the phrase "; and" and by adding a new subparagraph (6) to read as follows:

§ 103.1 Applicability.

* * * * *

(c) This part does not apply to—

* * * * *

(6) Oxygen, or any dangerous article used for the generation of oxygen, carried for medical use by a passenger in accordance with § 121.574 or § 135.114 of this chapter.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFTS

2. By adding a new § 121.574 to Part 121 to read as follows:

§ 121.574 Oxygen for medical use by passengers.

(a) A certificate holder may allow a passenger to carry and operate equipment for the storage, generation, or dispensing of oxygen when the following conditions are met:

(1) The equipment is—

(i) Furnished by the certificate holder;

(ii) Of an approved type or is in conformity with the manufacturing, packaging, marking, labeling, and maintenance requirements of 49 CFR Parts 171, 172, and 173, except § 173.24(a)(1);

(iii) Maintained by the certificate holder in accordance with an approved maintenance program;

(iv) Free of flammable contaminants on all exterior surfaces;

(v) Capable of providing a minimum mass flow of oxygen to the user of four liters per minute;

(vi) Constructed so that all valves, fittings, and gauges are protected from damage; and

(vii) Appropriately secured.

(2) When the oxygen is stored in the form of a liquid, the equipment has been under the certificate holder's approved maintenance program since its purchase new or since the storage container was last purged.

(3) When the oxygen is stored in the form of a compressed gas as defined in 49 CFR § 173.300(a)—

(i) The equipment has been under the certificate holder's approved maintenance program since its purchase new or since the last hydrostatic test of the storage cylinder; and

(ii) The pressure in any oxygen cylinder does not exceed the rated cylinder pressure.

(4) Each person using the equipment has a medical need to use it evidenced by a written statement signed by a licensed physician which specifies the maximum quantity of oxygen needed each hour and the maximum flow rate needed for the pressure altitude corresponding to the pressure in the cabin of the airplane under normal operating conditions. This subparagraph does not apply to the carriage of oxygen in an airplane in which the only passengers carried are persons who may have a medical need for oxygen during flight, no more than one relative or other interested person for each of those persons, and medical attendants.

(5) When a physician's statement is required by subparagraph (4) of this paragraph, the total quantity of oxygen carried is equal to the maximum quantity of oxygen needed each hour, as specified in the physician's statement, multiplied by the number of hours used to compute the amount of airplane fuel required by this part.

(6) The pilot in command is advised when the equipment is on board, and when it is intended to be used.

(7) The equipment is stowed, and each person using the equipment is seated, so as not to restrict access to or use of any required emergency, or regular exit or of the aisle in the passenger compartment.

(b) No person may, and no certificate holder may allow any person to, smoke within 10 feet of oxygen storage and dispensing equipment carried in accordance with paragraph (a) of this section.

(c) No certificate holder may allow any person to connect or disconnect oxygen dispensing equipment, to or from a gaseous oxygen cylinder while any passenger is aboard the airplane.

(d) The requirements of this section do not apply to the carriage of supplemental or first-aid oxygen and related equipment required by this chapter.

PART 123—CERTIFICATION AND OPERATIONS: AIR TRAVEL CLUBS USING LARGE AIRPLANES

3. By amending paragraph (k) of § 123.27 by deleting the phrase "and 121.548" and substituting therefor the phrase ", 121.548, and 121.574."

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

4. By adding a new § 135.114 to Part 135 to read as follows:

§ 135.114 Oxygen for medical use by passengers.

(a) A certificate holder may allow a passenger to carry and operate equipment for the storage, generation, or dispensing of oxygen when the following conditions are met:

(1) The equipment is—

(i) Furnished by the certificate holder;

(ii) Of an approved type or is in conformity with the manufacturing, packaging, marking, labeling, and maintenance requirements of 49 CFR Parts 171, 172, and 173, except § 173.24(a)(1);

(iii) Maintained by the certificate holder in accordance with an approved maintenance program;

(iv) Free of flammable contaminants on all exterior surfaces;

(v) Capable of providing a minimum mass flow of oxygen to the user of four liters per minute;

(vi) Constructed so that all valves, fittings, and gauges are protected from damage; and

(vii) Appropriately secured.

(2) When the oxygen is stored in the form of a liquid, the equipment has been under the certificate holder's approved maintenance program since its purchase new or since the storage container was last purged.

(3) When the oxygen is stored in the form of a compressed gas as defined in 49 CFR § 173.300(a)—

(i) The equipment has been under the certificate holder's approved maintenance program since its purchase new or since the last hydrostatic test of the storage cylinder; and

(ii) The pressure in any oxygen cylinder does not exceed the rated cylinder pressure.

(4) Each person using the equipment has a medical need to use it evidenced by a written statement signed by a licensed physician which specifies the maximum quantity of oxygen needed each hour and the maximum flow rate needed for the pressure altitude corresponding to the pressure in the cabin of the airplane under normal operating conditions. This subparagraph does not apply to the carriage of oxygen in an airplane in which the only passengers carried are persons who may have a medical need for oxygen during flight, no more than one relative or other interested person for each of those persons, and medical attendants.

(5) When a physician's statement is required by subparagraph (4) of this paragraph, the total quantity of oxygen carried is equal to the maximum quantity of oxygen needed each hour, as specified in the physician's statement, multiplied by the number of hours used to compute the amount of airplane fuel required by this part.

(6) The pilot in command is advised when the equipment is on board, and when it is intended to be used.

(7) The equipment is stowed, and each person using the equipment is seated, so as not to restrict access to or use of any required emergency or regular exit, or of the aisle in the passenger compartment.

(b) No person may, and no certificate holder may allow any person to, smoke within 10 feet of oxygen storage and dispensing equipment carried in accordance with paragraph (a) of this section.

(c) No certificate holder may allow any person to connect or disconnect oxygen dispensing equipment, to or from a gaseous oxygen cylinder while any passenger is aboard the airplane.

(d) The requirements of this section do not apply to the carriage of supplemental or first-aid oxygen and related equipment required by this chapter.

Issued in Washington, D.C., on November 27, 1974.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.74-28479 Filed 12-5-74;8:45 am]

[Docket No. 74-NE-47; Amdt. 39-2036]

PART 39—AIRWORTHINESS DIRECTIVES

Consolidated Aeronautics Inc. Colonial Model C-1 and C-2 Airplanes Certificated in All Categories

There has been a report of cracked and failed wing rear spar fittings, all with distorted bolt holes, on a Colonial model C-1 airplane. 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 an inspection of the wing rear spar fittings for cracks, failures or distorted bolt holes, and replacement, if necessary, on Colonial model C-1 and C-2 airplanes.

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:

CONSOLIDATED AERONAUTICS, INC. Applies to Colonial Model C-1 and C-2 airplanes certificated in all categories

Compliance required within the next 10 hours' time in service after the effective date of this AD, unless already accomplished within the preceding 90 hours' time in service, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection.

To prevent operation with cracked or failed wing rear spar fittings or wing rear spar fittings with distorted bolt holes, accomplish the following:

(1) Remove the cover of the compartment containing the aileron control system, located behind the fuel tank area, and visually inspect the wing rear spar left and right fore fittings, P/N's 3200-151L and 3200-151R, for cracks, failures or distorted bolt holes.

(2) Remove the baggage compartment and visually inspect the wing rear spar left and right aft fittings, P/N's 3200-148L and 3200-148R, for cracks, failures or distorted bolt holes.

(3) Replace cracked or failed fittings or fittings with distorted bolt holes prior to further flight.

This amendment becomes effective December 18, 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 Burlington, Massachusetts, on November 25, 1974.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.74-28480 Filed 12-5-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

[Regulation ER-888; Amendment No. 33 to Part 288]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Amendment of Part; Correction

The effective date which appeared in the FEDERAL REGISTER on November 20, 1974, on the fourth line of the fourth full paragraph of the second column of page 40749 should read November 21, 1974 instead of December 3, 1974.

By the Civil Aeronautics Board:

Adopted: November 14, 1974.

Released: November 21, 1974.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-28551 Filed 12-5-74;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release 35-18646 S7-529]

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Temporary Suspension of the Competitive Bidding Requirements of Rule 50 and Order for Hearing

The Securities and Exchange Commission has temporarily suspended the competitive bidding requirements of Rule 50 promulgated under sections 6(b) and 7 of the Public Utility Holding Company Act of 1935 with respect to common stock issues of registsered holding companies. The suspension permits but does not require any such registered holding company to issue and sell its common stock without competitive bidding prescribed in Rule 50. The Commission ha also ordered a public investigatory hearing to commence on Monday, January 6, 1975, as set forth below.

Unless sooner terminated or further extended, the suspension shall remain in effect until and including March 31, 1975. But a common stock issue may be sold within 30 days thereafter without competitive bidding if the proposed offering is publicly announced no later than 60 days prior to March 31, 1975.

This temporary suspension is to permit registered companies time to effect necessary common stock financing prior to the hearing and the Commission's

assessment of the facts. The suspension is adopted pursuant to section 20(a) of the Act. No textual amendment to Rule 50 is necessary. The temporary suspension announced herein is made effective this date pursuant to the provisions of Title 5, section 553(d)(1), U.S.C.

The Commission published a notice of the proposed suspension on July 19, 1974, (Holding Company Act Release No. 18504, 39 FR 27811) which invited written comments on or before August 23, 1974. Comments were received from 11 registered holding companies, six underwriters, an association of electric utility companies, a consumer group and the Department of Justice. One underwriter, the Department of Justice and the consumer group object to the proposal. The others, in general, favored a prolonged suspension of Rule 50, and requested that the proposed suspension be extended to preferred stock and long-term debt.

It is not the purpose of the hearing to debate the general proposition of whether or not the requirements of Rule 50 provide advantages which are superior to those obtainable through negotiated underwritings. The hearing is directed to investigating whether or not a further suspension is necessary and is addressed but not limited to the following questions: 1. What classes of investors are purchasing common stocks of electric and gas operating and holding companies and in what proportions for each of such offerings?

2. Has the composition of investors in such common stocks changed since 1972 and in what respects? How do such changes differ significantly from changes experienced in the market since the Commission's adoption of competitive bidding in 1941?

3. Have institutional investors been significantly reducing their investments in such common stocks during the past two years, and if so, what data indicate the size thereof by the type of institutions? Are there any indications as to ture intentions?

4. What methods are employed by underwriters to assess the market for prospective isues of utility company common stocks and what recent changes, if any, have occurred which affect underwriters' ability to assess that market?

5. What standards are employed by issuers and underwriters for selecting managers and the other underwriters in the group?

6. On what basis is the selling concession determined and on what basis is the balance of the underwriters' compensation fixed and allocated?

7. What conditions, if any, should be attached to a further temporary suspension of Rule 50 to encourage the resumption of competitive bidding and to minimize the anti-competitive effects of the suspension?

The hearing will convene at 10 a.m. Monday, January 6, 1975, at the Commission's headquarters, 500 North Capitol Street, Washington, D.C., to receive testimony and other relevant data on the foregoing questions. A hearing officer will be designated by the Commission prior to the hearing date.

The Commission invites interested persons to appear to present testimony or other relevant data on the questions presented. Interested persons who wish to present views or factual material at the hearing must notify George A. Fitzsimmons, Secretary of the Commission, of that desire as soon as possible and not later than January 2, 1975. The staff of the Division of Corporate Regulation shall participate at the hearing.

Witnesses shall file with George A. Fitzsimmons at 500 North Capitol Street, Washington, D.C. 20549, 25 copies of their prepared statements not later than January 2, 1975, and are invited to make available additional copies at the time of their appearance for the benefit of the press and other interested persons.

Persons wishing to transmit written submissions for inclusion in the record in lieu of personally appearing should file 25 copies thereof to facilitate examination of the record by all interested persons. Such material should be submitted not later than January 2, 1975. All communications should refer to File No. S7-529 and will be available for public inspection in the Commission's Public Reference Room.

Commission action: Pursuant to the authority in sections 6, 7, 12 and 20 of the Public Utility Holding Company Act of 1935 the Securities and Exchange Commission hereby adds a Note at the end of § 250.50 of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 250.50 Requirement of public invitation of proposals for the purchase or underwriting of securities.

* * * * *

NOTE: *Temporary Suspension.* On November 7, 1974, the Commission suspended the competitive bidding requirements of this section with respect to common stock issues of registered holding companies until March 31, 1975, and ordered a hearing on whether the suspension should be extended.

(Secs. 6, 7, 12, 20, 49 Stat. 814, 815, 823, 833; 15 U.S.C. 79f, 79g, 79l, 79t)

The Commission finds that due to the present condition of the securities markets good cause exists for not delaying further effectiveness of this action and, accordingly, the foregoing action shall be effective immediately.

By the Commission.

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

NOVEMBER 7, 1974.

[FR Doc.74-28487 Filed 12-5-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 397]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

Withdrawal of Flood Hazard Boundary Map

On November 7, 1974, in 39 FR 39450, 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 South Charleston, West Virginia, as an eligible community and included Map No. H 540223 01 through H 540223 09, which indicates that the City of South Charleston, West Virginia, has Special Flood Hazard Areas.

It has been determined by the Federal Insurance Administration, after technical review of the above map in view of additional, recently acquired flood information, that a withdrawal of the above mentioned Flood Hazard Boundary Map is in order. Accordingly, effective December 1, 1974, Map No. H 540223 01 through H 540223 09 is hereby withdrawn.

(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 29, 1974.

George K. BERNSTEIN, *Federal Insurance Administrator.*

[FR Doc.74-28522 Filed 12-5-74;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas; Correction

On March 23, 1973, in 38 FR 7551, 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 and Flood Insurance Rate Maps were available for public inspection. This list included the City of Cape Coral, Florida, as an eligible community and included Flood Hazard Boundary Map No. H 12 071 0457 01 through H 12 071 0457 09 and Flood Insurance Rate Map No. I 12 071 0457 01 through I 12 071 0457 09, which designate the Special Flood Hazard Areas and elevations and zones for flood insurance in the above mentioned city. The map in effect for the City of Cape Coral, Florida

is both a Flood Insurance Rate Map and a Flood Hazard Boundary Map.

It has been determined by the Federal Insurance Administration, after a technical review of the above maps in view of additional, recently acquired flood information, that a revision of the Flood Insurance Rate Map is in order. Accordingly, effective December 1, 1974, Flood Insurance Rate Map No. I 12 071 0457 01 through I 12 071 0457 09 is hereby rescinded. This action has the effect of converting the following zone designations:

ZONES

From	To	From	To
A15	A	V15	A
A16	A	V16	A
A17	A	V17	A

For structures located on property formally within Zones B and C, flood insurance is available only at subsidized rates. This action also has the effect of converting the above mentioned area from the Regular Flood Insurance Program to the Emergency Flood Insurance Program. Therefore, Flood Hazard Boundary Map No. H 12 071 0457 01 through H 12 071 0457 09 remains in force for the above mentioned 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 29, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc. 74–28521 Filed 12–5–74;8.:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas; Correction

On April 8, 1971, in 36 FR 6747, 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 and Flood Insurance Rate Maps were available for public inspection. This list included the City of Fort Myers, Florida, as an eligible community and included Flood Hazard Boundary Map No. H 12 071 1070 05 through H 12 071 1070 08 and Flood Insurance Rate Map No. I 12 071 1070 05 through I 12 071 1070 08, which designate the Special Flood Hazard Areas and elevations and zones for flood insurance in the above mentioned city. The map in effect for the City of Fort Myers, Florida is both a Flood Insurance Rate Map and a Flood Hazard Boundary Map.

It has been determined by the Federal Insurance Administration, after a technical review of the above maps in view of additional recently acquired flood information, that a revision of the Flood Insurance Rate Map is in order. Accordingly, effective December 1, 1974, Flood Insurance Rate Map No. I 12 071 1070 05 through I 12 071 1070 08 is hereby rescinded. This action has the effect of converting the following zone designations:

ZONES

From	To
A	A
A14	A

For structures located on property formerly within Zones B and C, flood insurance is available only at subsidized rates. This action also has the effect of converting the above mentioned area from the Regular Flood Insurance Program to the Emergency Flood Insurance Program. Therefore, Flood Hazard Boundary Map No. H 12 071 1070 05 through H 12 071 1070 08 remains in force for the above mentioned 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 29, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–28523 Filed 12–5–74;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas; Correction

On September 3, 1971, in 36 FR 17648, 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 and Flood Insurance Rate Maps were available for public inspection. This list included the unincorporated area of Lee County, Florida, as an eligible community and included Flood Hazard Boundary Map No. H 12 071 0000 03 through H 12 071 0000 60 and Flood Insurance Rate Map No. I 12 071 0000 03 through I 12 071 0000 60, which designate the Special Flood Hazard Areas and elevations and zones for flood insurance in the unincorporated area of Lee County, Florida. The map in effect for the unincorporated area of Lee County, Florida, is both a Flood Insurance Rate Map and a Flood Hazard Boundary Map.

It has been determined by the Federal Insurance Administration, after a technical review of the above maps in view of additional recently acquired flood information, that a revision of the Flood Insurance Rate Map is in order. Accordingly, effective December 1, 1974, Flood Insurance Rate Map No. I 12 071 0000 03 through I 12 071 0000 60 is hereby rescinded. This action has the effect of converting the following zone designations:

ZONES

From	To	From	To
V15	A	A17	A
A15	A	V18	A
V17	A	A18	A

For structures located on property formerly within Zone D, flood insurance is available only at subsidized rates.

This action also has the effect of converting the above mentioned area from the Regular Flood Insurance Program to the Emergency Flood Insurance Program. Therefore, Flood Hazard Boundary Map No. H 12 071 0000 03 through H 12 071 0000 60 remains in force for the above mentioned 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 29, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–28524 Filed 12–5–74;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas; Correction

On July 23, 1971, in 36 FR 13675, 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 Arlington, Texas, as an eligible community and included map No. H 48 439 0260 16 which indicates that lots No. 1 through 23 of the Longacres Subdivision, Arlington, Texas, as shown in Plat Record Volume 388–85, Page 15, in the Office of Plat Records for Tarrant County, Texas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administrator, 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 July 23, 1971, map No. H 48 439 0260 16 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 20, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–28533 Filed 12–5–74;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas; Correction

On August 28, 1971, in 36 FR 17335, 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 Fort Smith, Arkansas as an eligible community and included map No. H 05 131 1370 13 which indicates that Lots No. 42 through 58, Lots No. 95 through 112, and Lots No. 122 through 157 of Village Harbor, Phase II, as recorded in Book 342, Page 2002, and Book 5, Page 14, of the deed of records of the Fort Smith district of Sebastian County, are in their entirety within the Special 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. Accordingly, effective December 29, 1970, map No. H 05 131 1370 13 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 15, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-28532 Filed 12-5-74;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas; Correction

On August 28, 1971, in 36 FR 17335, 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 Fort Smith, Arkansas, as an eligible community and included map No. H 05 131 1370 13 which indicates that the Randall Condominium Project, Phase I, Village Harbor, in Fort Smith, Arkansas as recorded in Book 1, Page 79 of the records of the Circuit Clerk and Ex-Officio Recorder of Sebastian County, Fort Smith, Arkansas, is in its 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 but in Zone C. Accordingly, effective December 29, 1970, map No. H 05 131 1370 13 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 19, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-28534 Filed 12-5-74;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 Mobile County, Alabama, as an eligible community and included map No. H 01 097 0000 21 which indicates that Vaughan's Palisades Subdivision, as recorded in Map Book 23, Page 35, among the land records of Mobile County, Alabama, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administrator, 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 December 15, 1970, map No. H 01 097 0000 21 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 19, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-28535 Filed 12-5-74;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 20—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Editorial Changes

In accordance with the provisions of 5 CFR § 735.104, Part 20 of Title 43 of the Code of Federal Regulations is amended as indicated below to (1) make editorial changes in 43 CFR § 20.735–3(a)(1), § 20.735–3(a)(3), § 20.735–11(e), § 20.735–15(b), § 20.735–17(b), § 20.735–41(c)(1), § 20.735–41(c)(2), and § 20.735–49(b); and (2) revise and update the Appendix to Part 20. As provided in 43 CFR § 20.735–41(a)(2), the employees in the positions listed in the Appendix to Part 20, which are in addition to those listed in § 20.735–41(a)(1), shall file statements of employment and financial interests. These revisions were approved by the Civil Service Commission on October 22, 1974. Since these changes are strictly administrative in nature, it is determined that the rulemaking procedure is unnecessary, and this amendment shall become effective on December 6, 1974.

(E.O. 11222 of May 8, 1965; 3 CFR, 1964–1965, Comp.; 5 CFR 735.104)

Date: November 29, 1974.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

1. § 20.735–3 (a)(1) and (a)(3) are amended to read as follows:

§ 20.735–3 Interpretation and advisory service.

(a) *Designation of Counselors.* (1) The Director of Audit and Investigation in the Office of the Assistant Secretary—Management is designated to serve as Counselor for the Department, and shall be responsible for providing direct advice, assistance, interpretation, and guidance to Bureau Counselors and Deputy Bureau Counselors who request advice on a particular factual situation, or interpretation of the Department's regulations relating to conduct matters.

* * * * *

(3) The Chief, Division of Personnel Services, Office of Secretarial Operations, is designated Deputy Counselor for employees and special Government employees of the Office of the Secretary and other Offices for which personnel services are provided by his Division.

2. § 20.735–11(e) is amended to read as follows:

§ 20.735–11 Gifts, entertainment, and favors.

* * * * *

(e) An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342. It is Congressional policy that employees and their families shall not accept or retain gifts except under the following circumstances: (1) When the gift is of minimal value and the gift is tendered as a souvenir or mark of courtesy; (2) when refusal of a gift of more than minimal value would be likely to cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States.

"Minimal value" is defined as retail value not in excess of $50 in the United States.

Gifts of more than minimal value, if accepted, may not be retained. They must be deposited with the Chief of Protocol, Department of State, unless he

has authorized the Agency in which the donee is employed to retain the gift for official use. (See 22 CFR 3.5.)

* * * * *

3. § 20.735–15(b) is amended to read as follows:

§ 20.735–15 Government property.

* * * * *

(b) Employees shall not use or authorize the use of a Government owned or leased motor vehicle for other than official purposes. (See Interior Property Management Regulations 114–38.50.)

* * * * *

4. § 20.735–17(b) is amended to read as follows:

§ 20.735–17 Indebtedness.

* * * * *

(b) The Department will not act as a collection agency for private debts owed by its employees. Each bureau shall handle debt complaint letters received by it. Debt letters concerning bureau employees received in the Office of the Secretary shall be referred to the Director, Office of Organization and Personnel Management for handling with the bureau concerned. Debt letters concerning employees in the Office of the Secretary or in other departmental units shall be referred to the Director of Management Operations for handling.

* * * * *

5. § 20.735–41(c)(1) and (c)(2) are amended to read as follows:

§ 20.735–41 Employees required to file statements: Manner of filing.

* * * * *

(c) Channels for filing statements. * * *

(1) Statements of the following will be filed originally with the Secretary: The Under Secretary; Solicitor; Assistant Secretaries; Heads of Bureaus and other Departmental Offices; The High Commissioner and Deputy High Commissioner of the Trust Territory; The Governor of American Samoa; Secretary of American Samoa; and such others as the Secretary may designate.

(2) Statements of the following will be filed with the Chief, Division of Personnel Services, Office of Secretarial Operations: Employees and special Government employees in the Office of the Secretary and in other Departmental offices except those employees mentioned in paragraph (c)(1) of this section; associate, deputy and assistant heads of bureaus and their equivalents, administrative officers and others who supervise the work of Bureau Counselors.

* * * * *

6. § 20.735–49(b) is amended to read as follows:

§ 20.735–49 Review and analysis of statements.

* * * * *

(b) Any statements revealing a conflict, or a situation creating the appearance of conflict, between the private interests of an employee and his official responsibilities, shall be identified in the review process. If the matter cannot be resolved within the bureau, it shall be forwarded through the Bureau Counselor to the Departmental Counselor for appropriate action in cooperation with the Office of the Solicitor and other officials such as the Director, Office of Organization and Personnel Management as necessary. Cases so referred must include a file containing the employee's statement, a summary of the issue, and the circumstances precluding settlement at the original reviewing level. On those cases wherein a conflict, or appearance of conflict, has been disclosed but as to which the matter is resolved at the original review point, a similar documented report shall be submitted to the Departmental Counselor for informational purposes.

7. The appendix to Part 20 is revised to reflect current organizational designations and position titles, and is published in its entirety below.

APPENDIX—LIST OF EMPLOYEES REQUIRED TO FILE STATEMENTS

SECRETARY'S IMMEDIATE OFFICE

Executive Assistant to the Secretary, Washington, D.C.
Assistants to the Secretary (4), Washington, D.C.
Special Assistant to the Secretary (4), Washington, D.C.
Special Assistant for Indian Affairs, Washington, D.C.
Assistant to Secretary and Director of Communications, Washington, D.C.
Special Assistant to the Assistant to the Secretary and Director of Communications, Washington, D.C.
Special Assistants to the Secretary (Field Representatives) (5):
Portland, Oregon.
San Francisco, California.
Albuquerque, New Mexico.
Atlanta, Georgia.
Boston, Massachusetts.
Assistant and Science Advisor to the Secretary, Washington, D.C.
Assistant to the Secretary and Director of Office of International Activities, Washington, D.C.

IMMEDIATE OFFICE OF THE UNDER SECRETARY

Deputy Under Secretary, Washington, D.C. (2).
Technical Assistant to the Under Secretary.

OFFICE FOR EQUAL OPPORTUNITY

Director, Washington, D.C.
Assistant Director, Contract Compliance, Washington, D.C.
Assistant Director, Title VI Compliance, Washington, D.C.
Regional Manager, Contract Compliance (3).
Contract Compliance Officer (Regional) (41).
Title VI Compliance Officer, Washington, D.C. (5).
Procurement Analyst (Minority Business Enterprise), Washington, D.C.

OFFICE OF HEARINGS AND APPEALS

Director, Washington, D.C.
Associate Director, Washington, D.C.

BOARD OF CONTRACT APPEALS

Supervisory Attorney-Examiner (General) (Chief Administrative Judge), Washington, D.C.
Attorney-Examiners (General) (Administrative Judges) (4), Washington, D.C.

BOARD OF INDIAN APPEALS

Supervisory Attorney-Adviser (General) (Chief Administrative Judge), Washington, D.C.
Attorney-Advisers (General) (Administrative Judges) (2), Washington, D.C.

BOARD OF MINE OPERATIONS APPEALS

Supervisory Attorney-Adviser (Chief Administrative Judge), Washington, D.C.
Attorney-Advisers (General) (Administrative Judges) (2), Washington, D.C.

BOARD OF LAND APPEALS

Supervisory Attorney-Examiner (General) (Chief Administrative Judge), Washington, D.C.
Attorney-Advisers (General) (Administrative Judges) (7), Washington, D.C.

BOARD OF ALASKA NATIVE CLAIMS APPEALS

Chairman, Anchorage, Alaska.
Members of the Board (3).

HEARINGS DIVISION

Chief Administrative Law Judge, Washington, D.C.
Assistant Chief Administrative Law Judge (Regional) (1).
Administrative Law Judges (Departmental) (14), Washington, D.C.
Administrative Law Judges (Regional) (17).

OFFICE OF TERRITORIAL AFFAIRS

Government Comptroller for the Virgin Islands, St. Thomas, Virgin Islands.
Government Comptroller for Guam/TTPI, Agana, Guam.
Governor of American Samoa, Pago Pago, American Samoa.
Secretary of American Samoa, Pago Pago, American Samoa.
Attorney General, Pago Pago, American Samoa.
Director, Department of Financial Management, Pago Pago, American Samoa.
Chief Justice of American Samoa, Pago Pago, American Samoa.
Associate Justice of American Samoa, Pago Pago, American Samoa.
High Commissioner of the Trust Territory, Saipan, Mariana Islands.
Deputy High Commissioner of the Trust Territory, Saipan, Mariana Islands.
Director of Resources and Development, Saipan, Mariana Islands.
Attorney General, Saipan, Mariana Islands.
Director of Finance, Saipan, Mariana Islands.
Chief Justice, Saipan, Mariana Islands.
Associate Justice, Palau, Western Caroline Islands.
Associate Justice, Majuro, Marshall Islands.
Associate Justice, Ponape, Eastern Caroline Islands.
District Administrator, Yap, Western Caroline Islands.
Special Assistant to the High Commissioner for District Affairs, Saipan, Mariana Islands.
Special Assistant to the High Commissioner for Legislative Affairs, Saipan, Mariana Islands.
Public Defender, Trust Territory of the Pacific Islands, Saipan.

BUREAU OF INDIAN AFFAIRS

Deputy Commissioner, Washington, D.C.
Assistant to the Commissioner, Washington, D.C.
Director, Office of Administration, Washington, D.C.
Chief, Audit Staff, Washington, D.C.
Chief, Division of Contracting, Washington, D.C.
Assistant Director, Administrative Services, Albuquerque, New Mexico.

Property and Supply Officer, Administrative Services, Albuquerque, N. Mexico.
Assistant Director, Management Services, Washington, D.C.
Chief, Division of Property Management, Washington, D.C.
Chief, Division of Support Services, Washington, D.C.
Chief, Division of Facilities Engineering, Albuquerque, New Mexico.
Assistant Chief, Division of Facilities Engineering, Albuquerque, N. Mexico.
Assistant Director, Financial Management, Washington, D.C.
Director, Office of Indian Services, Washington, D.C.
Director, Office of Indian Education Programs, Washington, D.C.
Director, Office of Tribal Resources Development, Washington, D.C.
Director, Office of Trust Responsibilities, Washington, D.C.
Area Director, Aberdeen, South Dakota.
Deputy Area Director, Aberdeen, South Dakota.
Area Property and Supply Officer, Aberdeen, South Dakota.
Area Director, Albuquerque, New Mexico.
Assistant Area Director, Administration, Albuquerque, New Mexico.
Area Property and Supply Officer, Albuquerque, New Mexico.
Area Director, Anadarko, Oklahoma.
Deputy Area Director, Anadarko, Oklahoma.
Area Administrative Officer, Anadarko, Oklahoma.
Area Director, Billings, Montana.
Assistant Area Director, Administration, Billings, Montana.
Area Property and Supply Officer, Billings, Montana.
Area Director, Eastern Area Office, Washington, D.C.
Area Director, Juneau, Alaska.
Assistant Area Director, Administration, Juneau, Alaska.
Area Property and Supply Officer, Juneau, Alaska.
Administrative and Special Representative (Liaison Officer, Seattle, Washington, Juneau Area), Seattle, Washington.
Area Director, Minneapolis, Minnesota.
Assistant Area Director, Minneapolis, Minnesota.
Area Administrative Officer, Minneapolis, Minnesota.
Area Director, Muskogee, Oklahoma.
Deputy Area Director, Muskogee, Oklahoma.
Area Property and Supply Officer, Muskogee, Oklahoma.
Area Director, Navajo Area, Window Rock, Arizona.
Assistant Area Director, Administration (Navajo Area), Gallup, New Mexico.
Area Property and Supply Officer (Navajo Area), Gallup, New Mexico.
Area Director, Phoenix, Arizona.
Assistant Area Director, Administration, Phoenix, Arizona.
Area Property and Supply Officer, Phoenix, Arizona.
Area Director, Portland, Oregon.
Assistant Area Director, Administration, Portland, Oregon.
Area Property and Supply Officer, Portland, Oregon.
Area Director, Sacramento, California.
Area Administrative Officer, Sacramento, California.

OFFICE OF THE SOLICITOR

Deputy Solicitor, Washington, D.C.
Special Assistant to the Solicitor, Washington, D.C.
Associate Solicitors (5), Washington, D.C.
Assistant Solicitors (21), Washington, D.C.
Regional Solicitors (8).
Assistant Regional Solicitors (14).
Field Solicitors (17).
Field Solicitor, GS-12 (1).

ASSISTANT SECRETARY—PROGRAM DEVELOPMENT AND BUDGET

Deputy Assistant Secretary, Washington, D.C.
Director, Office of Policy Analysis.
Director, Office of Environmental Project Review.

OFFICE OF BUDGET

Director, Washington, D.C.

ASSISTANT SECRETARY—MANAGEMENT

Deputy Assistant Secretary—Management, Washington, D.C.

OFFICE OF SECRETARIAL OPERATIONS

Chief, Division Fiscal Services, Washington, D.C.

OFFICE OF AUDIT AND INVESTIGATION

Director, Washington, D.C.
Program Audit Manager, Washington, D.C. (4).
Manager, Staff Development and Resources.
Manager, Division of Investigation.
Regional Audit Manager (3) (Washington, D.C., Denver, Colorado and Sacramento, California).
Regional Audit Supervisor (21) (Washington, D.C.; Denver, Colorado; Sacramento, California and Portland, Oregon).
Investigators (General), (5), GS-11 and above, Washington, D.C.

OFFICE OF AIRCRAFT SERVICES

Director, Office of Aircraft Services, Boise, Idaho.
Contracting and General Services Manager, Boise, Idaho.
Regional Director, Office of Aircraft Services, Alaska.

OFFICE OF ADP MANAGEMENT

Director—Staff Specialists:
Plans and Policy Officer.
Systems and Equipment Review Analyst.
Operational Review Analyst.
ADP Resource Management Specialist.

OFFICE OF MANPOWER TRAINING AND YOUTH ACTIVITIES

Director, Office of Manpower Training and Youth Activities, Washington, D.C.
Division Manager, Administrative Division, Washington, D.C.

OFFICE OF LIBRARY SERVICES

Library Director, Washington, D.C.

OFFICE OF MANAGEMENT CONSULTING

Director, Washington, D.C.:
Assistant Director, General Management and Organization, Washington, D.C.
Assistant Director, Financial Systems, Washington, D.C.
Assistant Director, Applied Systems, Washington, D.C.

OFFICE OF MANAGEMENT OPERATIONS

Director, Washington, D.C.
Deputy Director, Washington, D.C.
Chief, Division of General Services, Washington, D.C.
Chief, Division of Printing and Publications, Washington, D.C.

OFFICE OF MANAGEMENT SERVICES

Director, Washington, D.C.
Assistant Director, Washington, D.C.
Assistant Director for Procurement, Washington, D.C.
Procurement Analyst, Washington, D.C. (2).

ASSISTANT SECRETARY-CONGRESSIONAL AND LEGISLATIVE AFFAIRS

Assistant to the Secretary (Congressional Liaison).
Assistant to the Secretary (Congressional Liaison).
Assistant to the Secretary (Congressional Liaison).

OFFICE OF LEGISLATION

Director, Office of Legislation, Washington, D.C.
Staff Assistant.
Assistant Legislative Counsel.

ASSISTANT SECRETARY—ENERGY AND MINERALS

Director, Office of Minerals Policy Development.
Deputy Assistant Secretaries (3), Washington, D.C.
Staff Assistant to Assistant Secretary (3), Washington, D.C.
Research Adviser, Washington, D.C.
Special Assistant to Assistant Secretary, Washington, D.C.
Public Information Officer, Washington, D.C.

DEFENSE ELECTRIC POWER ADMINISTRATION

Administrator, Defense Electric Power Administration, Washington, D.C.

BUREAU OF MINES

Assistant to the Director—Congressional and Legislative Affairs.
Chief, Office of University Relations.
Deputy Director—Mineral Resources and Environmental Development.
Assistant Director—Planning.
Assistant Director—Administration.
Assistant Director—Energy.
Assistant Director—Metallurgy.
Assistant Director—Mining.
Assistant Director—Mineral Supply.
Assistant Director—Mineral Position Analysis.
Chief, Liaison Program Office.
Chief, Eastern Administrative Office, Pittsburgh, Pennsylvania.
Chief, Western Administrative Office, Denver, Colorado.
General Manager, Helium Operations, Amarillo, Texas.
Chief, Division of Procurement and Property Management, Washington, D.C.
Chief, Branch of Contracts and Grants, Washington, D.C.
Chief, Branch of Procurement and Property Management, Denver, Colorado.
Chief, Branch of Procurement and Property Management, Pittsburgh, Pennsylvania.

OFFICE OF COAL RESEARCH

Associate Director, Office of Coal Research.
Executive Assistant to the Director.
Assistant Director, Contracting.
Assistant Director, Liquefaction.
Assistant Director, Gasification.
Assistant Director, Power and Combustion.
Assistant Director, Supporting Science and Technology.
Assistant Director, Demonstration Plants.
Assistant Director, Evaluation and Review.
Assistant Director, Planning and Budget:
Chief, Division of Extraction Processes.
Chief, Division of Hydroliquefaction.
Chief, Division of Indirect Liquefaction.
Chief, Division of Pyrolysis Processes.
Chief, Division of High-B.t.u. Gasification.
Chief, Division of Low-B.t.u. Gasification.
Chief, Division of Advanced Power Systems.
Chief, Division of Combustion.
Chief, Division of Synthetic Fuels.
Chief, Direct Coal Utilization.

Assistant Director, Planning and Budget—Continued

Chief, Division of Liquefaction Contracting.
Chief, Division of Gasification Contracting.
Chief, Division of Power and Combustion Contracting.
Chief, Division of General Contracting.
Chief, Division of Planning.
Chief, Divison of Budget.

GEOLOGICAL SURVEY

Associate Director, Reston, Virginia.
Assistant Director—Research, Reston, Virginia.
Assistant Director—Programs, Reston, Virginia.
Assistant Director—Environmental Conservation, Reston, Virginia.
Assistant Director—Administration, Reston, Virginia.
Assistant Director—Eastern Region, Reston, Virginia.
Senior Scientist, Reston, Virginia.
Physical Scientist (2), Reston, Virginia.
Public Information Officer, Reston, Virginia.
Research Geographer, Geographic Applications Program, Reston, Virginia.
Geographer, Geographic Applications Program, Reston, Virginia.
Special Assistant to the Director (Office & Laboratory Facilities), Reston, Virginia.
Director—EROS Program, Reston, Virginia.
Program Manager (EROS) Reston, Virginia.
Associate Research Coordinator (EROS), Reston, Virginia.
Special Assistant to the Director (2), Reston, Virginia.
Staff Scientist, Reston, Virginia.
Staff Assistant for Program Development, Reston, Virginia.
Research Coordinator, Mineral and Land Resources, Reston, Virginia.
Research Coordinator, Water Resources, Reston, Virginia.
Assistant Program Manager for Technical Information Management, Reston, Virginia.
Assistant Program Manager for Applications Research, Reston, Virginia.
General Engineer, Reston, Virginia.
Geographer (2), Reston, Virginia.
Geologist, Reston, Virginia.
Staff Engineer, Reston, Virginia.
Administrative Officer EROS Program, Reston, Virginia.
Special Assistant for Environmental Analysis, Reston, Virginia.
Deputy Assistant Director for Administration, Reston, Virginia.
Chief, Branch of Procurement and Contracts, Reston, Virginia.
Contract Specialist (3), Reston, Virginia.
Management Officer, Reston, Virginia.
Chief, Publications Division, Reston, Virginia.
Assistant Chief, Publications Division, Reston, Virginia.
Chief Hydrologist, Reston, Virginia.
Associate Chief Hydrologist, Reston, Virginia.
Assistant Chief Hydrologist for Research and Technical Coordination, Reston, Virginia.
Assistant Chief Hydrologist for Operations, Reston, Virginia.
Assistant Chief Hydrologist for Scientific Publications & Data Management, Reston, Virginia.
Hydraulic Engineer (Delaware Watermaster), Reston, Virginia.
Chief, Office of Water Data Coordination, Reston, Virginia.
Regional Hydrologist, Reston, Virginia.
Chief, Topographic Division, Reston, Virginia.
Associate Chief, Topographic Division, Reston, Virginia.
Chief, Office of Plans & Program Development, Reston, Virginia.
Chief, Office of Research & Technical Standards, Reston, Virginia.
Chief, Eastern Mapping Center, Reston, Virginia.
Chief, Special Mapping Center, Reston, Virginia.
Chief, Conservation Division, Reston, Virginia.
Associate Chief, Conservation Division, Reston, Virginia.
Assistant Division Chief, Program, Reston, Virginia.
Assistant Division Chief, Resources Evaluation, Reston, Virginia.
Assistant Division Chief, Operations, Reston, Virginia.
Chief, Branch of Marine Evaluation, Reston, Virginia.
Legal Staff Assistant, Reston, Virginia.
Chief, Branch of Mining Operations, Reston, Virginia.
Chief, Branch of Onshore Evaluation, Reston, Virginia.
Chief, Branch of Marine Oil & Gas Operations, Reston, Virginia.
Chief, Branch of Onshore Oil & Gas Operations, Reston, Virginia.
Mining Engineer (2), Reston, Virginia.
Geologist (4), Reston, Virginia.
Petroleum Engineer (5), Reston, Virginia.
Geophysicist, Reston, Virginia.
Mineral Economist, Reston, Virginia.
Environmental Conservation Specialist, Reston, Virginia.
Environmental Specialist, Reston, Virignia.
Hydraulic Engineer, Reston, Virginia.
Chief, Computer Center Division, Reston, Virginia.
Assistant Chief, Computer Center Division, Reston, Virginia.
Chief Geologist, Reston, Virginia.
Chief, Office of Mineral Resources, Reston, Virginia.
Chief, Office of Environmental Geology, Reston, Virginia.
Chief, Office of Geochemistry & Geophysics, Reston, Virginia.
Chief, Branch of Analytical Laboratories, Reston, Virginia.
Chief, Office of Minerals Exploration, Reston, Virginia.
Chief, Office of Energy Resources, Reston, Virginia.
Supervisory Geophysicist—Earthquake Center, Reston, Virginia.
Senior Scientist, Washington, D.C.
Regional Conservation Manager, Eastern, Washington, D.C.
Supervisory Mining Engineer, Washington, D.C.
Geologist (2), Washington, D.C.
Petroleum Engineer (2), Washington, D.C.
Mining Engineer, Washington, D.C.
Assistant Director—Central Region, Lakewood, Colorado.
Management Officer, Lakewood, Colorado.
Service and Contracts Officer, Lakewood, Colorado.
Regional Hydrologist, Lakewood, Colorado.
Chief, Rocky Mountain Mapping Center, Lakewood, Colorado.
Regional Conservation Manager, Central, Lakewood, Colorado.
Assistant Regional Conservation Manager, Central, Lakewood, Colorado.
Geologist, Lakewood, Colorado.
Supervisory Mining Engineer, Denver, Colorado.
Geologist (7), Denver, Colorado.
Supervisory Petroleum Engineer, Denver, Colorado.
Supervisory Hydraulic Engineer, Denver, Colorado.
Petroleum Engineer, Denver, Colorado.
Staff Assistant for Programs, Denver, Colorado.
Staff Assistant for Environment, Denver, Colorado.
Staff Assistant—Mining, Denver, Colorado.
Chief, Branch of Mineral & Water Classification, Denver, Colorado.
Supervisory Hydraulic Engineer, Denver, Colorado.
Staff Assistant for Oil & Gas, Denver, Colorado.
Assistant Director—Western Region, Menlo Park, California.
Deputy Assistant Director—Western Region, Menlo Park, California.
Management Officer, Menlo Park, California.
Contract Specialist (2), Menlo Park, California.
Service and Contracts Officer, Menlo Park, California.
Regional Hydrologist, Menlo Park, California.
Chief, Western Mapping Center, Menlo Park, California.
Regional Conservation Manager, Western, Menlo Park, California.
Assistant Regional Conservation Manager, Western, Menlo Park, California.
Supervisory Geologist, Menlo Park, California.
Supervisory Mining Engineer (2), Menlo Park, California.
Area Geothermal Supervisor, Menlo Park, California.
Deputy Geothermal Supervisor, Menlo Park, California.
Mining Engineer, Menlo Park, California.
Geologist, Menlo Park, California.
Supervisory Geologist, Anchorage, Alaska.
Geologist, Anchorage, Alaska.
Supervisory Petroleum Engineer, Anchorage, Alaska.
Petroleum Engineers, Anchorage, Alaska.
Supervisory Mining Engineer, Phoenix, Arizona.
Supervisory Petroleum Engineer, Bakersfield, California.
Research Geologist, Los Angeles, California.
Geologist, Los Angeles, California.
Supervisory Petroleum Engineer (2), Los Angeles, California.
Petroleum Engineer, Los Angeles, California.
Hydraulic Engineer, Sacramento, California.
Supervisory Petroleum Engineer, Santa Barbara, California.
Supervisory Petroleum Engineer, Durango, Colorado.
Area Oil Shale Supervisor, Grand Junction, Colorado.
Deputy Oil Shale Supervisor, Grand Junction, Colorado.
Regional Hydrologist, Atlanta, Georgia.
Supervisory Mining Engineer, Pocatello, Idaho.
Supervisory Petroleum Engineer (2) Lafayette, Louisiana.
Conservation Manager, Gulf of Mexico OCS Operations, Metairie, Louisiana.
Assistant Manager, Gulf of Mexico OCS Operations, Metairie, Louisiana.
Supervisory Petroleum Engineer (8) Metairie, Louisiana.
Supervisory Geophysicist, Metairie, Louisiana.
Supervisory Geologist, Metairie, Louisiana.
Staff Assistant for Programs, Metairie, Louisiana.
Assistant Oil & Gas Supervisor, Metairie, Louisiana.
Area Oil & Gas Supervisor Resources Evaluation & Analysis, Metairie, Louisiana.
Petroleum Engineer, Jackson, Mississippi.
Chief, Mid-Continent Mapping Center, Rolla, Missouri.
Mining Engineer, Rolla, Missouri.
Geologist, Billings, Montana.
Supervisory Mining Engineer, Billings, Montana.
Supervisory Petroleum Engineer, Billings, Montana.
Supervisory Petroleum Engineer, Artesia, New Mexico.
Supervisory Mining Engineer, Carlsbad, New Mexico.

Mining Engineer, Carlsbad, New Mexico.
Geologist, Carlsbad, New Mexico.
Supervisory Petroleum Engineer, Farmington, New Mexico.
Geologist, Farmington, New Mexico.
Supervisory Petroleum Engineer, Hobbs, New Mexico.
Geologist, Roswell, New Mexico.
Supervisory Petroleum Engineer (2), Roswell, New Mexico.
Supervisory Regulatory Engineer, Roswell, New Mexico.
Supervisory Mining Engineer, McAlester, Oklahoma.
Supervisory Petroleum Engineer, Oklahoma City, Oklahoma.
Geologist, Tulsa, Oklahoma.
Supervisory Petroleum Engineer (2), Tulsa, Oklahoma.
Hydraulic Engineer, Portland, Oregon.
Chief, EROS Data Center, Sioux Falls, So. Dakota.
Administrative Officer, EROS Data Center, Sioux Falls, So. Dakota.
Supervisory Geologist, Salt Lake City, Utah.
Supervisory Mining Engineer, Salt Lake City, Utah.
Supervisory Petroleum Engineer, Salt Lake City, Utah.
Hydraulic Engineer, Tacoma, Washington.
Suprvisory Geologist (2), Casper, Wyoming.
Supervisory Petroleum Engineer (3), Casper, Wyoming.
Supervisory Petroleum Engineer, Newcastle, Wyoming.
Supervisory Petroleum Engineer, Rock Springs, Wyoming.
Mining Engineer, Rock Springs, Wyoming.
Supervisory Petroleum Engineer, Thermopolis, Wyoming.
Chief of Party, Saudi Arabia, Jidda, Saudi Arabia.

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

Assistant Administrator—Plans, Assessments, and Management.
Assistant Administrator—Coal Mine Health and Safety.
Assistant Administrator—Metal and Nonmetal Mine Health and Safety.
Assistant Administrator—Education and Training.
Assistant Administrator—Technical Support.
District Manager, Coal Mine Health and Safety, District 1, Wilkes-Barre, Pa.
District Manager, Coal Mine Health and Safety, District 2, Pittsburgh, Pa.
District Manager, Coal Mine Health and Safety District 3, Morgantown, W. Va.
District Manager, Coal Mine Health and Safety, District 4, Mount Hope, W. Va.
District Manager, Coal Mine Health and Safety, District 5, Norton, Va.
District Manager, Coal Mine Health and Safety, District 6, Pikeville, Ky.
District Manager, Coal Mine Health and Safety, District 7, Barbourville, Ky.
District Manager, Coal Mine Health and Safety, District 8, Vincennes, Ind.
District Manager, Coal Mine Health and Safety, District 9, Denver, Colorado.
District Manager, Metal and Nonmetal Mine Health and Safety, North Central District, Duluth, Minnesota.
District Manager, Metal and Nonmetal Mine Health and Safety, Northeastern District, Pittsburgh, Pennsylvania.
District Manager, Metal and Nonmetal Mine Health and Safety, Southeastern District, Birmingham, Alabama.
District Manager, Metal and Nonmetal Mine Health and Safety, South Central District, Dallas, Texas.
District Manager, Metal and Nonmetal Mine Health and Safety, Rocky Mountain District, Denver, Colorado.
District Manager, Metal and Nonmetal Mine Health and Safety, Western District, Alameda, California.
Chief, Office of Assessment.
Chief, Division of Management Services.
Chief, State Grant Program Office.

OFFICE OF RESEARCH AND DEVELOPMENT

Assistant Director—Environmental & Economic Analysis.
Assistant Director—Exploration & Extraction.
Assistant Director—Transmission, Transportation and Storage.
Contract Specialist.
Supervisory Electrical Engineer.
Assistant to Assistant Director, Transmission, Transportation and Storage.
Contract Specialist.

ALASKA POWER ADMINISTRATION

Chief, Administrative Services Division, Juneau, Alaska.
Chief, Power Division, Juneau, Alaska.
Chief, Project Development Division, Juneau, Alaska.
Project Superintendent (Eklutna), Palmer, Alaska.
Project Superintendent (Snettisham), Juneau, Alaska.

BONNEVILLE POWER ADMINISTRATION

Deputy Administrator, Portland, Oregon.
Assistant Administrator (Manager, Washington, D.C., Office).
Assistant Manager, Washington, D.C., Office.
Special Assistant, Washington, D.C., Office.
Executive Assistant to the Administrator, Portland, Oregon.
Assistant to the Administrator—Policy, Portland, Oregon.
Assistant to the Administrator—Interagency Relations, Portland, Oregon.
Assistant to the Administrator—Energy Conservation, Portland, Oregon.
Assistant Administrator for Engineering and Construction, Portland, Oregon.
Chief of Program Control, Portland, Oregon.
Construction Program Coordinator, Portland, Oregon.
Construction and Services Manager, Portland, Oregon.
Engineering Manager, Portland, Oregon.
Manager of Planning, Research, and Development, Portland, Oregon.
Head, Thermal-Nuclear Analysis Staff, Portland, Oregon.
General Engineer, Thermal-Nuclear Analysis Staff, Portland, Oregon.
Electrical Engineer, Thermal-Nuclear Analysis Staff, Portland, Oregon.
Chief, Branch of Plant Services, Vancouver, Washington.
Chief, Branch of Construction, Vancouver, Washington.
Assistant Chief, Branch of Construction, Vancouver, Washington.
Head, Line Construction Section, Branch of Construction, Vancouver, Washington.
Head, Substation Construction Section, Branch of Construction, Vancouver, Washington.
Chief, Branch of Land, Portland, Oregon.
Chief, Branch of Materials and Procurement, Portland, Oregon.
Head, Western Group, Quality Control Unit, Branch of Materials and Procurement, Portland, Oregon.
Head, Eastern Group, Quality Control Unit, Branch of Materials and Procurement, Portland, Oregon.
Head, Inventory Management and Storage Section, Portland Oregon.
Head, Procurement Section, Branch of Materials and Procurement, Portland, Oregon.
Head, Procurement Specifications Engineering Unit, Branch of Materials and Procurement, Portland, Oregon.
Head, Bid and Awards Unit, Branch of Materials and Procurement, Portland, Oregon.
Head, Purchase Unit, Branch of Materials and Procurement, Portland, Oregon.
Head, Contract Management Section, Branch of Materials and Procurement, Portland, Oregon.
Chief, Branch of System Engineering, Portland, Oregon.
Assistant Chief, Branch of System Engineering, Portland, Oregon.
Consultants (7), Branch of System Engineering, Portland, Oregon.
Head, High Voltage Practices Section, Branch of System Engineering, Portland, Oregon.
Chief, Branch of Control Engineering, Portland, Oregon.
Assistant Chief, Branch of Control Engineering, Portland, Oregon.
Chief, Branch of Laboratories, Vancouver, Washington.
Assistant Chief, Branch of Laboratories, Vancouver, Washington.
Chief, Branch of Substation Design, Portland, Oregon.
Head, Design Services Section, Branch of Substation Design, Portland, Oregon.
Head, Architectural, Civil, and Mechanical Section, Branch of Substation Design, Portland, Oregon.
Chief, Branch of Transmission Design, Portland, Oregon.
Assistant Chief, Branch of Transmission Design, Portland, Oregon.
Head, Line Design Section, Branch of Transmission Design, Portland, Oregon.
Head, Location and Mapping Section, Branch of Transmission Design, Portland, Oregon.
Assistant Administrator for Management Services, Portland, Oregon.
Chief, Branch of Personnel Management, Portland, Oregon.
Chief, Branch of Finance and Accounts, Portland, Oregon.
Head, Disbursement Audit Section, Branch of Finance and Accounts, Portland, Oregon.
Chief, Branch of Administrative Services, Portland, Oregon.
Chief, Branch of ADP Systems, Portland, Oregon.
Chief, Branch of Computer Operations, Portland, Oregon.
Assistant Administrator for Operation and Maintenance, Portland, Oregon.
Chief, Branch of System Operations, Portland, Oregon.
Chief, Branch of Maintenance, Portland, Oregon.
Area Manager—Idaho Falls Area, Idaho Falls, Idaho.
Area Manager—Spokane Area, Spokane, Washington.
Area Manager—Portland Area, Portland, Oregon.
Area Manager—Seattle Area, Seattle, Washington.
Area Manager—Walla Walla Area, Walla Walla, Washington.
Assistant Administrator for Power Management (Power Manager) Portland, Oregon.
Assistant Power Manager, Portland, Oregon.
Special Assistant to the Power Manager, Portland, Oregon.
Chief, Branch of Customer Service, Portland, Oregon.
Chief, Branch of Power Resources, Portland, Oregon.
Chief, Branch of Power Supply, Portland, Oregon.

SOUTHEASTERN POWER ADMINISTRATION

Chief, Division of Fiscal Operations, Elberton, Georgia.

Chief, Division of Power Sales, Elberton, Georgia.
Chief, Division of Power Operations, Elberton, Georgia.
Administrative Officer, Elberton, Georgia.

SOUTHWESTERN POWER ADMINISTRATION

Deputy Administrator—Tulsa, Oklahoma.
Director, Planning Staff—Tulsa, Oklahoma.
Chief, Division of Power Facilities—Tulsa, Oklahoma.
Chief, Division of Power Marketing—Tulsa, Oklahoma.
Chief, Division of Administrative Management—Tulsa, Oklahoma.

ASSISTANT SECRETARY—FISH AND WILDLIFE AND PARKS

Deputy Assistant Secretary, Washington, D.C. (2).

NATIONAL PARK SERVICE

Deputy Director—Washington, D.C.
Executive Assistant to the Director—Washington, D.C.
Assistant to the Director for Public Affairs.
Associate Directors—Washington, D.C. (4).
Assistant Directors—Washington, D.C. (6).
Chief, Division of Contracting and Property Management—Washington, D.C.
Chief, Concessions—Washington, D.C.
Chief, Land Acquisition—Washington, D.C.
Chief Scientist—Washington, D.C.
Chief, Grants Division—Washington, D.C.
Chief, Finance Division—Washington, D.C.
Chief, Systems Design—Washington, D.C.
Chief, Organization and Methods—Washington, D.C.
Supply Management Officer—Washington, D.C.
All Realty Officers, GS-13 and above (16).
Keeper of the National Register—Washington, D.C.
Regional Directors (8).
Director, National Capital Parks—Washington, D.C.
Associate Directors, Regions and National Capital Parks (34).
Assistants to the Directors, Regions (8).
Regional Chiefs, Division of Contracting and Property Management (8).
Chief, Branch of Procurement, National Capital Parks—Washington, D.C.
Regional Chief, Administrative Services.
Chief Appraiser—Washington, D.C.
Chief Appraisers—Field (8).
All Superintendents, GS-13 and above (117).
Manager, Denver Service Center—Denver, Colorado.
Associate Manager, Professional Support—Denver Service Center.
Associate Manager, Production—Denver Service Center.
Chief, Contract Administration—Denver Service Center.
Manager, Harpers Ferry Center—Harpers Ferry, West Virginia.
Assistant Manager, Administration—Harpers Ferry Center.
Assistant Manager, Project Control and Reference Services—Harpers Ferry Center.
Supervisory Archeologists, Archeological Centers—New Mexico, Arizona, and Georgia (3).
All Conservation Center Directors (3).
All Administrative Officers, GS-13 and above (127).
Regional Chiefs, Operations Evaluation (8).
State Directors—Hawaii and Alaska (2).
Chief, U.S. Park Police, Washington, D.C.
Deputy Chief, U.S. Park Police, Washington, D.C.

BUREAU OF OUTDOOR RECREATION

Deputy Director, Washington, D.C.
All Assistant Directors (3), Washington, D.C.
All Regional Directors (7).
All Deputy Regional Directors (3).
Assistant Regional Directors (9).
Chief, Division of Personnel and Management, Washington, D.C.
Management Operations Officer, Washington, D.C.

U.S. FISH AND WILDLIFE SERVICE

Deputy Director—Washington, D.C.
Associate Directors—Washington, D.C.
Deputy Associate Directors—Washington, D.C.
Assistant Directors—Washington, D.C.
Deputy Assistant Directors—Washington, D.C.
Special Assistant to the Director—Washington, D.C.
Chief, Contracting and General Services—Washington, D.C.
Assistant Chief, Contracting and General Services—Washington, D.C.
Chief, Division of Federal Aid—Washington, D.C.
Chief, Division of Technical Assistance—Washington, D.C.
Regional Directors—Portland, Oregon; Albuquerque, New Mexico; Twin Cities, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado.
Deputy Regional Directors—Portland, Oregon; Albuquerque, New Mexico; Twin Cities, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado.
Associate Regional Directors—Portland, Oregon; Albuquerque, New Mexico; Twin Cities, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado.
Regional Supervisor, Federal Aid—Portland, Oregon; Albuquerque, New Mexico; Twin Cities, Minnesota; Atlanta, Georgia; Boston, Massachusetts.
Chief, Property Officer—Portland, Oregon; Twin Cities, Minnesota; (GS-13 and above) Atlanta, Georgia.
Chief, Office of Planning and Assistance—Denver, Colorado.
Area Managers—Salt Lake City, Utah; Bismarck, North Dakota; Billings, Montana; Pierre, South Dakota; Kansas City, Missouri.
Alaska Area Director—Anchorage, Alaska.
Deputy Alaska Area Director—Anchorage, Alaska.
Special Assistant to Area Director—Anchorage, Alaska.
Western Field Coordinator, Denver, Colorado.
Chief Property Officers, Albuquerque, New Mexico, and Boston, Massachusetts (2) GS-1.

ASSISTANT SECRETARY—LAND AND WATER RESOURCES

Deputy Assistant Secretary (2), Washington, D.C.
Special Assistant to the Assistant Secretary, Washington, D.C.
Staff Assistant (Economics), Washington, D.C.
Staff Assistant (4), Washington, D.C.

OFFICE OF LAND USE AND WATER PLANNING

Director, Office of Land Use and Water Planning, Washington, D.C.

BUREAU OF RECLAMATION

Assistant Commissioner—Resource Development, Commissioner's Office, Washington, D.C.
Assistant Commissioner—Resource Management, Commissioner's Office, Washington, D.C.
Assistant Commissioner—Resource Planning, Commissioner's Office, Washington, D.C.
Assistant Commissioner—Administration, Commissioner's Office, Washington, D.C.
Assistant to the Commissioner—Ecology Commissioner's Office, Washington, D.C.
Chief, Division of General Services, Commissioner's Office, Washington, D.C.
Chief, Division of General Engineering, Commissioner's Office, Washington, D.C.
Chief, Construction and Contracting Activities Branch, Commissioner's Office, Washington, D.C.
Chief, Division of Research, Commissioner's Office, Washington, D.C.
Chief, Divison of Power, Commissioner's Office, Washington, D.C.
Assistant Chief, Division of Power, Commissioner's Office, Washington, D.C.
Chief, Systems Engineering Branch, Commissioner's Office, Washington, D.C.
Chief, Division of Program Coordination and Finance, Commissioner's Office, Washington, D.C.
Assistant Chief, Division of Program Coordination and Finance, Commissioner's Office, Washington, D.C.
Chief, Division of Procurement and Property, Commissioner's Office, Washington, D.C.
Chief, Operations Branch, Division of Procurement and Property, Commissioner's Office, Washington, D.C.
Chief, Division of Planning, Commissioner's Office, Washington, D.C.
Assistant Chief, Division of Planning, Commissioner's Office, Washington, D.C.
Chief, Division of Water and Land, Commissioner's Office, Washington, D.C.
Assistant Chief, Division of Water and Land, Commissioner's Office, Washington, D.C.
Chief, Water Operations Branch, Commissioner's Office, Washington, D.C.
Chief, Lands and Recreation Branch, Commissioner's Office, Washington, D.C.
Compliance and Settlement Officer, Commissioner's Office, Washington, D.C.
Realty Officer, Commissioner's Office, Washington, D.C.
Chief, Contracts and Repayment Branch, Commissioner's Office, Washington, D.C.
Contract and Repayment Specialists (3), Commissioner's Office, Washington, D.C.
Chief, Division of Youth Conservation Programs, Commissioner's Office, Washington, D.C.

ENGINEERING AND RESEARCH CENTER

Director of Design and Construction, Engineering and Research Center, Denver, Colorado.
Supervisory General Engineers (10), Denver, Colorado.
Environmental Specialist, Denver, Colorado.
Supervisory Electrical Engineers (2), Denver Colorado.
Supervisory Civil Engineers (8), Denver, Colorado.
Chief, Division of Managment Support, Denver, Colorado.
Supervisory Mechanical Engineers (1), Denver, Colorado.
Supervisory Geologist, Denver, Colorado.
Civil Engineers (4), Denver, Colorado.
Procurement Officer, Denver, Colorado.
Supervisory General Physical Scientists (5), Denver, Colorado.
Supervisory Hydraulic Engineer, Denver, Colorado.
General Engineer, Denver, Colorado.
Supply Management Officer, Denver, Colorado.
Appraiser, Denver, Colorado.

PACIFIC NORTHWEST REGION

Regional Director, Pacific Northwest Region, Boise, Idaho.
Assistant Regional Director, Boise, Idaho.
Assistant Regional Director, Boise, Idaho
Regional Engineer, Boise, Idaho.
Chief, Construction Branch, Boise, Idaho.
Chief, Design Branch, Boise, Idaho.
Chief, Division of Water and Land Operations, Boise, Idaho.
Chief, Repayment and Statistics Branch, Boise, Idaho.
Chief, Land Branch, Boise, Idaho.
Regional Supervisor of Power, Boise, Idaho.

Chief, Resources and Contracts Branch, Boise, Idaho.
Regional Planning Officer, Boise, Idaho.
Assistant Regional Planning Officer, Boise, Idaho.
Chief, Engineering and Surveys Branch, Boise, Idaho.
Chief, Economic Resources Branch, Boise, Idaho.
Regional Procurement and Property Officer, Boise, Idaho.
Chief, Resource Utilization Branch, Boise, Idaho.
Chief, Salem Field Branch, Boise, Idaho.
Chief, Boise Planning Field Branch, Boise, Idaho.
Project Superintendent, Central Snake Projects Office, Boise, Idaho.
Center Director, Columbia Basin Civilian Conservation Center, Moses Lake, Washington.
Project Manager, Columbia Basin Project Office, Ephrata, Washington.
Chief, Engineering and Drainage Division, Ephrata, Washington.
Chief, Construction Division, Ephrata, Washington.
Chief, Water and Land Operations Division, Ephrata, Washington.
Project Superintendent, Hungry Horse Project Office, Hungry Horse, Washington.
Project Superintendent, Minidoka Project Office, Burley, Idaho.
Center Director, Marsing Civilian Conservation Center, Marsing, Idaho.
Project Construction Engineer, East Greenacres Project Office, Post Falls, Idaho.
Project Construction Engineer, Teton Project Office, St. Anthony, Idaho.
Office Engineer, St. Anthony, Idaho.
Field Engineer, St. Anthony, Idaho.
Project Construction Engineer, Tualatin Project Office, Forest Grove, Oregon.
Field Engineer, Forest Grove, Oregon.
Office Engineer, Forest Grove, Oregon.
Project Superintendent, Yakima Project Office, Yakima, Washington.
Project Construction Engineer, Chief Joseph Dam Project Office, Manson, Washington.
Columbia-North Pacific Planning Officer, Columbia North Pacific Planning Office, Vancouver, Washington.
Project Manager, Grand Coulee Project Office, Grand Coulee, Washington.
Chief, Third Power Plant Construction Division, Grand Coulee, Washington.
Field Engineer, Grand Coulee, Washington.
Office Engineer, Grand Coulee, Washington.
Chief, Maintenance Division, Grand Coulee, Washington.
Chief, Operations Division, Grand Coulee, Washington.

MID PACIFIC REGION

Regional Director, Sacramento, California.
Assistant Regional Director, Sacramento, California.
Assistant Regional Director, Sacramento, California.
Assistant to the Regional Director—Administrative Management, Sacramento, California.
Project Construction Engineer, Fresno, California.
Chief, Office Engineering Division, Fresno, California.
Project Manager, Klamath Falls, Oregon.
Project Construction Engineer, Auburn, California.
Chief, Office Engineering Division, Auburn, California.
Chief, Right-of-Way Division, Auburn, California.
Administrative Officer, Auburn, California.
Project Manager, Carson City, Nevada.
Regional Loan Engineer, Sacramento, California.
Regional Supervisor of Water and Land Operations, Sacramento, California.
Regional Supervisor of Power, Sacramento, California.
Chief, Marketing and Sales Branch, Sacramento, California.
Regional Engineer, Sacramento, California.
Regional Planning Officer, Sacramento, California.
Regional Procurement and Property Officer, Sacramento, California.
Regional Real Estate Officer, Sacramento, California.
Supervisory Appraiser, Sacramento, California.
Chief, Folsom Field Division, Folsom, California.
Chief, Fresno Field Division, Fresno, California.
Chief, Tracy Field Division, Tracy, California.
Chief, Shasta Field Division, Redding, California.
Project Construction Engineer, Willows, California.
Chief, Office Engineering Division, Willows, California.

LOWER COLORADO REGION

Regional Director, Lower Colorado Region, Boulder City, Nevada.
Assistant Regional Director, Boulder City, Nevada.
Regional Engineer, Boulder City, Nevada.
Regional Supervisor of Power, Boulder City, Nevada.
Regional Supervisor of Water and Land Operations, Boulder City, Nevada.
Regional Supply and Services Officer, Boulder City, Nevada.
Chief, Marketing and Sales Branch, Boulder City, Nevada.
Regional Planning Officer, Boulder City, Nevada.
Project Manager, Boulder City, Nevada.
Project Manager, Parker-Davis Project, Phoenix, Arizona.
Projects Manager, Arizona Projects Office, Phoenix, Arizona.
Associate Projects Manager, Arizona Projects Office, Phoenix, Arizona.
Chief, Lands Branch, Arizona, Projects Office, Phoenix, Arizona.
Project Manager, Yuma Projects Office, Yuma, Arizona.

UPPER COLORADO REGION

U.S. Representative on the Bear River Commission (Expert), Salt Lake City, Utah.
U.S. Commissioner & Chairman, Upper Colorado River Commission, Salt Lake City, Utah.
Regional Director, Salt Lake City, Utah.
Assistant to Regional Director—Administrative Management, Salt Lake City, Utah.
Regional Engineer, Salt Lake City, Utah.
Regional Supervisor of Water and Land Operations, Salt Lake City, Utah.
Regional Planning Officer, Salt Lake City, Utah.
Regional Supervisor of Power, Salt Lake City, Utah.
Regional Finance Officer, Salt Lake City, Utah.
Regional Property and Services Officers, Salt Lake City, Utah.
Project Power Manager, CRSP Power Operations Office, Montrose, Colorado.
Administrative Officer, Montrose, Colorado.
Chief, Flaming Gorge Field Division, Flaming Gorge Field Division, Dutch John, Utah.
Chief, Glen Canyon Field Division, Glen Canyon Field Division, Page, Arizona.
Project Manager, Western Colorado Projects Officer, Grand Junction, Colorado.
Center Director, Collbran Job Corps Civilian Conservation Center, Collbran, Colorado.
Center Director, Weber Basin Job Corps Civilian Conservation Center, Ogden, Utah.

SOUTHWEST REGION

Regional Director, Southwest Region, Amarillo, Texas.
Assistant Regional Director, Amarillo, Texas.
Assistant to Regional Director—Administrative Management, Amarillo, Texas.
Regional Engineer, Amarillo, Texas.
Regional Supervisor of Power, Amarillo, Texas.
Regional Planning Officer, Amarillo, Texas.
Regional Supervisor of Water and Land Operations, Amarillo, Texas.
Regional Finance Officer, Amarillo, Texas.
Regional Procurement and Property Officer, Amarillo, Texas.
Project Superintendent, Middle Rio Grande Project, Albuquerque, New Mexico.
Mexico.
Project Superintendent, Rio Grande Project, El Paso, Texas.
Project Construction Engineer, San Juan-Chama Project, Santa Fe, New Mexico.
Project Construction Engineer, Navajo Indian Irrigation Project, Farmington, New Mexico.
Planning Officer, Albuquerque, New Mexico.
Chief, Pecos River Basin Water Salvage Office (GS-12 and above), Carlsbad, New Mexico.
Planning Officer, Oklahoma City, Oklahoma.
Planning Officer, Austin, Texas.
Project Construction Engineer, Mountain Park Project, Altus, Oklahoma.
Project Construction Engineer, Palmetto Bend Project, Edna, Texas.
Project Superintendent, Chama Project, Chama, New Mexico.
Special Government Employee, United States Commissioner and Chairman of the Canadian River Commission (Expert), Office of the Regional Director, Amarillo, Texas.

BILLINGS, MONTANA—UPPER MISSOURI REGION

Regional Director, Billings, Montana.
Assistant Regional Director, Billings, Montana.
Assistant to the Regional Director, Billings, Montana.
Regional Engineer, Billings, Montana.
Regional Supervisor of Water and Land Operations, Billings, Montana.
Regional Supervisor of Power, Billings, Montana.
Regional Planning Engineer, Billings, Montana.
Regional Procurement and Property Officer, Billings, Montana.
Chief, Right-of-Way Branch, Billings, Montana.
Project Manager, Bismarck, North Dakota.
Assistant Project Manager, Bismarck, North Dakota.
Chief, Administrative Services Division, Bismarck, North Dakota.
Project Manager, Huron, South Dakota.
Assistant Project Manager, Huron, South Dakota.
Chief, Administrative Services Division, Huron, South Dakota.
Project Manager, Great Falls, Montana.
Assistant Project Manager, Great Falls, Montana.
Project Manager, Riverton, Wyoming.
Power System Operations Officer, Watertown, South Dakota.

LOWER MISSOURI REGION

Regional Director, Lower Missouri Region, Denver, Colorado.
Assistant Regional Director, Denver, Colorado.
Assistant to the Regional Director—Administrative Management, Denver, Colorado.
Regional Engineer, Denver, Colorado.
Chief, Construction Coordination and Estimates Branch, Denver, Colorado.

Regional Planning Officer, Denver, Colorado.
Regional Supervisor of Water and Land, Denver, Colorado.
Chief, Land Acquisition Branch, Denver, Colorado.
Chief, Repayment Branch, Denver, Colorado.
Regional Supervisor of Power, Denver, Colorado.
Chief, Power Contracts Branch, Denver Colorado.
Regional Finance Officer, Denver, Colorado.
Supply Management Officer, Denver, Colorado (GS-12) (1).
Kansas Reclamation Representative, Topeka, Kansas.
MRB Planning Officer, Omaha, Nebraska.
Wyoming Reclamation Representative, Cheyenne, Wyoming.
Project Manager, Fryingpan-Arkansas Project, Pueblo, Colorado.
Chief, Construction Field Division, Fryingpan-Arkansas Project, Salida, Colorado.
Administrative Officer, Fryingpan-Arkansas Project, Pueblo, Colorado.
Project Manager, South Platte River Project, Loveland, Colorado.
Project Manager, North Platte River Projects, Casper, Wyoming.
Construction Engineer, Cheyenne Construction Office, Cheyenne, Wyoming.
Project Manager, Kansas River Project, McCock, Nebraska.
Planning Officer, Nebraska Reclamation Office, Grand Island, Nebraska.

BUREAU OF LAND MANAGEMENT

Associate Director, Washington, D.C.
Assistant Director, Administration, Washington, D.C.
Assistant Director, Resources, Washington, D.C.
Deputy Assistant Director, Resources, Washington, D.C.
Assistant Director, Legislation and Plans, Washington, D.C.
Assistant Director, Technical Services, Washington, D.C.
Assistant Director, Minerals Management, Washington, D.C.
Deputy Assistant Director, Minerals Management, Washington, D.C.
Chief, Office of Evaluation, Washington, D.C.
Chief, Division of Lands and Realty, Washington, D.C.
Chief, Division of Mineral Resources, Washington, D.C.
Chief, Division of Minerals Environmental Assessment, Washington, D.C.
Chief, Division of Minerals Program Development and Analysis, Washington, D.C.
Chief, Division of Forestry, Washington, D.C.
Chief, Division of Appraisal, Washington, D.C.
Chief, Division of Budget and Program Development, Washington, D.C.
Chief, Division of Finance, Washington, D.C.
All Chiefs, Division of Administrative Services (2).
All Managers, Outer Continental Shelf Offices (4).
All State Directors (12).
All Associate State Directors (12).
All Chiefs, Division of Technical Services (11).
All Chiefs, Division of Resources (11).
All District Managers (61).
Director, Denver Service Center, Denver, Colorado.
BLM Director, Boise Interagency Fire Center, Boise, Idaho.
Chief, Appraisal Staff, Denver Service Center, Denver, Colorado.
All Staff Appraisers, Denver Service Center, Denver, Colorado (2).
All Chief State Appraisers (11) GS-12 and above.
Chief, Division of Data Processing, Denver, Colorado.
Communications Specialist, Washington, D.C.
Chief, Office of Scientific Systems Development, Denver, Colorado.
Pipeline Project Coordinator, Anchorage, Alaska.
Chief, Division of Cadastral Survey, Anchorage, Alaska.

OFFICE OF WATER RESOURCES RESEARCH

Director, Washington, D.C.
Associate Director, Washington, D.C.
Executive Officer, Washington, D.C.

OFFICE OF SALINE WATER

Director, Washington, D.C.
Associate Director, Washington, D.C.
Assistant Director for Engineering & Development, Washington, D.C.
Chief, Membrane Processes Division, Washington, D.C.
Chief, Project Management & Plant Engineering Division, Washington, D.C.
Assistant Director for Research, Washington, D.C.
Chief, Applied Science Division, Washington, D.C.
Chief, Chemical Physics Division, Washington, D.C.
Assistant Director for Program Development, Washington, D.C.
Chief, Administrative Management, Washington, D.C.
Chief, Contract Operations, Washington, D.C.
Manager, Roswell Test Facility, Roswell, New Mexico.
Manager, Wrightsville Beach Test Facility, Wrightsville Beach, North Carolina.
Resident Engineer, Fountain Valley Test Facility, Fountain Valley, California.
Manager, Yuma Test Facility, Yuma, Arizona.
Project Engineering Specialist, Denver, Colorado.

OFFICE FOR MICRONESIAN STATUS NEGOTIATIONS

Staff Assistant, Washington, D.C.

[FR Doc.74-28501 Filed 12-5-74;8:45 am]

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5451]

[F-024730]

ALASKA

Partial Revocation of Public Land Order No. 386, as Amended

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. 386 of July 31, 1947, as amended by paragraph 4 of Public Land Order No. 975 of June 18, 1954, which withdrew lands under the jurisdiction of the Secretary of War for right-of-way purposes for a telephone line and an oil pipeline with appurtenances, is hereby revoked so far as it affects the following described lands:

A tract of land containing 59.90 acres, situated on the north side of the Alaska Highway near mile 1370, said point being 619 feet distant N. 50°08′ W., along the centerline, from a point on the centerline opposite U.S. Coast and Geodetic Survey Bench Mark W-17, 1943, latitude 63°40′39″ N., and longitude 144°09′05″ W.; thence by metes and bounds: N. 50°08′ W., 990 feet along the centerline; N. 39°52′ E., 1,320 feet; S. 50°08′ E., 1,980 feet; S. 39°52′ W., 1,280 feet, more or less, to the centerline of the highway; northwesterly along the centerline to the point of beginning.

The above tract has since been surveyed as U.S. Survey No. 4368, containing 59.92 acres.

2. Title to a portion of the lands described in paragraph 1 has passed from the United States by quitclaim deed of January 10, 1971 (F-13507), issued under the Alaska Communications Disposal Act of November 14, 1967 (81 Stat. 441-444). The remaining lands, as described below, are withdrawn under section 11(a)(1) of the Alaska Native Claims Settlement Act (85 Stat. 68, 696) for selection by the Native village of Dot Lake and the Doyon Ltd. Regional Corporation:

A tract of land being a portion of U.S. Survey No. 4368 located in sections 13 and 24, T. 22 N., R. 6 E. (unsurveyed), Copper River Meridian, more specifically described as follows:

Beginning at Corner No. 1 of U.S. Survey No. 4368, said corner is on the centerline of the Alaska Highway and is S. 38°31′ W., a distance of 150 feet from Witness Corner No. 1; thence N. 38°31′ E., along the northwesterly boundary of said survey for a distance of 1,320 feet, more or less, to Corner No. 2; thence S. 51°29′ E., along the northeasterly boundary of said survey for a distance of 1,980 feet, more or less, to Corner No. 3; thence S. 38°31′ W., along the southeasterly boundary of said survey for a distance of 1,287 feet to Corner No. 4, said point being on the centerline of the Alaska Highway; thence along said centerline N. 61°07′ W., for a distance of 146.52 feet, more or less, to a point; thence N. 53°42′ W., for a distance of 226.38 feet, more or less, to a point; thence N. 51°29′ W., for a distance of 159.06 feet, more or less, to a point; thence leaving said highway centerline and said survey boundary N. 38°31′ E., for a distance of 349.5 feet, more or less, to a point; thence N. 51°29′ W., for a distance of 400 feet, more or less; thence S. 38°31′ W., for a distance of 349.5 feet to a point on the centerline of said highway; thence N. 51°29′ W., along the centerline of said highway for a distance of 1.050 feet more or less, to the point of beginning.

Containing 56.71 acres, more or less.

3. Prior to any conveyance of the lands described in paragraph 2 of this order, the lands shall be subject to administration by the Secretary of the Interior under the applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this order. Applications for leases under the Mineral Leasing Act, as amended, 30 U.S.C. 181-287 (1970), will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

JACK O. HORTON,
Assistant Secretary of the Interior.

NOVEMBER 29, 1974.

[FR Doc.74-28541 Filed 12-5-74;8:45 am]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19946; FCC 74-1254]

SEARCH AND RESCUE COMMUNICATIONS

Availability of Frequencies

1. A Notice of Proposed Rule Making in the above-captioned matter was released on March 6, 1974, and was published in the FEDERAL REGISTER on March 11, 1974 (39 FR 9462). By its Erratum released March 13, 1974, and published in the FEDERAL REGISTER on March 20, 1974 (39 FR 10448), the Commission amended paragraph three of the Notice of Proposed Rule Making. The dates for filing comments and replies have passed.

2. Comments were filed by: American Institute of Merchant Shipping (AIMS), Hawaiian Tug and Barge Co., Ltd. (HT&B), Lake Carriers' Association (LCA), National Party Boat Owners Alliance, Inc. (NPBOA), Northern California Marine Radio Council (NCMRC), and Radio Technical Committee of the United States Power Squadrons (USPS). We are also in receipt of a letter from Alexander P. Olcott (APOlcott).

AVAILABILITY OF 157.1 MHz

3. The Commission, at the request of the United States Coast Guard (USCG), proposed in its Notice of Proposed Rule Making that the frequency 157.1 MHz be made available as the primary liaison frequency for communication between non-Government vessels and ship, aircraft and coast stations of the USCG. As indicated in the new "US ____" footnote proposed to be added to § 2.106, it is the intent of the USCG that the frequency 157.1 MHz be employed, also, by Government vessels for this same purpose.

4. This proposal was supported, in varying degree, by: AIMS, LCA, NCMRC, and USPS. It was opposed by: HT&B and APOlcott. HT&B expresses the view that the intended purpose of safety communications proposed to be performed on 157.1 MHz could be carried out on 156.3 MHz, thus avoiding the complex problem of installing an additional frequency in VHF equipment where channels are all in current usage. APOlcott expresses the view that the service proposed by USCG on 157.1 MHz should continue to be rendered on Channel 12 (156.6 MHz).

5. It is the view of the Commission that the additional usage of 156.3 MHz, as stated by HT&B, would increase the loading on 156.3 MHz to a substantial degree and, in consequence, would reduce the usability of 156.3 MHz for intership usage, which must be given priority. As concerns the use of 156.6 MHz, in lieu of 157.1 MHz as stated by APOlcott, the frequency 156.6 MHz will be employed by the USCG for vessel traffic system communications and, at the time of its implementation for that purpose, will no longer be available for miscellaneous communications. The Commission is, therefore, making the frequency 157.1 MHz available to non-Government vessels, as set forth in the attached Appendix.

MANDATORY FITTING OF 157.1 MHz

6. The Commission proposed to require that each VHF ship station licensee mandatorily install 157.1 MHz in VHF equipments (transceivers) which are first installed aboard ship commencing on a date six months after finalization of the rule making in the instant proceeding. This proposal was opposed by AIMS, HT&B and APOlcott; it was supported by NCMRC and USPS; and it was conditionally endorsed by LCA.

7. In their opposing comments, AIMS states:

> If vessels which are currently fitted with VHF are not required to add 157.1 MHz, it will be many years before a significant percentage of vessels will be operational on that frequency. Furthermore, there are many vessels that would have little or no need of ever communicating with the Coast Guard. To require fitting of 157.1 MHz on these vessels would be an unnecessary burden. (Any distress communications from such a vessel involving the Coast Guard would take place on channels already prescribed for distress purposes.) On the other hand, certain vessels, by virtue of their area or type of operation, may communicate frequently with the Coast Guard. These are the vessels that, in the FCC's words, "will install 157.1 MHz for convenience in communications with the U.S. Coast Guard," without being compelled to do so. As a result, the desired reduction of the loading on 156.8 MHz will be achieved. Selective fitting on a voluntary basis will contribute more in the foreseeable future toward that end than mandatory blanket fitting of vessels yet to be equipped for VHF operation.
>
> From a practical operating viewpoint, it is likely that operators having equipment mandatorily fitted with 157.1 MHz, but whose need for Coast Guard communication is rare, would forget about the channel when such a need arises and conduct the communication on another channel.

8. In their opposing comments, HT&B states:

> The reasons justifying universal installation of 156.8 and 156.3 MHz do not apply to 157.1 MHz. 156.8 and 156.3 MHz channels form a universally installed pair of frequencies allowing calling for assistance when in distress, calling of other stations routinely when the other station's monitoring of other working channels is unknown, and provide a common working frequency between any two VHF FM equipped vessels regardless of commercial/non-commercial status.
>
> The sole utility of the proposed additional mandatory channel, 157.1 MHz, is for working with the Coast Guard, or monitoring Coast Guard broadcasts of information and requests for assistance. HT&B vessels do not have the occasion to talk with the Coast Guard under other than distress or safety conditions. Addition of 157.1 MHz will in most instances require the deletion of a frequency, which is required in pursuit of our operations. Similar to most smaller commercial vessels, our vessels are equipped with sets with a 12 channel capability. Addition of a second set to meet this requirement of routine informational flow with the Coast Guard is unwarranted and uneconomical. Change to an additional model of equipment would be uncompatible with our remote control systems and would increase maintenance costs.

9. In his opposing comments, APOlcott, in addition to the comment summarized in paragraph 4, above, states:

> It seems grossly unfair to the thousands of boat owners who have been required by the FCC to purchase VHF/FM radiotelephones to make this change now. Not one of many local owners I have personally contacted have Channel 22 on their new radios, but most of them have Channel 12 and/or 14. And, in many cases, they don't have room for additional crystals in their sets.

10. In their supporting comments, NCMRC states that since January, 1974, they have advocated that ship VHF stations be fitted for operation on 157.1 MHz. NCMRC recommends that consideration be given to exempting ship VHF stations from the mandatory requirement of fitting 157.1 MHz when the vessel is operated solely on lakes or rivers not having regularly manned USCG facilities.

11. In their supporting comments, USPS states:

> It is believed that the desirability of having a separate liaison channel for use by civil vessels in communication with the U.S. Coast Guard already has been established. The frequency 2670 kHz has been available to civil vessels in the United States for this purpose for some time. We believe, also, that the maximum potential for the use of this channel was never achieved because many ship stations operating in the 2-4 MHz Band failed to install the channel on a voluntary basis.
>
> The Commission's reluctance in the past to make installation of frequencies mandatory even for safety purposes is understood. Unless installation of the VHF frequency channel 157.1 MHz is made mandatory, however, there is reasonable doubt that anything approaching one hundred percent installation in civil vessels ever will be achieved.
>
> We view the Commission's proposal to make the frequency 157.1 MHz mandatory for safety purposes as a significant change of policy long overdue. We are firmly in support of the view here indicated by the Commission's proposal that where a requirement is established for use of a frequency channel for safety purposes, that the necessary provisions should be made in the Commission's rules to satisfy this requirement. We agree, also, that the authority for such action is included in the provisions of the Communications Act of 1934, as amended. We note, also, that failure of the Commission to act, when action is warranted for safety purposes, may in some instances lead to further proliferation of Communications authority as was experienced recently in the "Vessel Bridge-to-Bridge Radiotelephone Act."
>
> The comments herein are directed primarily from the viewpoint of the operator of recreational vessels. Should the Commission determine that vessels mandatorily radio equipped under provisions of the Safety of Life at Sea Convention (London, 1960), or commercial vessels under direct control of limited coast stations, already have sufficient communications capability to meet the safety communications requirements which the installation of the frequency 157.1 MHz is intended to satisfy the Committee would forsee no difficulty with such vessels being exempted from the requirement. As far as the recreational vessel is concerned we agree with the Commission that a requirement for mandatory provision of the channel is justified for safety purposes * * *.

12. While in their comments LCA endorsed the mandatory fitting of 157.1 MHz, the discussion thereof in their comments is summarized in the following sentences. That discussion was directed to the Great Lakes area and, for the most part, to the success obtained in that area with removal from 2182 kHz of calls to the USCG by providing an alternative frequency for communication with the USCG. Based on that success, which is of a generally parallel nature, LCA states their view that in its Rule Making the FCC should include provision for direct contact with the USCG on 157.1 MHz, as an alternative to establishment of contact on 156.8 MHz. LCA further recommends that the USCG be encouraged to provide for such direct contact in those areas where this would be conducive to more effective use of 156.8 and 156.7 MHz for safety purposes.

13. In considering the merits of the comments in regard to the mandatory fitting of 157.1 MHz, it is our view: That, on the basis of the comments of AIMS and HT&B, insufficient basis has been presented to warrant a mandatory requirement that commercial vessels be fitted with 157.1 MHz.

As suggested by NCMRC, that vessels operating on rivers or lakes, where regularly manned USCG facilities are not available, should not be required to fit with 157.1 MHz.

That while we are sympathetic to the views expressed by the USPS, there are substantial differences, as stated by HT&B, between the mandatory requirement for the fitting of 156.8 and 156.3 MHz and a mandatory fitting of 157.1 MHz. Further, that while we are disposed to concur with the view of the USPS that a mandatory fitting of 157.1 MHz in new equipments installed after a finite date would accelerate the availability and use of 157.1 MHz, we feel, at the same time, that there is merit to the view of AIMS that those vessels fitted with VHF prior to that finite date, which includes all vessels currently licensed, may not be fitted for the use of 157.1 MHz for many years.

That, if 157.1 MHz is to be made mandatory aboard recreational vessels, such requirement must apply to all such vessels which are VHF fitted. It is apparent, however, that the comments received and summarized above cannot be construed to be representative of the views of the majority of the operators of recreational vessels, and that it would be premature to impose such a requirement without making another attempt to obtain comments from a more representative cross-section of the boating public.

On the basis of the foregoing, the Commission finds no adequate basis to require that 157.1 MHz be mandatorily fitted aboard non-Government commercial vessels, and is releasing a Further Notice of Proposed Rule Making to obtain additional views before reaching a conclusion that the frequency 157.1 MHz should or should not be fitted aboard all VHF equipped non-Government recreational vessels.

SHIP STATION USE OF 156.3 MHz FOR SAR

14. The Commission proposed that the frequency 156.3 MHz, in addition to its current usage, be made available for use by ship stations for search and rescue (SAR) communications at the scene of a SAR incident. This proposal was supported by HT&B, NCMRC and USPS. NPBOA and APOlcott did not comment in regard to the proposed change in usage of 156.3 MHz.

15. LCA's concurrence to the proposed change in status of 156.3 MHz was conditional, subject to further amendment of the rules to require the mandatory fitting of the frequency 156.4 MHz, as back-up for 156.3 MHz during those times when 156.3 MHz is being employed for SAR communications. LCA refers to the provisions of the new Great Lakes Agreement, which enters into force on May 6, 1975, and urges that coordination be effected with Canada to assure an orderly and uniform application of rules relating to the use of VHF in the Great Lakes area.

16. The Commission is currently engaged in drafting rule amendments for implementation of the new Great Lakes Agreement and, upon release of the Notice of Proposed Rule Making in that proceeding, will welcome comments of LCA in regard to the mandatory fitting of 156.4 MHz. As concerns the additional usage of 156.3 MHz for the purpose set forth above, the Commission feels that required coordination with Canada was effected prior to and in preparation for the World Maritime Administrative Conference, Geneva, 1974 (WMARC). Further, that coordination with other administrations members of the International Telecommunication Union (ITU) was effected at the WMARC, and that no further coordination is required. Provision for the proposed use of 156.3 MHz has been included in the footnote e), Appendix 18, to the ITU Radio Regulations, as amended at the WMARC. The Commission is, therefore, adopting the proposal that the frequency 156.3 MHz, in addition to its current usage, be made available for use by ship stations for search and rescue (SAR) communications at the scene of a SAR incident, as set forth in the attached Appendix.

COAST STATION USE OF 156.3 MHz FOR SAR

17. The Commission, at the request of the USCG, proposed a further usage of 156.3 MHz, that is: when control of the scene of action of a SAR incident is under the control [effected on VHF] of a coast station of the USCG, 156.3 MHz may be employed by ship stations to communicate with that control station. An inherent part of the proposal is that 156.3 MHz would be available for immediate use at each USCG coast station. This proposal was supported by HT&B and NCMRC; it was opposed by USPS; NPBOA and APOlcott did not comment on this proposal; LCA comments are summarized in paragraph 15, above; and AIMS comments are directed to the matter of an apparent error in the numbering of Section 83.351(b)(34).

18. In their supporting comments, HT&B states that they fully support the use of 156.3 MHz as a working frequency for the USCG in communicating with civilian vessels during search and rescue operations on the basis that it will free 156.8 MHz for its intended purpose of distress and calling. HT&B further comments that since 156.3 MHz is designated as a safety frequency, the proposed usage is logical and its use by USCG will reinforce its intended purpose. HT&B also states that the use of 156.3 MHz as proposed would adequately serve the intended purpose of safety communications without the installation of a third frequency (157.1 MHz). In their supporting comments, NCMRC states that the proposed amendment will reduce congestion on 156.8 MHz, especially during a SAR incident, and will facilitate general communication between ship stations and USCG stations.

19. In their opposing comments, the USPS states:

> The frequency channel 156.3 MHz is the primary intership safety frequency, so designated by the Radio Regulations of the International Telecommunication Union (ITU), as well as in the Rules of the Commission. The Table of Transmitting Frequencies for the Band 156–174 MHz for Radiotelephony in the International Maritime Mobile Service, Appendix 18 to the Radio Regulations does not provide for use of this channel by coast stations for any purpose. Since the United States is a party to the Treaty which incorporates these Radio Regulations it would seem illogical for the Federal Communications Commission to adopt a rule which incorporates use of this channel for communications with coast stations pending possible revision of the Radio Regulations.
>
> While it is recognized that the United States, a sovereign nation, can and must on occasion derogate an international treaty provision for good cause, it is suggested that sufficient justification for derogation in this instance has not been shown and, indeed, may not have been developed. The position of the United States to the last known World Maritime Administrative Radio Conference which considered proposals for amendment t the Band 156–174 MHz (WMARC 1967) did not recognize the need for the use of the frequency 156.3 MHz by coast stations.
>
> A World Maritime Administrative Radio Conference of the ITU will be held during 1974. A delay in authorizing the use of the frequency 156.3 MHz by coast stations would, not appear to be unduly delayed if action on this proposal is withheld pending international consideration of possible amendments to Article 35, and Appendix 18 to the Radio Regulations.

20. As stated by the USPS, the World Maritime Administrative Radio Conference (WMARC) was held in Geneva during the period April 22–June 8, 1974, and considered the proposals of 104 countries represented at that conference. None of the proposals submitted to that conference, including those of the United States, proposed that coast stations be permitted to employ 156.3 MHz for any purpose, including that of search and

rescue. The WMARC did, however, consider and approve the additional (ship station) usage which we have discussed and are adopting (see paragraph 16, above). We agree with the statement of the USPS in regard to the status of use of the frequency 156.3 MHz, that is: 156.3 MHz is the primary intership safety frequency in the United States; it is included in Appendix 18 to the ITU Radio Regulations; the ITU Radio Regulations, Geneva 1959, as amended in 1967, have been ratified by the United States and is a treaty; under that treaty coast stations may not employ 156.3 MHz for SAR or for other purposes; and that where the national need so dictates, the United States has from time to time derogated provisions of the ITU Radio Regulations.

21. The frequency 156.3 MHz is in a band designated for non-Government use in the U.S. Government stations are authorized use of certain frequencies in this band by footnote to the Table of Frequency Allocations. On the basis of the material considered in this proceeding, the Commission is not persuaded that the frequency 156.3 MHz should be authorized to Government coast stations. We are not, therefore, recognizing such use in our rules.

22. The Commission proposed amendment of Part 2, § 2.106, to add under "U.S. Footnotes" a new "US" footnote to read: "US ____ The frequency 157.1 MHz is the primary frequency for liaison communications between ship stations and stations of the United States Coast Guard." The persons filing comments in this proceeding did not address the subject of this footnote and it is, therefore, adopted without change, as set forth in the attached Appendix.

MISCELLANEOUS RECOMMENDATIONS

23. Two of the commenators recommended that the availability of 157.1 MHz be extended to include other or related activities. In that regard, AIMS recommended that the frequency 157.1 MHz be made available: to moored offshore platforms to communicate with USCG boats and helicopters; to limited coast stations, where necessary for pollution prevention, spills cleanup, or other activities; but that a mandatory guard of 157.1 MHz should not be required at such stations.

Further, NPBOA recommended that 157.1 MHz be made available to limited coast stations, that implementation be on a voluntary basis, and that use of that frequency be confined to assisting the USCG and other units permitted to use 157.1 MHz in time of emergency and search and rescue.

24. In regard to AIMS and NPBOA recommendations that 157.1 MHz be made available to limited coast stations on moored offshore platforms for communication with USCG boats and helicopters, or to assist the USCG in time of emergency and search and rescue, such usage is believed to be fully acceptable. We prefer, however, to handle applications for such usage on a case-by-case basis, since it is expected there will be a wide variation in circumstances applicable at concerned stations. We are not, therefore, including in the rules provision for the routine licensing of 157.1 MHz at limited coast stations.

25. In regard to AIMS second recommendation that 157.1 MHz be made available to limited coast stations for pollution prevention, spills cleanup, or other activities, we believe that such usage would not be compatible with the intended use of 157.1 MHz. In regard to the use of 157.1 MHz for pollution prevention and/or cleanup activities, other frequencies are being provided for this purpose. We are not sure what AIMS has in mind in recommending that 157.1 MHz be used for "other activities" and cannot, therefore, respond as to whether such usage would or would not be acceptable. In view thereof, we are not adopting AIMS second recommendation in regard to the additional usage of 157.1 MHz. We add, however, that where an applicant is of the opinion that there is a sound basis for the use of 157.1 MHz, which usage is compatible with the intended purpose of liaison communications with the USCG as set forth herein, an application therefor may be filed with the Commission. The Commission will then effect required coordination with the USCG on the basis of the information contained in such application and where approved will grant the requested station authorization.

26. AIMS points out that the mandatory fitting of 157.1 MHz should not be applied to marine utility ship stations. Since we are not requiring the mandatory fitting of 157.1 MHz, this specific matter is moot. In addition, AIMS points to errors in the numbering of Section 83.351 and suggests that they be corrected. We have corrected these errors, as set forth in the attached Appendix, retaining the numbering of this subdivision as proposed.

27. Accordingly, it is ordered, That pursuant to the authority contained in section 4(i) and 303(c), (e), (g), and (r) of the Communications Act of 1934, as amended, Parts 2 and 83 of the Commission's rules are amended effective January 3, 1975, as set forth below.

Adopted: November 19, 1974.

Released: November 29, 1974.

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

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

Parts 2 and 83 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

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

1. In § 2.106, the Table of Frequency Allocations is amended to add Footnote "(US 214)" to the band 157.0375–157.1875 MHz to read as follows:

§ 2.106 Table of Frequency Allocations.

Worldwide		Region 2		United States		Federal Communications Commission					
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature of services of stations	
•		•		•		•		•		•	•
				157.0375–157.1875 US 214	G.				157.100	U.S. Coast Guard liaison frequency.	
•		•		•		•		•		•	•
•		•		•		•		•		•	•

US 214 The frequency 157.1 MHz is the primary frequency for liaison communications between ship stations and stations of the U.S. Coast Guard.

• • • • •

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. In § 83.351(a), condition of use 34 is added to 156.3 MHz; the frequency 157.1 MHz, and paragraph (b)(6) & (34) are added to read as follows:

§ 83.351 Frequencies available.

(a) * * *

Carrier frequency (kHz)	See sec.—	Conditions of use
(MHz)		
* * *	* * *	* * *
156.300	83.106, 83.359	10, 33, 34, 40, 44
* * *	* * *	* * *
157.100	83.106, 83.359	6, 10, 33, 40, 41
* * *	* * *	* * *

(b) * * *

* * * * *

(6) Limited to communication with ship stations, aircraft stations, or coast stations, all of which are operated by the United States Coast Guard.

* * * * *

(34) The frequency 156.3 MHz is also available for use by ship stations for search and rescue (SAR) communications with ships and aircraft of the United States Coast Guard at the scene of a SAR incident.

* * * * *

2. Section 83.359 is amended to read as follows:

§ 83.359 Frequencies in the band 156–162 MHz available for assignment.

The frequencies listed in the following table are available for assignment to stations as indicated. Except as provided in § 83.351 (b)(34) and (b)(55), these frequencies are not authorized for communication with stations on board aircraft. The limitations applicable to the respective frequencies are set forth in § 83.351 (a) and (b).

Channel designator	Frequency (MHz)		Points of communication
	Ship	Coast	
DISTRESS, SAFETY, AND CALLING			
* * *	* * *	* * *	* * *
INTERSHIP SAFETY			
06	156.300	156.300	a. Intership. b. For SAR: Ships and aircraft of the U.S. Coast Guard.
* * *	* * *	* * *	* * *
LIAISON, U.S. COAST GUARD			
22	157.100	157.100	Ship, aircraft and coast stations of the U.S. Coast Guard.
* * *	* * *	* * *	* * *

[FR Doc.74-28412 Filed 12-5-74;8:45 am]

Title 49—Department of Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket N. 74-39; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Seat Belt Warning System

This notice amends Standard No. 208, *Occupant crash protection*, 49 CFR 571.-208, to establish a new warning system for seat belt assemblies to replace the present warning system after February 24, 1975. The new system is permitted as an alternative to the present requirements until February 24, 1975.

This amendment responds to recently-enacted legislation which prohibits, after February 24, 1975, any Federal motor vehicle safety standard that requires or provides for use of a safety belt interlock or a "continuous buzzer" warning. Pub. L. 93-492; § 109, October 27, 1974 (15 U.S.C. § 1410(b)). An earlier amendment of the standard revoked the interlock option (39 FR 38380, October 31, 1974). In prohibiting the "continuous buzzer", the legislation states that an acceptable buzzer would operate only during an 8-second period after the ignition is turned to the "start" or "on" position. The legislation placed no restriction on warning lights. The present warning system provisions in Standard No. 208 do not comply with the legislative limit on "continuous buzzers"

On October 29, 1974, the NHTSA proposed a modified warning that would consist of a continuous or flashing reminder light that operates only during the 4- to 8-second period after the ignition is operated, and a continuous or intermittent audible warning signal which operates only during the 4- to 8-second period after the ignition is operated if the driver's lap belt is not in use (39 FR 38391, October 31, 1974). The light would operate independently of belt use, so that the "Fasten Seat Belt" reminder would remain effective even if the belt were disabled to silence the audible warning. With a view to cost-effectiveness, the NHTSA proposed two other alternative courses of action. The first would require only a visual reminder signal as described above and the second would eliminate entirely requirements for belt-use warning or reminder systems.

The notice proposed that the new system be optional until February 25, 1975, so that a manufacturer could effectuate the transition on an orderly basis.

The comments received varied greatly in their recommendations on the principal proposal, the visual-only alternative, and the possibility of no warning system requirements at all. Ford believed that the limited duration of the warning would make it relatively ineffective, and that deleting the belt warning requirements would have the best overall effect on public acceptance of seat belts. General Motors supported a visual-only reminder, and proposed an optional means of providing that visual reminder. Chrysler Corporation argued for a more complex warning system that would sense belt use at the right front passenger position as well as the driver's position, and would include a continuous warning light in place of the 4- to 8-second visual reminder. Volkswagen supported the audible-visual combination but recommended that both signals act as a reminder and function independently of belt use.

Smiths Industries Limited, a manufacturer of interlock units, Economics and Science Planning, and Switches, Inc., recommended that the sequential warning feature remain as an added incentive to operate the belt system. Other comments completely supported or opposed the proposal and in some cases offered totally new suggestions.

The NHTSA has carefully weighed the comments submitted in order to specify the most reasonable belt warning system requirements available. NHTSA studies show that belt usage by front seat occupants of interlock-equipped cars currently is about 38 percent. If from this percentage is subtracted the percentage of persons who would fasten their seat belts regardless of forcing systems, it can be seen that the fraction of the population whose behavior will be affected by any warning system is quite small. Because of the limited benefit, the reminder should be provided at as low a cost as feasible.

Because an irritating light can be easily ignored or disabled, a visual signal can effectively serve only a reminder function, and as such, it should be as simple as possible. The NHTSA concludes that a 4- to 8-second reminder is best calculated to accomplish the advisory function.

Chrysler recommended that the warning and reminder system be installed at the right front passenger position, which would add significant retractor or buckle switch, wiring, and seat sensor costs. The NHTSA calculates that the driver's warning system (or belt use) will offer substantially the same reminder to a front seat passenger as a limited-duration signal at the passenger position.

The Administration has determined that an audible-visual combination will provide the best reminder at a cost commensurate with the benefits achievable in a limited-duration signal. Comments on the alternative proposals and on manufacturer-suggested options did not

establish that variations on the principal proposal offered significantly greater safety benefit in the short or long term. Accordingly, Standard No. 208 is amended as proposed to adopt a new belt warning system, as an alternative to the present system until February 24, 1975, and as the only permissible belt warning system thereafter.

With regard to the warning's duration, Ford suggested that the range of signal duration be expanded to a longer 2- to 8-second duration to permit use of a more economical timer. This request is denied. The 4-second minimum duration was selected as the best compromise between the necessary manufacturer's tolerance and the duration necessary to alert the occupants fully.

Some manufacturers, such as American Motors Corporation, have considered the use of thermal timer mechanisms, which can be affected by extremes of ambient temperature and battery voltage, and by repeated cycling. Standard No. 208 does not presently specify an ambient temperature for testing. Because no temperature was proposed, and in view of the necessity of specifying a warning system to comply with the legislation by December 26, 1974, the NHTSA will issue the present amendment without an ambient temperature test condition. Until the question of the need for a temperature specification is resolved, this agency will consider that compliance with the requirements is required at moderate ambient temperatures. Performance of these systems will be observed with a view to further rulemaking on temperature, cylcling, and other criteria.

It should be noted that the February 25, 1975, date proposed for mandatory use of the new system was calculated on an October 28, 1974, enactment of the "Motor Vehicle and Schoolbus Safety Amendments of 1974". In fact these amendments were enacted on October 27, 1974, and accordingly the "continuous buzzer" systems must be deleted by February 24, 1975, as is now reflected in the wording of this amendment.

In another area, White Motor Company has pointed out that the amendatory language in both notices of Docket No. 74-39 inadvertently included motor vehicles other than passenger cars in the belt warning requirement. The wording of this amendment corrects this error as to vehicles manufactured in the future. The requirements of S7.3 published in the FEDERAL REGISTER on October 31, 1974 (39 FR 38380) were intended to apply, and will be treated by this agency as applying, only to motor vehicles manufactured in accordance with S4.1.2 and S4.1.3.

In a matter related to seat belt modifications, the NHTSA hereby terminates rulemaking on a proposal to amend Standard No. 208 that would have permitted use of a drive train interlock mode in place of the ignition interlock mode to meet the "third option" belt interlock requirements of S4.1.2.3. A proposal on this alternative interlock was published January 23, 1974 (39 FR 2610). As noted earlier, the NHTSA has already modified S4.1.2.3 of the standard to specify seat belt assemblies without an interlock that inhibits operation of the vehicle engine. For this reason, it is appropriate to terminate further rulemaking on the alternative interlock mode. No further action in this area will be taken without further notice and opportunity for comment.

In consideration of the foregoing, Standard No. 208 (49 CFR 571.208) is amended as follows:

§ 571.208 Standard No. 208, occupant crash protection.

1. S4.5.3.3 is amended to read:

* * * * *

S4.5.3.3 A passive belt furnished pursuant to S4.5.3 shall:

(a) Conform to S7.1 and S7.2 of this standard; and

(b) In place of a warning system that conforms to S7.3 or S7.3a of this standard, be equipped with a warning system as specified in subparagraph (1), except that a seat belt assembly provided in a vehicle that is manufactured prior to February 24, 1975, may, at the option of the manufacturer, be equipped with a warning system as specified in subparagraph (1) or as specified in subparagraph (2):

(1) At the left front designated seating position (driver's position), be equipped with a warning system that activates, for a period of not less than 4 seconds and not more than 8 seconds (beginning when the vehicle ignition switch is moved to the "on" or the "start" position), a continuous or flashing warning light, visible to the driver, displaying the words "Fasten Seat Belts" or "Fasten Belts" when condition (A) exists, and a continuous or intermittent audible signal when condition (A) exists simultaneously with condition (B).

(A) The vehicle's ignition switch is moved to the "on" position or to the "start" position.

(B) The driver's lap belt is not in use, as determined by the belt latch mechanism not being fastened.

(2) Be equipped with a warning system that activates, for at least one minute, a continuous or intermittent audible signal and a continuous or flashing warning light, visible to the driver, displaying the words "Fasten Seat Belts" or "Fasten Belts", whenever the ignition switch is in the "start" position and the latch mechanism is not fastened, and whenever the vehicle engine is running, the transmission gear selector is placed in any forward position, and the latch mechanism is not fastened.

* * * * *

2. The first paragraph of S7.3 would be amended to read:

S7.3 A seat belt assembly provided in accordance with S4.1 shall be equipped with a seat belt warning as specified in S7.3a, except that a seat belt assembly provided in accordance with S4.1 in a vehicle manufactured prior to February 24, 1975, may, at the option of the manufacturer, be equipped with either a seat belt warning as specified in S7.3.1 through S7.3.5 or a seat belt warning as specified in S7.3a.

* * * * *

3. A new S7.3a would be added to S7.3 (following S7.3.5.4) to read:

* * * * *

S7.3a A seat belt assembly provided at the driver's seating position shall be equipped with a warning system that activates, for a period of not less than 4 seconds and not more than 8 seconds (beginning when the vehicle ignition switch is moved to the "on" or the "start" position), a continuous or flashing warning light, visible to the driver, displaying the words "Fasten Seat Belts" or "Fasten Belts" when condition (a) exists, and a continuous or intermittent audible signal when condition (a) exists simultaneously with condition (b).

(a) The vehicle's ignition switch is moved to the "on" position or to the "start" position.

(b) The driver's lap belt is not in use, as determined, at the option of the manufacturers, either by the belt latch mechanism not being fastened, or by belt not being extended at least 4 inches from its stowed position.

* * * * *

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); Sec. 109, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1410(b)); delegation of authority at 49 CFR 1.51)

Issued on December 2, 1974.

Effective date: December 3, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-28486 Filed 12-3-74;11:00 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

[No. 74-1228]

PUBLIC UNIT ACCOUNTS

Maximum Rates of Return

NOVEMBER 26, 1974.

The following summary of the amendments adopted by this resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to specific provisions of the regulations.

A. *Existing regulations.* Public unit accounts were treated like other insured accounts; the maximum rate of return that member institutions could pay on public unit accounts of less than $100,000 was 7.5 percent for a 4-year certificate of $1,000 or more.

B. *Amended regulations.* 1. Effective November 27, 1974, member institutions are permitted to pay a rate of return on $1,000-minimum public-unit-account certificates of at least 30 days equal to the highest rate of return allowable on any certificate account, currently 7.5 percent.

2. Member institutions are also permitted to pay the highest allowable certificate rate on public-unit-account notice accounts.

3. The definition of "public unit accounts" for purposes of this special rate of return is narrower than the definition in the insurance regulations which defines public unit accounts as a type of insurable account.

4. There is no change in the maximum rate of return payable on public unit accounts which are held in passbook savings accounts, currently 5.5 percent.

The Federal Home Loan Bank Board considers it desirable to amend §§ 526.1, 526.4, and 526.5 of the rules and regulations for the Federal Home Loan Bank System (12 CFR 526.1, 526.4, and 526.5) for the purpose of increasing the rate of return which may be paid by member institutions on public unit accounts which are held in certificate accounts or notice accounts, and for the further purpose of authorizing member institutions to offer 30-day certificate accounts to public unit accountholders, with conforming amendments to §§ 545.1–4 and 545.3–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.1–4 and 545.3–1) and to §§ 563.3–1 and 563.3–2 of the rules and regulations of the Federal Savings and Loan Insurance Corporation (12 CFR 563.3–1 and 563.3–2) reflecting the new 30-day certificate account category for public unit accounts.

Prior to these amendments, public unit accounts, as described in section 401(b) of the National Housing Act (and § 561.5 of the rules and regulations of the Federal Savings and Loan Insurance Corporation, 12 CFR 561.5), were treated indistinguishably from other insured accounts, except in regard to ownership of transaction accounts. After consultation and co-ordination with the Board of Governors of the Federal Reserve System and the Board of Directors of the Federal Deposit Insurance Corporation, it was determined by the Board to be in the public interest to promulgate the instant amendments in conjunction with the Board's implementation of section 101(b) of Pub. L. 93–495 (88 Stat. 1500; October 28, 1974), which amended sections 401(b) and 405 of the National Housing Act to provide for $100,000 deposit insurance in the case of accounts deposited in insured institutions by representatives of certain public units.

The public unit accounts listed in new section 405(d) as eligible for $100,000 insurance differ in three respects from those public unit accounts described as insurable accounts in section 401(b) of the National Housing Act: (1) The $100,000-insurable public unit accounts do not include those deposited by representatives of Territories of the United States or (2) by representatives of political subdivisions, if any, of the District of Columbia, and (3) such accounts (except in the case of federal entities) are required to be invested in insured institutions located in the jurisdiction of the public unit. The new definition of "public unit account" added to § 526.1 at new paragraph (m) for the purpose set forth above, follows the description set forth in new section 405(d) of the Act. It is noted that accounts held by public units, as defined in section 401(b) of the Act, which do not meet the new "public unit account" definition under § 526.1 (m) continue to be eligible for the same treatment accorded non-public-unit accounts with regard to deposit insurance and rate-of-return limitations.

The term "political subdivision" as used in new § 526.1(m) incorporates by reference the definition of this term found in § 561.5a of the rules and regulations of the Federal Savings and Loan Insurance Corporation (12 CFR 561.5a).

Section 526.4, providing for a maximum rate of return payable on 90-day notice accounts, is amended to provide that a member institution may pay a rate of return, not in excess of the highest allowable certificate rate provided for in § 526.5(a), on a notice account issued to a public unit; it is noted that, as is the case with other notice accounts, no minimum deposit is required for such a public unit account.

Section 526.5, providing for maximum rates of return payable on certificate accounts of less than $100,000, is amended by adding a new paragraph (c) thereto creating a new 30-day certificate account category for public unit accounts, upon which a member institution may pay a rate of return not exceeding the highest allowable certificate rate under § 526.5 (a).

Sections 545.1–4(c)(3)(i), 545.3–1(b)(3)(i), 563.3–1(b)(4)(i), and 563.3–2(b)(4)(i) are amended to conform with new § 526.5(c).

Accordingly, the Federal Home Loan Bank Board hereby amends §§ 526.1, 526.4, and 526.5 of the rules and regulations for the Federal Home Loan Bank System, §§ 545.1–4(c)(3)(i) and 545.3–1(b)(3)(i) of the rules and regulations for the Federal Savings and Loan System, and §§ 563.3–1 and 563.3–2 of the rules and regulations for Insurance of Accounts, to read as set forth below, effective November 27, 1974.

Since the above amendments relieve restriction, the Board hereby finds that notice and public procedure with respect to said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendments 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 would in the opinion of the Board be unecessary for the same reason, the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

PART 526—LIMITATIONS ON RATE OF RETURN

1. Section 526.1 is amended by adding paragraph (m).

§ 526.1 Definitions.

As used in this Part 526—

* * * * *

(m) *Public unit account.* The term "public unit account" means any form of savings account where the holder is—

(1) an officer, employee, or agent of the United States having official custody of public funds and lawfully investing the same in an institution whose accounts are insured by the Federal Savings and Loan Insurance Corporation;

(2) an officer, employee, or agent of any State of the United States, or of any county, municipality, or political subdivision thereof, as defined in § 561.5a of this chapter, having official custody of public funds and lawfully investing the same in such an insured institution in such State;

(3) an officer, employee, or agent of the District of Columbia having official custody of public funds and lawfully investing the same in such an insured institution in the District of Columbia; or

(4) an officer, employee, or agent of Puerto Rico or the Virgin Islands, or of any county, municipality, or political subdivision thereof, as defined in § 561.5a of this chapter, having official custody of public funds and lawfully investing the same in such an insured institution in Puerto Rico or the Virgin Islands, respectively.

2. Section 526.4 is revised and § 526.5 is amended by adding paragraph (c) as follows:

§ 526.4 Maximum rate of return payable on notice accounts.

A member institution may pay a return at a rate not in excess of 5.75 percent per annum on any notice account, except that a notice account which is a public unit account may receive a rate of return not in excess of the rate permitted under § 526.5(c).

§ 526.5 Maximum rates of return payable on certificate accounts of less than $100,000.

* * * * *

(c) *Exception as to fixed or minimum term or qualifying period.* A member institution may pay a return at a rate not in excess of the highest rate permitted under paragraph (a) of this section on any certificate account which is a public unit account of $1,000 or more having a fixed or minimum term or qualifying period of not less than 30 days.

PART 545—OPERATIONS

3. Section 545.1–4(c)(3)(i) is revised as follows:

§ 545.1–4 Other savings deposits.

* * * * *

(c) * * *

(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 (30 days for a public unit account as defined in § 526.1(m) of this chapter) or more than 10 years;

* * * * *

4. Section 545.3-1(b)(3)(i) is revised as follows:

§ 545.3-1 Distribution of earnings at variable rates.

* * * * *

(b) * * *

(3) *Accounts evidenced by certificates.* (i) A savings account 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 (30 days for a public unit account as defined in § 526.1(m) of this chapter), nor more than 10 years, commencing on the date of such certificate, as the association may determine.

* * * * *

PART 563—OPERATIONS

5. Section 563.3-1(b)(4)(i) is revised as follows:

§ 563.3-1 Fixed-rate, fixed-term accounts.

* * * * *

(b) * * *

(4)(i) Accept any fixed-rate, fixed-term account of less than $100,000 for a term of less than 90 days (30 days for a public unit account as defined in § 526.1(m) of this chapter), or more than 10 years;

* * * * *

6. Section 563.3-2(b)(4)(i) is revised as follows:

§ 563.3-2 Certificates evidencing other accounts.

* * * * *

(b) * * *

(4)(i) Issue any certificate account of less than $100,000 with a time eligibility period of less than 90 days (30 days for a public unit account as defined in § 526.1(m) of this chapter) or more than 10 years;

* * * * *

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended by Pub. L. 91-151, sec. 2(b), 83 Stat. 371, sec. 17, 47 Stat. 736, as amended; (12 U.S.C. 1425b, 1437); sec. 5, 48 Stat. 132, as amended; (12 U.S.C. 1464); secs. 402, 403, 48 Stat. 1256, 1257, as amended; (12 U.S.C. 1725, 1726); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

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

[FR Doc.74-28640 Filed 12-5-74;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 AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1231]

[Docket No. AO-378]

HANDLING OF BENTGRASS SEED PRODUCED IN THE STATE OF OREGON

Referendum Findings; Termination Proceedings on Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et. seq.), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Salem, Oregon, on June 12, 13, and 14, 1973, pursuant to a notice thereof which was published in the May 8, 1973, issue of the FEDERAL REGISTER (38 FR 11465) upon a proposed marketing agreement and order regulating the handling of bentgrass seed produced in the designated production area. The recommended decision (39 FR 18100) and the decision (39 FR 35373 and 39 FR 35801) setting forth the proposed marketing agreement and order were published in the FEDERAL REGISTER on May 23, 1974, October 1, 1974, and October 4, 1974, respectively. The decision also contained a referendum order directing that a referendum be conducted among the producers of bentgrass seed produced in the designated production area to determine whether the requisite majority of such producers favor issuance of the proposed marketing order.

It is hereby found and determined on the basis of the results of such referendum conducted October 15–November 15, 1974, pursuant to the aforesaid referendum order, that the issuance of the proposed Marketing Order No. 1231, regulating the handling of bentgrass seed produced in the State of Oregon is not favored (1) by at least two-thirds of the producers who participated in such referendum and who, during the determined representative period (July 1, 1973, through June 30, 1974), were engaged within the designated production area in the production for market of bentgrass seed, or (2) by producers who, during such representative period, produced for market at least two-thirds of the volume of such bentgrass seed produced for market within the production area.

It is hereby found and determined that the proposed order set forth in the decision of October 1, 1974 (39 FR 35373), as corrected October 4, 1974 (39 FR 35801), shall not be made effective because the required percentage of producers voting in the referendum failed to approve or favor its issuance. Accordingly, the proceedings with respect thereto are hereby terminated.

Signed at Washington, D.C., on December 3, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.74-28516 Filed 12-5-74;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[15 CFR Part 923]

COASTAL ZONE MANAGEMENT PROGRAM APPROVAL REGULATIONS

Environmental Impact Statements Negative Declaration

On August 21, 1974, the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, published proposed Coastal Zone Management Program Approval Regulations (Section 306 of the Coastal Zone Management Act; 15 CFR Part 923, 39 FR 30153–30164). Notification was made in the prologue to these regulations, as well as by a separately published notice (39 FR 30370), that NOAA intended to prepare and issue an environmental impact statement addressing the proposed approval regulations. It was proposed that this environmental impact statement would present for review the major options, alternatives, and policy issues considered by this Office in the development of the proposed approval criteria as well as related program components and the overall program itself. The proposed environmental impact statement was intended to serve as a programmatic assessment and overview for the coastal zone management program. One major item to be addressed was options available to this Office for future impact statements, specifically whether a programmatic impact statement at this time would supplant the need for additional impact statements pursuant to the National Environmental Policy Act (NEPA) (42 U.S.C. 4321) at the time of Federal review and approval of individual state coastal zone management programs.

The initial decision to prepare a programmatic environmental impact statement was reached after due consideration. However, upon still further review, and after additional discussion with other interested Federal, State, and private parties, NOAA has now determined that substantive information upon which such an environmental impact statement would be based will not be available until States have submitted their proposed management programs for Federal review and, therefore, that the preparation of such a statement at this time would be premature and would serve no useful purpose.

Separate and individual environmental impact statements will be prepared for each state by the OCZM after it submits its coastal zone management program for Secretarial approval. This will provide the maximum opportunity for timely public review of these programs.

NOAA has determined that the Federal Quality of Life Review and the 60-day period for public comment provide an adequate opportunity for review and comment of the proposed guidelines by all interested parties.

In conclusion, therefore, the existing published notices are amended as follows:

1. Preamble (p. 30153): Delete sentence one, paragraph three, and insert the following sentence: "An environmental impact statement will not be prepared and issued for these regulations".

2. In § 923.5 delete the "Comment" section and amend to read as follows:

§ 923.5 Environmental impact assessment.

* * * * *

A generic environmental impact statement will not be prepared and issued. Individual environmental impact statements will be prepared and issued as an integral part of the review and approval process for state coastal zone management programs. The Office of Coastal Zone Management, NOAA, has determined that the preparation of an environmental impact statement for the program approval regulations would be inappropriate; therefore, an environmental impact statement will not be issued at this time.

R. L. CARNAHAN,
Acting Assistant Administrator for Administration.

[FR Doc.74-28590 Filed 12-5-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-WE-20]

ALTERATION OF TRANSITION AREA

Notice of Proposed Rule Making

The Federal Aviation Administration is considering an amendment to Part 71

of the Federal Aviation Regulations that would alter the description of the Santa Ynez, California Transition Area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before January 6, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conference with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Blvd., Lawndale, California 90261.

A new instrument approach procedure is proposed for the Santa Ynez Airport. The approach would be established on the 291°T (276°N) radial of the Santa Barbara, California VORTAC. The procedure turn would be made northwest of the 291°T radial within 10 miles of the 20 DME fix, which would also be the final approach fix. The additional proposed 700 foot transition area is required for aircraft executing the proposed instrument approach procedure.

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

In § 71.181 (39 FR 440) the description of the Santa Ynez, Calif. Transition area is amended to read as follows:

SANTA YNEZ, CALIF.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Santa Ynez Airport (latitude 34°36'25" N., longitude 120°04'30" W.), within 5 miles each side of the Santa Barbara VORTAC 291° radial extending from the 5-mile radius area to 35 miles west of the VORTAC and within 1.5 miles each side of the Gaviota VORTAC 009° and 178° radials from the five mile radius area to 1 mile south of the VORTAC.

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

Issued in Los Angeles, California, on November 25, 1974.

ROBERT O. BLANCHARD,
Acting Director,
Western Region.

[FR Doc.74-28483 Filed 12-5-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SO-110]

ALTERATION OF TRANSITION AREA

Notice of Proposed Rule Making

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Augusta, Ga., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before January 6, 1975, will be considered before action is taken on the proposed amendment. No 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 light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Augusta transition area described in § 71.181 (39 FR 440) would be amended as follows:

"* * * excluding the portion within R-6004 * * *" would be deleted and "* * * within a 7-mile radius of Thomson-McDuffie Airport, Thomson, Ga. (Lat. 33°31'45" N., Long. 82°31'00" W.); within 9.5 miles north and 4.5 miles south of the 090° bearing from McDuf RBN (Lat. 33°31'45" N., Long. 82°-26'30" W.), extending from the RBN to 18.5 miles east of the RBN * * *" would be substituted therefor.

The proposed amendment is required to provide controlled airspace protection for IFR operations at Thomson-McDuffie Airport. Prescribed instrument approach procedures to this airport, utilizing the McDuf (private) Nondirectional Radio Beacon and the Augusta VORTAC, are proposed in conjunction with the alteration of this transition area.

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

Issued in East Point, Ga., on November 27, 1974.

DUANE W. FREER,
Acting Director,
Southern Region.

[FR Doc.74-28485 Filed 12-5-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SO-103]

ALTERATION OF VOR FEDERAL AIRWAYS

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-454 from Monroeville, Ala., to Brookley, Ala., and change the 6-mile route width of V-20S between Mobile, Ala., and Monroeville, Ala., to a normal 8-mile route width.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before January 6, 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, Attention: Rules Docket, 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 proposed amendment would:

1. Extend V-454 from Monroeville, Ala., to Brookley, Ala. This would codesignate V-454 with V-20S from Monroeville to a point 34 NM south.

2. Change the 6-mile route width of V-20S between Mobile, Ala., and Monroeville, Ala., to a normal 8-mile route width.

Extension of V-454 will provide a shorter and better departure and arrival route for aircraft using the Aerospace, Ala., and Fairhope, Ala., airports. Fairhope traffic has been increasing the past several years due to the development of a major resort and convention center at Fairhope that is used by the State of Alabama for conventions and meetings. Furthermore, northeast bound traffic currently operates from the southwest over Mobile and V-20 Monroeville. Extension of V-454 will provide a route to Monroeville and points north over Brookley. Use of this route will relieve some of the traffic congestion over Mobile and simplify terminal traffic procedures at Bates Field, Mobile, Ala.

The 6-mile route width of V-20S between Mobile and Monroeville is no longer required for air traffic purposes.

(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 29, 1974.

EDWARD J. MALO,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.74-28482 Filed 12-5-74;8:45 am]

notices

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

DEPARTMENT OF DEFENSE

Department of the Air Force

A-10 BEDDOWN AT DAVIS-MONTHAN AIR FORCE BASE, MONTANA

Intent To Prepare Environmental Impact Statement

DECEMBER 2, 1974.

In accordance with the National Environmental Policy Act, the United States Air Force intends to prepare an environmental impact statement on the proposed A-10 beddown at Davis-Monthan Air Force Base, Arizona.

The proposed A-10 beddown at Davis-Monthan Air Force Base involves 1 tactical fighter squadron losing 18A-7 aircraft and the tactical fighter training activity gaining 6 A-7 aircraft and 10 A-10 aircraft. By October, 1976, 8 civilian and 164 military positions are proposed to be reduced.

Suggestions for consideration in connection with the preparation of the draft environmental impact statement may be sent to Dr. Billy E. Welch, Special Assistant for Environmental Quality, Department of the Air Force, Washington, D.C. 20330, prior to December 31, 1974. For additional information on this matter, call Lieutenant Colonel Johan E. Bayer at 202-697-1147.

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

[FR Doc.74-28539 Filed 12-5-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 11020]

FLORIDA

Amendment of Notice of Filing of Plat of Survey

On Wednesday December 20, 1972, in the FEDERAL REGISTER, Volume 37, Number 245, Page 28082, there appeared a notice of filing of plat of dependent resurvey and survey of islands and omitted lands in T. 16 S., R. 28 E., Tallahassee Meridian, Volusia County, Florida, accepted March 15, 1972. The land description as published in that notice did not list all the lands encompassed by the survey. The lots described by an extension survey in Sections 15 and 16 were omitted.

The complete description of the land area encompassed by the survey is:

TALLAHASSEE MERIDIAN

T. 16 S., R. 28 E.,
Sec. 15: Lot 3;
Sec. 16: Lot 4;
Tracts 48, 49, 50, 51, 52 and 53.
The area described aggregates 1,350.26 acres.

The total land area encompassed by the survey is over 50 percent swamp in character within the interpretation of the Swampland Act of September 28, 1850. Title to these lands issued to the State of Florida as of that date, and these lands are, therefore, open only to selection by the State under that Act.

P. D. LEONARD,
Acting Director, Eastern States.

[FR Doc.74-28542 Filed 12-5-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 75-56]

ALABAMA BY-PRODUCTS 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), Alabama By-Products Corporation has filed a petition to modify the application of 30 CFR 75.1405 to its Maxine Mine, Jefferson County, Alabama.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

To be read concurrently with § 75.1405 is 30 CFR 75.1405-1 which provides:

The requirement of § 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled.

HISTORY AND NATURE OF MINING OPERATIONS

The coal seam being mined is the America seam which ranges in thickness from 30 to 54 inches. The subject mine currently produces about 4,000 tons per day in a two-producing-shift operation, utilizing nine producing sections. The mined coal from each operating section is transported by belt conveyors to the surface and to the coal preparation plant.

Four-wheel rotary dump mine cars which have a capacity of 104 cubic feet and which are approximately 30 years old are used to transport supplies from the surface to the working sections of the mine. The cars have been modified by removing a portion of each side to better facilitate the loading and unloading of supplies.

There are currently in use at this mine twenty-five supply cars which are fitted with link and pin coupling devices. The cars are pulled over light-weight track at the mine elevation by electrically operated locomotives after being lowered down a fifteen degree decline by an electrically operated hoist.

There have been no lost time accidents due to the link and pin coupling system during the 20 years the mine has been in operation.

The supply cars are small and light, and are not suited for use with automatic couplers. The impact required to make a coupling would create the hazard of derailing the cars.

Petitioner has recently opened a new underground coal mine. Considerable difficulty was encountered in operating new supply cars equipped with automatic couplers over trackage with rapid grade changes even though a long vertical radius had been installed in the track. It is evident that hauling cars over the rapidly changing grades at the subject mine could strain automatic couplers to a point where the couplers would break or cause the cars to derail.

In recent weeks mine management has become aware of the existence of an alternate method which does not possess the disadvantages of the automatic coupler and which achieves the same measure of protection to miners sought to be achieved by use of the automatic coupler.

It is Petitioner's understanding that the Mining Enforcement and Safety Administration has interpreted the phrase "regularly coupled and uncoupled" as excluding mine cars which are coupled together by pin and link arrangements provided the pin, when in coupling position, is secured by a suitable locking pin or nut so that the cars thus coupled cannot be uncoupled simply by lifting the pin, thus a string of nine cars which have been coupled together by link and fixed pin arrangements are not required to have automatic couplers except on the end of the exterior car of the string which is from time to time (irregularly) coupled to some other piece of haulage equipment. This interpretation has not been published.

Petitioner submits that the application of the foregoing provision of the Act and the foregoing regulations and interpretations, if applied to Petitioner's mine, would result in a diminution of safety over the present system in effect.

ALTERNATE METHOD

Approval of this alternate system as a satisfactory replacement of the standard which otherwise would become effective in mandating automatic couplers on mine cars at this mine on and after March 30, 1974, is subject to the following understandings and conditions which are incorporated as parts of the alternate system:

A. All supply cars in use at the captioned mine will be coupled together in units or strings of cars using pin and link couplings and each pin will be drilled with a ¼ inch hole and fixed in position with the appropriate size cotter key. The front end of the front car of each string will be fitted with a coupling lever so designed as to permit an employee to lift or drop the pin through the car bumper to secure or release a link that has been inserted from another haulage unit and to do this without the necessity of positioning himself between the units being coupled or uncoupled. If it becomes necessary in the coupling operation to position the link, this also will be done without the employee positioning himself between the units—he will effectuate this alignment by using a specially designed Hand Link Aligner tool which shall be part of the equipment of all supply crews. There will be two Hand Link Aligners on each supply locomotive—the regular size and a shorter more convenient size in the event the motorman wishes to position the link for coupling while remaining seated in the "deck" of the locomotive.

It is presently planned that most, if not all, supply car units or strings will consist of three cars. However, in the event it becomes more practical to combine cars into strings of more or less than three cars, each string of cars will nevertheless meet the specifications of fixed pin on all cars and coupling lever on the front car.

B. All employees at the captioned mine will be trained and instructed in the proper operation and use of the Coupling Levers and the Hand Link Aligners and their proper use will be mandatory requirements for coupling and uncoupling of all mine car supply units at this mine. More specifically in this regard:

(1) All present employees engaged in handling and transportation of supplies at this mine will be instructed on the function and use of the Coupling Lever and Hand Link Aligners.

(2) Thereafter, any new employee hired as supply men at this mine will be given instructions on the function and use of the Coupling Lever and Hand Link Aligners as part of his orientation before he commences actual work.

(3) This instruction will be repeated at six month intervals.

(4) The company will maintain a permanent record of the names and dates when each employee received this instruction and reinstruction.

(5) The requirement that, upon conversion of supply cars at this mine, coupling and uncoupling be done by means of Coupling Levers and Hand Link Aligners shall be a mandatory safety rule at this mine and a notice to this effect shall be posted on the regular Company and Union Bulletin boards at the mine.

(6) As each multiple supply car unit is converted and placed into operation, it will be subject to the modified standard set forth in this petition and such unit will only be coupled and uncoupled by use of the Coupling Lever and Hand Link Aligner.

SAFETY CONSIDERATIONS

The alternate method set forth above will provide no less than the same measure of protection to miners at the Maxine Mine than that sought to be afforded by Section 314(f) of the Act and Department of the Interior Regulations 30 CFR 75.1405 and 75.1405–1. Under the circumstances at this mine, it will actually provide greater protection and thus avoid the diminution of safety that would result if automatic couplers were used. This is because:

1. Automatic couplers lack the flexibility of permitting mine cars to negotiate some of the rail curves in this mine. If this were attempted the result would be derailments with possible roof falls and other resources of injury to mine personnel. The radii of these rail curves cannot be enlarged without removing some of the coal from the adjacent coal pillars. Such removal would reduce the protection from roof falls, a most serious and overriding cause of concern in underground coal mines.

2. Any modification of the present mine care with automatic couplers would have to be accomplished by affixing coupler units to the bumpers of the present cars. The point where such couplers are affixed to the present chassis would be subject to severe strain and stress that would be much more likely to cause coupling misalignment and failure than in the case of the pin-link arrangement or in the case of new car units where the automatic coupler has been designed as part of the car chassis. The prospect of derailment and runaway cars, with the attendant dangers to employees, is less likely if pin and link couplings are used.

3. No imminent danger is presently involved. Petitioner proposes his alternate method in the sincere conviction that it provides a safer method than the use of automatic couplers. Petitioner has installed prototype Coupling Levers on two mine cars, and has constructed prototype long and short Hand Link Aligners.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 6, 1975. 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 27, 1974.

[FR. Doc.74–28507 Filed 12–5–74;8:45 am]

[Docket No. M 75–58]

DUQUESNE LIGHT CO.

Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provision of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 861(c)) (1970), Duquesne Light Co. has filed a petition to modify the application of 30 CFR § 75.1405 to its Warwick Mine, Greensboro, Pennsylvania.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

To be read concurrently with § 75.1405 is 30 CFR § 75.1405–1 which provides:

The requirement of 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled.

In support of its petition, Petitioner states:

1. In February 1974, MESA informed Petitioner that, contrary to earlier practice, section 314(f) would, effective March 30, 1974, be deemed applicable and would be enforced with respect to belt haulage mines and to all vehicles used on track even if equipped for off track use. On April 25, 1974, Petitioner was issued a notice of violation of § 75.1405 by William Clark, Jr., of MESA, citing the lack of automatic couplers on all supply cars and several locomotives. Said application will result in a diminution of safety to the miners in Petitioner's mine.

2. Petitioner's mine does not employ a track coal haulage system, but, rather, a belt coal haulage system. Track is used primarily for supplies and personnel transport. Petitioner uses track for hauling slate out of the mine using "rail only" slate cars and locomotives which are both equipped with automatic couplers.

3. Virtually all of Petitioner's supply cars in its mine are equipped with retractable rubber wheels which enable them to be used both on and off track. Because of the undulations in the mine bottom and lack of alignment when the supply cars are used off-track, the cars, if equipped with automatic couplers, would have a tendency to accidentally uncouple. The installation of couplers would also in almost every instance require a miner to be in between cars in

order to effect the proper alignment for coupling. In addition, off-track use of rubber/rail vehicles tends to cause excessive wear on automatic couplers further reducing their reliability.

4. On its "rubber-rail" supply cars, Petitioner currently uses link-and-pin couplers which generally enable the miner to insert the pin without physically positioning himself between vehicles.

5. Because of the foregoing facts, installation of automatic couplers on all equipment used on-track in Petitioner's mine would diminish safety and, in fact, create hazards or the risk of hazards not now present.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 6, 1975. 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 26, 1974.

[FR Doc.74-28506 Filed 12-5-74;8:45 am]

[Docket No. M 75-34]

ISLAND CREEK 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. 861(c)) (1970), Island Creek Coal Company has filed a petition to modify the application of 30 CFR 75.521 to its Virginia Pocahontas No. 1 Mine.

30 CFR 75.521 provides:

> Each ungrounded, exposed power conductor and each ungrounded, exposed telephone wire that leads underground shall be equipped with suitable lightning arresters of approved type within 100 feet of the point where the circuit enters the mine. Lightning arresters shall be connected to a low resistance grounding medium on the surface which shall be separated from neutral grounds by a distance of not less than 25 feet.

In support of its petition, Petitioner states:

1. During the week of November 30, 1973, MESA informed the Petitioner that MESA was going to enforce § 75.521 of the Regulations at Petitioner's Virginia Pocahontas No. 1 Mine.

2. Petitioner asserts that the safety of the grounding system would be diminished by modification of the grounding connection because of the way in which the grounding system is installed and connected.

3. Petitioner has secured the services of a neutral party, Appalachian Power Company, to ascertain the resistance of the grounding medium at Petitioner's Virginia Pocahontas No. 1 Mine's substation site. The results fall within the accepted standards for a good ground system established by the IEEE.

4. Petitioner asserts that the grounding resistance falls within the "preferred" resistance range indicated by MESA's manual for coal mine inspectors.

5. Furthermore, Petitioner presents and asserts that the subject grounding system represents as safe or safer a grounding medium as would result from modification of said ground system. The subject ground system consists not only of a substation ground mat but also includes steel pilings to bedrock in all major surface plant structures including preparation plant, hoist, aerial trams, and associated yard buildings. Petitioner asserts that the accumulated grounding surface is sufficient to render this ground capable of dissipating any conceivable lightning surges in the incoming Appalachian Power Company's static wire.

6. Petitioner maintains and asserts that the secondary medium voltage circuits used for mine power do not require lightning arresters (although such arresters are provided) because said power conductors are installed so as to be considered "covered" by the definition used in the Act. (See No. 2 above.)

7. Petitioner asserts that the section of the law pertaining to lightning arresters and grounding was written so as to provide a reliable standard against which ground techniques could be compared. Many mining operations have been undertaken with little thought given to grounding or lightning protection. Many systems have been found to possess marginal or inadequate grounding presenting a definite hazard to the miners. The subject grounding system was installed according to the best engineering practices and is characterized by the attention paid to the safety of personnel and to efficient operation. A system such as proposed by MESA was considered at the time these mines were installed and rejected in favor of the present system.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 6, 1975. 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 26, 1974.

[FR Doc.74-28508 Filed 12-5-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Louisiana Grain Inspection Points

Statement of considerations. The Louisiana Department of Agriculture, Baton Rouge, Louisiana, is designated to operate as an official inspection agency in accordance with the provisions of section 7(f) of the U.S. Grain Standards Act (7) U.S.C. 79(f)). The Louisiana Department of Agriculture has been providing official inspection service for 18 years including 4 years at Lake Providence as a designated inspection point. The Lake Providence office provides official inspection service at Jonesville on a request basis. The State has recently added Alexandria as a designated inspection point. A designated inspection point is defined as a city, town, or other location assigned under the regulations to an official inspection agency for the conduct of official inspections, and within which the official inspection agency, or one or more of its licensed inspectors is located (7 CFR 26.1(b)(13)).

The Louisiana Department of Agriculture now plans to locate one or more of its licensed grain inspectors at Kinder, Mermentau, and Opelousas, Louisiana, and has requested that its assignment be amended in accordance with § 26.99(b) of the regulations (7 CFR 26.99(b)) to add Kinder, Mermentau, and Opelousas, Louisiana, as designated inspection points.

Notice is hereby given that the Agricultural Marketing Service has under consideration the request from the Louisiana Department of Agriculture to add Kinder, Mermentau, and Opelousas, Louisiana, as designated inspection points under the U.S. Grain Standards Act.

Opportunity is hereby afforded all interested persons to submit written views and comments with respect to this matter to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All material submitted should be in duplicate and mailed to the Hearing Clerk not later than January 6, 1975. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C. on: December 2, 1974.

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

[FR Doc.74-28569 Filed 12-5-74;8:45 am]

Food and Nutrition Service

[FSP No. 1975-1.2; Amdt. No. 45]

FOOD STAMP PROGRAM

Purchase Requirements

Pursuant to the authority contained in the Food Stamp Act of 1964, as amended (78 Stat. 703, as amended; 7 U.S.C. 2011-2026), notice is hereby given that the Food and Nutrition Service, Department of Agriculture proposes to amend Notice FSP No. 1975-1.1 which

prescribes maximum monthly allowable income standards and basis of coupon issuance for the 48 States and the District of Columbia, issued pursuant to Part 271 of the regulations governing the operation of the Food Stamp Program, 7 CFR 271. Notices FSP 1975–2.1 for Alaska; 1975–3.1 for Hawaii; 1975–4.1 for Puerto Rico; 1975–5.1 for the Virgin Islands; and 1975–6.1 for Guam will also be amended accordingly.

Notice FSP No. 1975–1.1 provides that the percentage of income represented by the purchase requirements reflect historical differentials which show a wide variation of the percentage of income by household size and income. Additionally, there are further distortions due to the use of income intervals which result in varying percentages of income within these intervals.

Under the proposed amendment, the amount that each household will pay for its coupon allotment will be 30 percent of adjusted net monthly income; i.e., income after all allowable deductions have been made, except that one- and two-person households with net monthly income of less than $20 and all other households with net monthly income of less than $30 shall continue to receive their coupon allotments without paying anything.

Thus, under the proposed amendment, the differentials and distortions in the Notice FSP No. 1975–1.1 will be removed as every household with the same income will pay the same purchase requirement.

Interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to P. Royal Shipp, Director, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250 not later than December 27, 1974. All comments, suggestions, or objections received by this date will be considered before the final notice is issued.

Comments, suggestions, or objections will be open to public inspection pursuant to 7 CFR 1.27(b) at the Office of the Director during regular business hours (8:30 a.m.–5:00 p.m.) at 500 12th Street, SW, Washington, D.C., Room 650.

The proposed revision is:

Notice FSP No. 1975–1.1 for the 48 States and the District of Columbia, issued pursuant to a part of Subchapter C—Food Stamp Program, under Title 7, Chapter II, Code of Federal Regulations, is amended and superseded, by this Notice FSP No. 1975–1.2 to read as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: 48 STATES AND DISTRICT OF COLUMBIA

Households in which all members are included in the federally-aided public assistance grant, general assistance grant, or supplemental security income benefit shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance, general assistance, or supplemental security income benefit, in any State other than Alaska or Hawaii or in the District of Columbia, shall be the higher of:

(1) The maximum allowable monthly income standards for each household size which were in effect in such States or the District of Columbia, prior to July 29, 1971, or

(2) The following maximum allowable monthly income standards:

MAXIMUM ALLOWABLE MONTHLY INCOME STANDARDS

	48 States and District of Columbia
One	[1] $194
Two	280
Three	406
Four	513
Five	606
Six	700
Seven	793
Eight	886
Each additional member	+73

[1] Poverty guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulation.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. A similar procedure was used for the July 1, 1974 adjustment and for the January 1, 1975 adjustment in the value of the coupon allotment which is based on the cost of the economy food plan in August 1974.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

Pursuant to section 7(a) of the Food Stamp Act, as amended (7 U.S.C. 2016 Pub. L. 91–671), the face value of the monthly coupon allotment which State agencies are authorized to issue to any household certified as eligible to participate in the Program in the 48 States and the District of Columbia is as follows:

MONTHLY COUPON ALLOTMENTS

Household size:	*48 States and District of Columbia*
1	$46
2	84
3	122
4	154
5	182
6	210
7	238
8	266
Each additional person	+22

PURCHASE REQUIREMENTS

Pursuant to section 7(b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91–671), the amount that each household shall be required to pay for its total coupon allotment shall be 30 percent of adjusted net monthly income; i.e., income after all allowable deductions have made; except that:

1. One- and two-person households with adjusted net income of less than $20 per month shall continue to receive their coupon allotments without paying anything; and

2. Households of three or more persons with adjusted net income of less than $30 per month shall continue to receive their coupon allotments without paying anything.

(78 Stat. 703, as amended; 7 U.S.C. 2011–2026)

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

RICHARD L. FELTNER,
Assistant Secretary.

DECEMBER 3, 1974.

[FR Doc.74-28568 Filed 12-5-74;8:45 am]

Soil Conservation Service

ALKALI CREEK WATERSHED PROJECT, MONTANA

Notice of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20551), August 1, 1973; and Part 650 of the Soil Conservation Service Guidelines (39 FR 19651), June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Alkali Creek Watershed Project, Yellowstone County, Montana.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. A. B. Linford, State Conservationist, Soil Conservation Service, USDA, 410 Federal Building, P.O. Box 970, Bozeman, Montana 59715, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement include

conservation land treatment, flood plain management, and structural measures. Structural measures include a diversion dam and a bypass channel.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 410 Federal Building, Bozeman, Montana 58715.

No administrative action on implementation of the proposal will be taken until December 23, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

NOVEMBER 27, 1974.

[FR Doc.74-28510 Filed 12-5-74;8:45 am]

BENNETT CREEK WATERSHED PROJECT, TEXAS

Notice of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bennett Creek Watershed Floodwater Retarding Structure No. 3, Mills, Lampasas and Hamilton Counties, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Edward E. Thomas, State Conservationist, Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for providing flood protection to the flood plain of Bennett Creek and installation of Floodwater Retarding Structure No. 3.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501.

No administrative action on implementation of the proposal will be taken until December 23, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

J. W. HASS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

NOVEMBER 29, 1974.

[FR Doc.74-28509 Filed 12-5-74;8:45 am]

CITY OF BROWNING WATERSHED PROJECT, MONTANA

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement (EIS) for the City of Browning Watershed Project, Glacier County, Montana, USDA-SCS-EIS-WS-(ADM)-75-1(D)-MT.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement provide for conservation land treatment, nonstructural measures, a floodwater retarding structure, and two floodwater diversions.

A limited supply of the draft EIS is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 410 Federal Building, Bozeman, Montana 59715.

Copies of the draft EIS have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Mr. A. B. Linford, State Conservationist, Soil Conservation Service, 410 Federal Building, Bozeman, Montana 59715.

Comments must be received on or before January 30, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

NOVEMBER 27, 1974.

[FR Doc.74-28513 Filed 12-5-74;8:45 am]

KINDER WATERSHED PROJECT, LOUISIANA

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Kinder Watershed Project, Allen and Jefferson Davis Parishes, Louisiana, USDA-SCS-EIS-WS-(ADM)-75-1-(D)-LA.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include conservation land treatment supplemented by 73 miles of channel work which includes excavation, clearing, structures for water control (weirs), and structures for water control (pipe drops). Excavation will involve 55 miles of existing channels and 10 miles of new construction while clearing will involve 8 miles of existing channels. Of the 63 miles of work proposed on existing channels, 53 miles have ephemeral flow and 10 miles have intermittent flow.

A limited supply of copies is available at the following to fill single copy requests:

Soil Conservation Service, USDA, 3737 Government Street, Alexandria, Louisiana 71301.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additonal information should be addressed to Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301.

Comments must be received on or before January 24, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

NOVEMBER 27, 1974.

[FR Doc.74-28511 Filed 12-5-74;8:45 am]

STONEY CREEK WATERSHED PROJECT, NORTH CAROLINA

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Stoney Creek Watershed Project, Wayne County, North Carolina, USDA-SCS-EIS-WS-(ADM)-75-01-(D)-NC.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include conservation land treatment, supplemented by three dams with multiple-purpose storage (flood prevention and recreation) and channel work. The channel work will involve clearing and debris removal on 10,800 feet of previously

modified perennial streams. The recreational development will provide 22,300 visitor-days of recreation annually.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Post Office Box 27307, Raleigh, North Carolina 27611.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Jesse L. Hicks, State Conservationist, Soil Conservation Service, Post Office Box 27307, Raleigh, North Carolina 27611.

Comments must be received on or before January 22, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

NOVEMBER 27, 1974.

[FR Doc.74-28512 Filed 12-5-74;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

SS CANADA MAIL

Invitation for Sealed Bids

Notice is hereby given that pursuant to the provisions of Title VII of the Merchant Marine Act, 1936, as amended (herein called the "Act"), the Maritime Administration has issued Invitation for Bids No. 1, dated November 26, 1974, inviting sealed bids for the bareboat charter of the SS CANADA MAIL, Official No. 297570, located at the Suisun Bay, California, Reserve Fleet.

The SS CANADA MAIL is a C4-S-1sa mariner type vessel built in 1965 by National Steel & Shipbuilding Company, San Diego, California.

The Maritime Administration is inviting sealed bids from citizens of the United States only. The vessel may be bareboat chartered for operation under the U.S. flag in a service which has been determined to be essential pursuant to section 211 of the Act which is not being adequately served by existing steamship lines privately owned and operated by citizens of the United States and documented under the laws of the United States.

The charter shall be for a period to be mutually agreed upon, not to exceed five years.

The vessel is offered for charter on an "as is, where is" basis under the terms and conditions set forth in the invitation and form of bareboat charter party agreement attached to the invitation.

Section 706(b) of the Act requires the minimum basic charter rate to be determined as provided in section 714 of the Act. Pursuant to this requirement, the Maritime Administration has calculated that the minimum basic rate of charter hire for the SS CANADA MAIL is $43,205 per month or $1,420 per day.

The Maritime Administration reserves the right to reject any or all bids for reasons specified in the Act, and to make such award as it may deem in its judgment to be most advantageous and to best serve the purposes and policy of the Act.

Each bid is to be accompanied by a suitably detailed outline of the proposed operation of the vessel, together with sufficient detail concerning the financial resources of the bidder to enable the Maritime Administration to determine the ability of the bidder to consummate the transaction and operate the ship in the manner contemplated.

Bids will be received until 11 A.M., EST, December 27, 1974, and public opening will be held at 11:30 A.M., EST on said date at the offices of the Maritime Administration, Room 3708, Commerce Building, 14th Street between E and Constitution Avenue, NW, Washington, D.C. 20230.

Any person, firm or corporation (citizens of the United States) desiring to submit bids pursuant to the foregoing notice may obtain copies of the Invitation for Bids No. 1, dated November 26, 1974, by writing to Burton T. Kyle, Director, Office of Domestic Shipping, Maritime Administration, Department of Commerce, Washington, D.C. 20230, or if calling in person may pick up same in Room 6616, Department of Commerce, Washington, D.C., or at any of the following Regional Offices of the Maritime Administration:

Eastern Region, 26 Federal Plaza, New York, New York 10007.

Central Region, Post Office Box 52948, 701 Loyola Avenue, New Orleans, Louisiana 70152.

Western Region, 450 Golden Gate Avenue, Box 36073, San Francisco, California 94102.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

Dated: December 3, 1974.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74-28570 Filed 12-5-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

UNDERSTANDING BETWEEN THE FOOD AND DRUG ADMINISTRATION AND THE MINISTRY OF AGRICULTURE OF BELGIUM

Sanitary Quality of Dry Milk Products

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 between the Food and Drug Administration and the Ministry of Agriculture of Belgium, represented by the National Dairy Office exporting dry milk products to the United States of America was executed on November 6, 1974. The memorandum, developed and agreed to by the respective agencies to control the sanitary quality of dry milk products exported to the United States of America, reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE FOOD AND DRUG ADMINISTRATION, PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE OF THE UNITED STATES OF AMERICA AND THE MINISTRY OF AGRICULTURE OF BELGIUM REPRESENTED BY THE NATIONAL DAIRY OFFICE EXPORTING DRY MILK PRODUCTS TO THE UNITED STATES

This Memorandum of Understanding has been developed and agreed to by the respective agencies to control the sanitary quality of dry milk products exported to the United States of America.

For purposes of this Memorandum, both parties agree to the definitions following:

Lot—A "lot" is a quantity of dry milk product produced during a discrete period of time, by one manufacturer, in one continuous process using a single processing line, packaged in identical containers identified by a code or mark traceable to the manufacturer and the other parameters listed above.

Salmonella-negative—the absence of *Salmonella* will be determined by methodology contained in:

a. *Bacteriological Analytical Manual for Foods*, Third Edition, June 1972, Chapter VIII.[1]

b. *AOAC 11*, Section 41.026(b), et seq.[2]

c. With exceptions as provided in FDA Compliance Program Guidance Manual, October 13, 1972, Section 3. "The sampled lot is acceptable only if analysis of all the composite units are negative for *Salmonella*".

Phosphatase activity-negative—the absence of phosphatase activity will be determined by *AOAC 11*, Section 16.081, et seq.

THE NATIONAL DAIRY OFFICE (BELGIUM)

1. We agree to inspect each lot of dry milk produced in this country and offered for export to the United States of America to assure that it is negative for *Salmonella* based upon examination of 30/100-gm sample units and analyzed by methods prescribed above under "Salmonella-negative," and that it contains no phosphatase activity by methods prescribed above under "Phosphatase activity-negative."

2. We agree to issue an export certificate for only those lots which meet the criteria of 1. above. Any lot which fails to meet such criteria will be denied export to the United States of America.

3. We agree to require all containers of all lots exported to the United States of America to be identified by lot number, and marked "For Human Use Only! Not To Be Used For Animal Feed" together with all other information required by the Federal Food, Drug, and Cosmetic Act.

[1] *Bacteriological Analytical Manual for Foods*, Pub. No. 1712-00-162, U.S. Government Printing Office, Washington, DC 20402.

[2] *Official Methods of Analysis*, 1970, Association of Official Analytical Chemists, Box 540, Benjamin Franklin Station, Washington, DC 20044.

4. We agree to include in the certificate for each lot exported to the United States of America the following information:

a. Lot identification.

b. Number and size of containers in the lot.

c. Analytical results for *Salmonella* and phosphatase activity.

d. Date.

e. Name and stamp or seal of authorizing official.

5. We agree to furnish to the Food and Drug Administration a copy of the regulations and procedures we use to assure that dry milk products are sanitary.

6. We agree to furnish to the Food and Drug Administration a full description of the manufacturing processes and quality controls used to assure the production of sanitary dry milk products.

FOOD AND DRUG ADMINISTRATION

1. The Food and Drug Administration is responsible for the safety and quality of dry milk products imported into this country for human consumption.

2. We will sample products certificated under this program to assure that the exporting country and the exported products comply with specifications set forth in this Memorandum of Understanding and all other requirements of the Federal Food, Drug, and Cosmetic Act.

3. We will share information about our audit sampling with the exporting country.

4. We will share expertise and will provide consultative assistance to the exporting country when necessary to assure the safety of the dry milk products exported to us.

It is to be noted that according to the structure of the Administration in Belgium, the National Dairy Office is the official agency able to control the sanitary quality and to grant the certificates for the above-mentioned dairy products.

The National Dairy Office and the Food and Drug Administration agree that this Memorandum of Understanding shall become effective on the date it is signed by the Food and Drug Administration. It shall remain in effect, and govern all dry milk products exported to the United States of America pending revision or revocation at the request of either agency.

In witness whereof, the agencies have executed this Memorandum of Understanding.

FOR THE NATIONAL DAIRY OFFICE	FOR THE FOOD AND DRUG ADMINISTRATION
J. Ronchaine	A.M. Schmidt, M.D.
Title: Agricultural Attaché.	Title: Commissioner of Food and Drugs.
Country: Belgium.	Country: The United States of America.
Date: November 6, 1974.	Date: November 6, 1974.

Effective date. This Memorandum of Understanding became effective on November 6, 1974.

Dated: December 2, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-28499 Filed 12-5-74;8:45 am]

Office of the Secretary

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Statement of Organization, Functions, and Delegations of Authority

Part 11 in the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Chapter 11, entitled Office of the Assistant Secretary for Health (38 FR 18571-74, as amended), is amended in *Section 11-B Organization and Functions* as follows:

Transfer Executive Secretariat (IN02), (39 FR 6760) as amended in its entirety from its position as a PHS Staff Office to the new Office of Program Implementation (IN13).

Amend *Office of Health Legislation (IN09)* (39 FR 8651) by striking the words "and reviews" in item (6).

Add the Office of the Deputy Assistant Secretary for Quality Assurance to read as follows:

Office of the Deputy Assistant Secretary for Quality Assurance (IN12). The Deputy Assistant Secretary for Quality Assurance is responsible for the DHEW overall national effort regarding quality assurance and health care standards. In coordination with SSA and SRS, is the Department's official responsible for the development of all policies and procedures related to quality assurance and standards of health care. Serves as the national and DHEW focal point for interagency communications on all issues related to PSRO programs, quality assurance and standards of care. Provides staff support to the National Professional Standard Review Council, Health Insurance Benefits Advisory Council, Interagency PSRO Coordination Committee, and other appropriate committees. Coordinates the activities of the Office of Professional Standards Review, the Office of Nursing Home Affairs, and the Office of Population Affairs as they affect quality assurance and standards of health care.

Add the Office of Program Implementation to read as follows:

Office of Program Implementation (1N13). The Director of the Office of Program Implementation monitors implementation activities of interest to the Assistant Secretary for Health in coordination with the Office of Administrative Management and the Office of Policy Development and Planning. Reviews and analyzes memoranda and other documents directed to the Assistant Secretary for Health for adequacy of coordination and clearances, clearness and conciseness of presentation, and other elements of completed staff work. Provides correspondence control for the OASH, including document assignments and status of pending correspondence. Provides a focal point for the public on patent appeals, freedom of information, fair information practice, veterans affairs, and environmental health matters, including the coordination clearance, and review of actions requiring assessment under the National Environmental Policy Act of 1969 (Pub. L. 91-190). Coordinates committee management activities for the Public Health Service. Manages the Federal regulations process for the PHS, including the coordination and review leading toward the approval of new and revised regulations. Clears and controls the preparation of congressional reports. Manages the Operational Planning System and the Program Review System to assure the achievement of overall health goals and legislative commitments. Provides guidance to the PHS Agencies and coordinates the implementation of program policies and the tracking of approved legislative initiatives. Insures that heads of PHS Staff Offices and Agencies are informed of, and given an opportunity to comment on, proposed actions or decisions affecting their offices or responsibilities.

Division of Health Research and Protection Operations (1N1303). This Division, with respect to the areas of health research and protection: Assures adequate analysis of new laws and the development of plans to implement these new laws. Provides guidance in implementing new health research and protection programs and initiatives, and monitors the results. Provides assistance in the development and implementation of new or revised regulations. Directs an integrated Operational Planning System for health research and protection programs, including recommending objectives for tracking by the Office of the Secretary and the Office of the Assistant Secretary for Health. Administers the Program Review System, including the scheduling of presentations and reviews of major program objectives and activities. Coordinates health research and protection program activities among the PHS Agencies. Reviews and coordinates the clearance of congressional reports.

Division of Health Services and Prevention Operations (1N1305). This Division, with respect to the areas of health services and prevention: Assures adequate analysis of new laws and the development of plans to implement these laws. Provides guidance in implementing new health services and prevention programs and initiatives, and monitors the results. Provides assistance in the development and implementation of new or revised regulations. Directs an integrated Operational Planning System for health services and prevention programs, including recommending objectives for tracking by the Office of the Secretary and the Office of the Assistant Secretary for Health. Administers the Program Review System, including the scheduling of presentations and reviews of major program objectives and activities. Coordinates health services and prevention program activities among the PHS Agencies. Review and coordinates the clearance of congressional reports. Serves as the focal point for the PHS on matters pertaining to veterans affairs and fair information practices.

Executive Secretariat (1N1307), as listed in the FEDERAL REGISTER (39 FR 6760).

Delete all reference to Policy Monitoring Branch (1N0203) and Correspondence Operations Branch (1N0205).

Amend the Office of Administrative Management (38 FR 33785) by removing the operational planning function as follows:

From the statement *Office of Administrative Management (1N19)*, strike the words "operational planning" in the second paragraph;

From the statement *Office of Resource Management (111909)*, strike the words "directs an integrated operational planning process for Public Health Service activities;" beginning in the 14th line of text; and

Delete *Division of Operational Planning (1119093)* in its entirety.

Amend the Office of Policy Development and Planning in its entirety by substituting the following statement:

Office of Policy Development and Planning (1N33). The Director of the Office of Policy Development and Planning serves as the principal advisor to the Assistant Secretary for Health concerning the development of a national health policy and strategy; represents the Public Health Service in all health policy development within the Department; directs or conducts PHS health policy development, including selective research and evaluation projects; directs PHS participation in the Department's annual five-year plan, including policy development, research, evaluation, legislative and statistical plans; is the Departmental focal point for the development and coordination of health data and statistical policy; analyzes the effect and relevancy of current policies on health programs, recommending new approaches and initiatives; analyzes developments beyond the PHS which may impact on health policies; directs PHS policy analysis, program planning, and program evaluation; guides the efforts of the PHS Agencies in planning, evaluation, and policy analysis across the spectrum of health care delivery systems, health protection, and health research; prepares position papers for the Assistant Secretary for Health on national health insurance proposals and other financing policies, conducting special studies when necessary; cooperates with the health related activities of the Assistant Secretary for Planning and Evaluation; develops policy and provides liaison with all components of the PHS and other health related organizations to assure health data standardization coordination, and compatibility; and serves as staff to the ASH Policy Board (comprised of the heads of the PHS Agencies and Offices).

Division of Data Policy Coordination (1N3302). The Director of the Division of Data Policy Coordination develops and implements health data policy aimed at achieving both compatibility and utility of health statistics; stimulates and coordinates the development and use of standardized health data elements; provides liaison services to all health organizations to effect standardized data elements and formats for reporting; directs Public Health Service participation in the development of the Department's annual statistical plan, with particular concern for the appropriateness and adequacy of proposed health data collection activities in light of the above stated goals of coordination, uniformity, and compatibility; serves as the PHS focal point for the Office of the Secretary for the clearance and inventorying of public-use reports; provides staff support to the PHS Health Data Policy Committee on the identification of intermediate and long-range health data needs and in the development and modification of data policy objectives; and maintains continuing and close coordination with the National Center for Health Statistics and other focal points for health data activity.

Division of Health Care Systems (1N3304). The Director of the Division of Health Care Systems, with respect to the health care system activities of the Public Health Service which includes health services, resources, planning, regulations and financing: evaluates health programs and policies; conducts special evaluations of programs which impact on national health policies; provides general guidance and assistance, and reviews general plans and strategies for consistency with overall policy; provides systematic, continuing analysis of current expenditures, facilities, manpower, institutions and other critical resources to assist the Assistant Secretary for Health in planning health policy within the context of national needs and resource capabilities; provides analyses of current and prospective developments and findings from research which may impact on health policy and legislation; coordinates relevant agency planning activities; serves as a focal point for analyzing major issues in the area of the financing of health services, including cost benefit analyses of health policy alternatives, and prepares position papers on these matters for the Assistant Secretary for Health; develops, analyzes, and coordinates alternative strategies for financing health care and resource development, including the increased and effective use of various forms of health insurance, revenue sharing, and other third-party payment systems; cooperates with Division of Health Research in coordinating interagency research activities in health financing; and develops policy proposals for consideration by the Health Insurance Benefits Advisory Council.

Division of Health Protection (1N3306). The Director of the Division of Health Protection with respect to the health protection activities of the Public Health Service: evaluates health programs and policies; conducts special evaluations of programs which impact on national health policies; provides general guidance and assistance, and reviews general plans and strategies for consistency with overall policy; provides systematic, continuing analysis of current expenditures, manpower, and other critical resources to assist the Assistant Secretary for Health in planning health policy within the context of national needs and resource capabilities; provides analyses of current and prospective developments and findings from research which may impact on health policy and legislation; and coordinates relevant agency planning activities.

Division of Health Research (1N3307). The Director of the Division of Health Research with respect to the biomedical, behavorial and health services research activities of the Public Health Service: coordinates the development of PHS agency research plans to assure that there is no unnecessary duplication or omission of research in critical areas; evaluates health policies and programs; conducts special evaluations of progams which impact on national health policies; provides general guidance and assistance, and reviews general plans and strategies for consistency with overall policy; provides systematic, continuing analysis of current expenditures, facilities, manpower, institutions and other critical resources to assist the Assistant Secretary for Health in planning health policy within the context of national needs and resources capabilities; provides analyses of current and prospective developments and findings from research which may impact on health policy and legislation; coordinates relevant agency planning activities; and maintains liaison with Bureau of Health Services Research of Health Resources Administration to assure research planning activities of both offices are coordinated.

Delete *Office of Program Operations (1N35)* in its entirety.

Amend the Office of Regional Operations in its entirety by substituting the following statement:

Office of Regional Operations (1N37). The Director of the Office of Regional Operations serves as the principal staff advisor to the Assistant Secretary for Health on matters pertaining to the operation of Public Health Service Regional Offices.

Participates in the development of, and is responsible for, interpreting and ensuring implementation of health programs, policies and operational guidelines to the PHS Regional Offices.

Provides an overview of the interrelated activities of the PHS Agencies conducted at the regional level and assures avoidance of program duplication and overlap.

Resolves policy problems and priorities among PHS Regional Offices and between PHS Regional Offices, headquarters agencies, Assistant Secretary for Health Staff, and the Office of the Secretary.

Reviews and approves operating plans to assure compliance with national plans and strategy and participates in the review of budget and staffing requirements of the PHS Regional Offices.

Evaluates the overall management performance and resources capabilities and requirements of the PHS Regional Offices.

Initiates actions, in cooperation with the Staff Offices of the Assistant Secretary for Health and the PHS Agencies,

to develop training activities and career development programs for PHS regional personnel.

Establishes and implements a PHS Regional Office reporting and management information system.

Works with the Staff Offices of the Assistant Secretary for Health and the PHS Agencies to ensure PHS regional input and participation into the development and implementation of national policy, plans, and programs.

Provides leadership and serves as the focal point for managing health-wide decentralization activities.

Office of Regional Program Coordination (1N3703). Serves as the focal point within the Office of Regional Operations for review and coordination of legislative proposals, policy statements, and program issuances which will affect regional programs, assuring consistency with national priorities and regional needs and capabilities.

Cooperates with the PHS Agency program officials in the development of legislation; program guidelines, priorities, information and staff training; project criteria; and project technical assistance activities; and the interpretation of the above to the PHS Regional Offices.

Assembles and directs ad hoc task forces to develop recommended policy statements for the Assistant Secretary for Health relating to PHS Regional Office Implementation for new and emerging program efforts, especially those involving several health agencies.

Identifies need for new or revised policy statements and recommends appropriate action based on knowledge of regional operations.

Works with Staff Offices in the Office of the Assistant Secretary for Health and the PHS Agencies to ensure continual PHS Regional Office review input and participation in policy and program development to ensure avoidance of program duplication and overlap.

Participates in the monitoring and evaluation of PHS Regional Office performance.

Coordinates and facilitates the flow of correspondence and the establishment of meetings and conferences, between PHS Regional Offices and Central Offices.

Office of Regional Program Support (1N3705). Coordinates the development and implementation of planning systems for PHS Regional Offices.

Reviews and recommends approval of PHS Regional Office work plans in light of national health plans and strategies determined by the Assistant Secretary for Health and the PHS Agencies, and participates in the review of budget and staffing requirements of the PHS Regional Offices.

Provides internal office management direction and administrative services support within ORO.

Evaluates the management effectiveness of the PHS Regional Offices and provides advice and assistance in resolving management problems.

Monitors PHS Regional Office performance in meeting established goals, recommends corrective action as needed, and assists in the implementation of recommended action.

Identifies and initiates, in cooperation with Staff Offices of the Assistant Secretary for Health and the PHS Agencies, actions to meet training and career development needs of PHS regional personnel.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

NOVEMBER 29, 1974.

[FR Doc.74-28546 Filed 12-5-74;8:45 am]

OFFICE FOR CIVIL RIGHTS

Statement of Organization, Functions and Delegations of Authority

The Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare has been hereby amended to include reference to section 504 of the Rehabilitation Act of 1973 in the Statement of the Office for Civil Rights (39 FR 34088) 9/23/74, as follows:

Section 1D.00, the Mission is amended to include section 504 of the Rehabilitation Act of 1973.

The revised section reads as follows:

Section 1D.00—The Office for Civil Rights administers the Department's responsibilities under Title VI of the Civil Rights Act 1964 (42 U.S.C. 2000(d) et seq.), Parts II and III of Executive Order 11246, as amended, sections 799A and 845 of the Comprehensive Health Manpower and Nurse Training Acts of 1971, Titles VII and IX of the Education Amendments of 1972, and section 504 of the Rehabilitation Act of 1973.

Dated: December 2, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.74-28547 Filed 12-5-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-455-DR; Docket No. NFD-240]

PUERTO RICO

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on November 30, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the Commonwealth of Puerto Rico resulting from severe storms, landslides, and flooding beginning about October 23, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the Commonwealth of Puerto Rico.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Dooket No. D-74-285, I hereby appoint Mr. Thomas R. Casey, HUD Region II, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the Commonwealth of Puerto Rico to have been adversely affected by this declared major disaster:

The Municipalities of:

Agnas Buenas	Juana Diaz
Albonito	Las Piedras
Arecibo	Luquillo
Arroya	Manati
Barceloneta	Maunabo
Barranquitas	Morovis
Caguas	Naguabo
Canovanas	Naranjito
Cayey	Orocovis
Ceiba	Patillas
Ciales	Ponce
Cidra	Rio Grande
Coamo	Salinas
Comerio	San Lorenzo
Corozal	Toa Alta
Fajardo	Toa Baja
Florida	Utuado
Guayama	Vega Alta
Gurabo	Vega Baja
Humacao	Yabucoa
Jayuyo	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: December 2, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration

[FR Doc.74-28566 Filed 12-5-74;8:45 am]

[FDAA-454-DR, Docket No. NFO-241]

TEXAS

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on November 30, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Texas resulting from severe storms and flooding beginning about September 12, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Texas.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Joe D. Winkle, HUD Region VI, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Texas to have been adversely affected by this declared major disaster:

The Counties of:

Anderson	Hopkins
Bell	McLennan
Cooke	Parker
Denton	Williamson
El Paso	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: December 2, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administrator.

[FR Doc.74-28567 Filed 12-5-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

MICROWAVE LANDING SYSTEM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to section 10(a)(2) of Pub. L. 92-463, notice is hereby given that the Microwave Landing System (MLS) Advisory Committee will hold a meeting on Saturday, December 21, 1974, beginning at 8:30 a.m. in Conference Room 3201, Trans Point Building, 2100 2nd Street, SW, Washington, D.C.

The meeting will be a third progress report on the MLS Technique Selection Process.

Anyone desiring further information on the meeting should contact Mr. Jules I. Kanter, ARD-710, Federal Aviation Administration, 2100 2nd Street, SW, Washington, D.C. 20591, Telephone, 202-426-3406. The meeting will be open to the public.

Issued in Washington, D.C. on November 26, 1974.

JULES I. KANTER,
Executive Director, Microwave Landing System Advisory Committee.

[FR Doc.74-28484 Filed 12-5-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-524, 50-525, 50-526, 50-527]

ALABAMA POWER CO.

Hearing on Application for Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Alabama Power Company (the applicant), for construction permits for four boiling water nuclear reactors designated as the Alan R. Barton Nuclear Plant, Units 1, 2, 3, and 4 (the facilities), each of which will be designed for operation at 3579 thermal megawatts with a net electrical output of approximately 1159 megawatts. The proposed facilities are to be located approximately 15 miles southeast of Clanton, along the west side of the Coosa River, in Chilton and Elmore Counties, Alabama.

The hearing, which will be scheduled to begin in the vicinity of the site of the proposed facilities, will be conducted by an Atomic Safety and Licensing Board (Board), which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of Dr. Marvin M. Mann, Dr. Ernest O. Salo and Daniel M. Head, Esq., Chairman.

Pursuant to 10 CFR § 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1-3, and a negative finding on Item 4 and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicant:

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR § 50.35(a): (a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of 10 CFR Part 51, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR § 2.4(n), the Board will determine: (1) Without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, the review of the application by the Commission's Regulatory staff has been adequate to support the proposed findings to be made by the Director of Regulation on Items 1-4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation; and (2) whether the NEPA review conducted by the Commission's regulatory staff has been adequate.

In the event that the proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1-5 above as a basis for determining whether the construction permits should be issued to the applicant.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with § 51.52(c) of 10 CFR Part 51: (1) determine whether the requirements of section 102(2) (A), (C) and (D) of NEPA and 10 CFR Part 51 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding for the permits with a view to determining the appropriate action to be taken; and (3) determine, after weighing the environmental, economic, technical and other benefits against environmental and other costs, and considering available alternatives, whether the construction permits should be issued, denied, or appropriately

conditioned to protect environmental values.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days after the notice of hearing is published or at such other time as the Board deems appropriate, for the purpose of dealing with the matters specified in 10 CFR § 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any required special prehearing conference, and within sixty (60) days after discovery has been completed or at such other time as the Board may specify, for the purpose of dealing with the matters specified in 10 CFR § 2.752.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing and the respective notices will be published in the FEDERAL REGISTER.

Pursuant to 10 CFR § 2.761a, a hearing and decision by the Board on issues pursuant to NEPA and general site suitability and certain other possible issues may be held and issued prior to and separate from the hearing and decision on other issues. In the event the Board, after the hearing, makes favorable findings on such issues, the Director of Regulation may, pursuant to 10 CFR § 50.10 (e), authorize the applicant to conduct certain on-site work entirely at its own risk prior to completion of the remainder of the proceeding.

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of Items 1–5 above. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission and others by January 6, 1975 in the manner specified below.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR § 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by January 6, 1975. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR § 2.714(a)(1)–(4) and § 2.714(d).

An answer to this notice, pursuant to the provisions of 10 CFR § 2.705, must be filed by the applicant by December 26, 1974.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of the petition or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to the applicant's attorney, Mr. George F. Trowbridge, Esq., Shaw, Pittman, Potts, Trowbridge & Madden, 910 17th Street, NW, Washington, D.C. 20006.

For further details, see the application for construction permits dated September 25, 1974, and amendments thereto, and the applicant's environmental report dated November 11, 1974, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of those documents are also available at the Clanton Public Library, 100 First Avenue, Clanton, Alabama 35045, for inspection by members of the public between the hours of 8 a.m. and 6 p.m. Mondays through Fridays, and 9 a.m. and 12 a.m. on Saturdays. As they become available, a copy of the safety evaluation report by the Commission's Directorate of Licensing, the Commission's draft and final environmental statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, and transcripts of the prehearing conferences and of the hearing, and other relevant documents, will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation report and the Commission's final environmental statement, the proposed construction permits, and the ACRS report may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, United States Atomic Energy Commission—Regulation, Washington, D.C. 20545.

Dated at Washington, D.C. this 2nd day of December 1974.

UNITED STATES ATOMIC ENERGY COMMISSION,
JAMES R. LINDSAY,
Acting Assistant Secretary of the Commission.

[FR Doc.74-28422 Filed 12-5-74;8:45 am]

[Docket Nos. 50-524, 50-525, 50-526, and 50-527]

ALABAMA POWER CO.

Receipt of Application for Construction Permits and Facility Licenses and 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, N.W., 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.

[SEAL] JOHN F. STOLZ,
Chief, Light Water Reactors Project Branch 2-1, Directorate of Licensing.

[FR Doc.74-27691 Filed 11-29-74;8:45 am]

[Docket No. 50-293]

BOSTON EDISON CO.

Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. DPR-35 issued to the Boston Edison Company which revised technical specifications for operation of the Pilgrim Nuclear Power Station located in Plymouth County, Massachusetts. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications of the Pilgrim Nuclear Power Station by:

1. Establishing performance criteria for the drywell to pressure suppression chamber vacuum breakers, and
2. Establishing additional surveillance requirements to assure that the performance criteria are met.

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 August 5, 1974, and supplement thereto dated October 22, 1974, (2) Amendment No. 5 to License No. DPR-35, with Change No. 7, and (3) the Commission's related Safety 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 Plymouth Public Library on North Street in Plymouth, Massachusetts 02360.

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 26th day of NOVEMBER, 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Directorate of Licensing.

[FR Doc.74-28496 Filed 12-5-74;8:45 am]

[Docket No. 50-255]

CONSUMERS POWER CO.

Amendment to Provisional Operating License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on September 9, 1974 (39 FR 32571), the Atomic Energy Commission (the Commission) has issued Amendment No. 11 to Provisional Operating License No. DPR-20 issued to Consumers Power Company which revised technical specifications for operation of the Palisades Plant, located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

The amendment removed the present 60 percent power and 90 calendar day operating restriction and permits operation at power levels up to rated power for the purpose of continuing the steam generator flushing program described in the licensee's Request for Change to the Technical Specifications dated August 20, 1974. In addition, this amendment permits the resumption of normal facility operation upon completion of the flushing program. The facility will be shut down for a mandatory inspection of the steam generator tubes at the end of 90 effective full power days following March 5, 1974, whichever occurs first, as provided for in previous Amendment No. 10.

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 August 20, 1974, as supplemented November 7, 1974, (2) Amendment No. 11 to License No. DPR-20, with any attachments, (3) the Commission's related Safety Evaluation and the Commission's August 30, 1974 Safety Evaluation which it references. 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 Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan.

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 27th day of November, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Directorate of Licensing.

[FR Doc.74-28493 Filed 12-5-74;8:45 am]

[Docket Nos. 50-452 and 50-453]

THE DETROIT EDISON CO.

Cancellation of Prehearing Conference and Evidentiary Hearing

At the request of The Detroit Edison Company (Greenwood Energy Center Units 2 and 3) submitted on December 2, 1974, the prehearing conference scheduled for December 12, 1974, in Detroit, Michigan, and the Evidentiary Hearing

scheduled for January 14, 1975, are cancelled pending further notice.

It is so ordered.

Dated at: Bethesda, Md., this 3rd day of December 1974.

For the Atomic Safety and Licensing Board.

JAMES R. YORE,
Chairman.

[FR Doc.74-28537 Filed 12-5-74;8:45 am]

[Docket No. 50-367]

NORTHERN INDIANA PUBLIC SERVICE CO.

Oral Argument

Notice is hereby given that, in accordance with the Atomic Safety and Licensing Appeal Board's Order dated November 27, 1974 (which amended the Appeal Board's Order dated November 25, 1974), oral argument on the appeals from the Licensing Board's November 22, 1974 initial decision approving the applicant's use of a slurry wall in constructing the Bailly facility (Bailly Generating Station, Nuclear-1) will be heard at 10 A.M. on Monday, December 16, 1974, in the Appeal Panel hearing room, fifth floor, East West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

Dated: December 2, 1974.

For the Atomic Safety and Licensing Appeal Board.

ROMAYNE M. SKRUTSKI,
Secretary to the Appeal Board.

[FR Doc.74-28497 Filed 12-5-74;8:45 am]

[Docket Nos. 50-443 and 50-444]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

Availability of Final Environmental Statement for the Seabrook Station, Units 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D, 10 CFR Part 50, notice is hereby given that the Final Environmental Statement prepared by the Commission's Directorate of Licensing related to the proposed Seabrook Station, Units 1 and 2, to be constructed by Public Service Company of New Hampshire in the town of Seabrook, Rockingham County, New Hampshire, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the Exeter Public Library, Front Street, Exeter, New Hampshire. The Final Statement is also being made available at the Office of Comprehensive Planning, State House Annex, Concord, New Hampshire 03301.

The notice of availability of the Draft Environmental Statement for the Seabrook Station, Units 1 and 2, and request for comments from interested persons was published in the FEDERAL REGISTER on April 26, 1974 (39 FR 14749). The comments received from Federal, State, and local agencies and interested members of the public have been included as an appendix to the Final Environmental Statement.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Rockville, Maryland, this 2d day of December 1974.

For the Atomic Energy Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Brance 1, Directorate of Licensing.

[FR Doc.74-28538 Filed 12-5-74;8:45 am]

[Docket No. PRM-40-20]

UNITED STATES AIR FORCE RADIOISOTOPE COMMITTEE

Petition for Rule Making

Notice is hereby given that the United States Air Force Radioisotope Committee, Wright-Patterson Air Force Base, Ohio, by letter dated October 30, 1974, has filed with the Atomic Energy Commission a petition for rule making.

The petitioner requests that the Commission amend the general license in § 40.22 of the Commission's regulation 10 CFR Part 40 to (a) authorize use and transfer of source material under the general license by Federal agencies for operational purposes, and (b) authorize USAF possession and operational use of Thorium, as the fluoride salt, in anti-reflective coatings on thermal imaging lenses of the Forward Looking Infra Red (FLIR) imaging system.

The petitioner states that the lenses to be possessed under the general license would have a Thorium content of 0.9 mg/Cm^2 surface area with a maximum content of 33.9 mg per lens; the maximum content is 1.7 x 10^{-2} percent of lens weight; the lenses cannot be used as ocular lenses; and the lenses will not be distributed or marketed to the general public.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. A copy of the petition may be obtained by writing the Rules and Proceedings Branch at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Rules and Proceedings Branch, Office of Administration-Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545, on or before February 4, 1975.

Dated at Germantown, Maryland this 29th day of November 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-28498 Filed 12-5-74;8:45 am]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Facility License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DPR-3 issued to Yankee Atomic Electric Company which revised technical specifications for operation of the Yankee-Rowe Atomic Power Plant, located in Rowe, Massachusetts. The amendment is effective as of its date of issuance.

The amendment involves the addition of limiting conditions for operation and surveillance requirements for the diverse emergency core coolant injection actuation channels, and also deletes paragraph 4 of the license 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 (1) the application for amendment dated May 13, 1974, and subsequent letters dated September 5, 1974, and October 4, 1974, (2) Amendment No. 10 to License No. DPR-3, with any attachments, and (3) the Commission's related Safety Evaluation. All of these are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 27th day of November, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Directorate of Licensing.

[FR Doc.74-28495 Filed 12-5-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 27126, 27169, 27211; Order 74-11-158]

UNITED AIR LINES, INC.

Order of Investigation and Suspension

NOVEMBER 29, 1974.

By tariff revisions[1] marked to become effective December 1, 1974, United Air

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 202.

Lines, Inc. (United) proposes to establish air/sea fares for groups of 100 or more persons from Chicago/New York to Los Angeles/San Francisco. The discount is 35 percent from the coach fare, a 6–14 day minimum/maximum stay limitation would be imposed, stopovers on the return portion would be permitted at $10.00 each, and full payment must be made 30 days in advance of departure, including a minimum cruise purchase of $200.00. The fares would be available throughout 1975, and are subject to a 10 percent penalty for cancellation within 30 days of the departure date.

United alleges that, while adequate air/sea service is provided in the Florida and Caribbean markets, west coast gateways have so far been ignored; that a sufficiently sophisticated pattern of cruises is available at the Los Angeles and San Francisco ports to warrant its support; and that the conditions on use of the fare will insure minimal diversion from full fare travel. United claims that approximately 3,800 passengers will avail themselves of the air/sea program in the coming year. Finally, based on data gathered from similar although not wholly comparable discount programs, the carrier estimates a 50 percent generation impact (the generation required to break even is 38.9 percent), and a net pre-tax profit of $110,000.

Complaints have been filed by Trans World Airlines, (TWA) and Continental Airlines, Inc. (Continental) requesting that the tariff be suspended and investigated. TWA alleges, inter alia, that the fare would not be sufficiently generative to warrant implementation, especially since an individual inclusive-tour fare (ITB) presently exists in these markets. It is further argued that while the GIT–100 fare offers a five percent greater discount, it is significantly more restrictive and thus would be less generative. In addition, TWA asserts that given past load factor and capacity data, transporting groups of 100 or more travelers will result in the displacement of full-fare passengers unless United operates extra sections at an additional cost, in which case the profit impact analysis would be totally specious.

Continental similarly argues that the proposed fare offers no real benefit or dollar savings to the public. The carrier submits that based upon the total tour package price, rather than merely the fare levels, the GIT–100 fare provides only a one to two percent discount over the same sea cruise packaged with the existing ITB fare. Moreover, Continental contends that the restrictive nature of the fare and its insignificant discount, relative to the ITB fare, prohibit the fare from meeting the profit impact test. Finally, the complaint asserts that the fare's lack of blackout dates is a deficiency sufficient to warrant suspension.

In answer, United alleges that the complainants have missed the point with their contention that the proposed fares will not generate traffic because a similarly priced but less restrictive discount fare is presently available (the ITB fares). United reiterates that a stable reduced air fare program is needed to induce travel agents and sea cruise operators to promote air/sea travel; that since the ITB fares must be rejustified by June 30, 1975, they do not provide the necessary inducement; and that its proposed fare will provide the needed assurance, and is sufficiently restrictive to avoid unnecessary diversion. Furthermore, United disagrees with TWA's contention that full-fare passengers will be displaced due to already high load factors in these markets. Rather, United asserts that there are many empty seats on most flights, and the proposal permits splitting groups and accommodating them on preceding or subsequent flights whenever the designated flight cannot accommodate the entire group. Lastly, United stipulates that it will impose blackout dates on the GIT–100 fare once other 1975 ITB fares are filed with such provisions.

Upon consideration of the proposal, the complaints, and answers thereto, and all relevant matters, the Board concludes that the proposed fares may be unjust or unreasonable, or unjustly discriminatory, or unduly prejudicial, or unduly preferential, or otherwise unlawful, and should be investigated. The Board further concludes that the proposed fares should be suspended pending investigation.

We have concluded to suspend the proposed fares, principally due to the total lack of blackout provisions. It is our view that without appropriate blackouts the fares could displace undue amounts of full-fare traffic. In its answer to Continental's complaint, United alleges that it will impose whatever blackout periods are subsequently filed in connection with 1975 ITB fares in the markets involved. However, in our opinion this intention is not a sufficient basis upon which to approve the tariff now before the Board, since it depends wholly upon what other carriers may or may not propose in the future, and ignores the fact that at that point the Board can suspend a tariff but cannot enforce alternative conditions.

Also, we are not entirely persuaded that United has adequately answered TWA's concern over full-fare displacement due to the large group size requirement. The load factors in the transcontinental markets are well above the industry average, and it appears quite likely that groups of 100 or more passengers could create a squeeze on capacity on at least some flights, and result either in displacement of full-fare passengers or the need to operate extra sections. While United contends that sufficient seats are available on many flights, it does not indicate how it intends to direct bookings to low load factor flights.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A attached hereto, and rules, regulations and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly, discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A attached hereto are suspended and their use deferred to and including February 28, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated;

4. Except to the extent granted herein, the complaints in Dockets 27126 and 27169 be, and hereby are dismissed; and

5. Copies of this order will be filed in the aforesaid tariff and served on Continental Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

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

[FR Doc.74–28318 Filed 12–3–74;8:45 am]

APPENDIX A

TARIFF C.A.B. NO. 142, ISSUED BY AIRLINE TARIFF PUBLISHERS, INC., AGENT

On 20th Revised Page 114–B, and 8th Revised Pages 114–C and 114–D, Rule 247.

TARIFF C.A.B. NO. 202, ISSUED BY AIRLINE TARIFF PUBLISHERS, INC., AGENT

On 20th, 21st, and 22nd Revised Page 669, the YGV 100 fare class on the application thereof.

On 20th, 21st, and 22nd Revised Page 670, the explanation of reference mark "e" insofar as it applies to the YGV 100 fare class.

On the 19th, 20th, and 21st Revised Page 699, the YGV 100 fare class between Chicago and Los Angeles.

On 19th, 20th, and 21st Revised Page 700, the YGV 100 fare class between Chicago and San Francisco/Oakland/San Jose.

On 14th, 15th, and 16th Revised Page 732, the YGV 100 fare class between Los Angeles and New York/Newark.

On 16th, 17th, and 18th Revised Page 744, the YGV 100 fare class between New York/Newark and San Francisco/Oakland/San Jose.

COMMISSION ON CIVIL RIGHTS

COLORADO STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Colorado State Advisory Committee (SAC) to the

Commission will convene at 8:30 A.M. on December 28, 1974, at the Executive Tower INN, in the Johann Room, 1405 Curtis Street, Denver, Colorado 80202.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Room 216, Ross Building, 1726 Champa Street, Denver, Colorado 80282.

The purpose of this meeting shall be to discuss projects to be undertaken by the Colorado SAC during the coming year.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 2, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-28544 Filed 12-5-74;8:45 am]

MASSACHUSETTS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts State Advisory Committee (SAC) to the Commission will convene at 3 P.M. on January 9, 1975, at the John F. Kennedy Federal Building, in room 307, Boston, Massachusetts.

Persons wishing to attend this meeting should contact the Committee Chairman or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss the school desegregation crisis in Boston and establish a Subcommittee to focus on same.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 2, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-28545 Filed 12-5-74;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Addition

Notice of proposed addition to Procurement List 1975, November 12, 1974 (39 FR 39964) was published in the FEDERAL REGISTER on August 29, 1974 (39 FR 31548).

Pursuant to the above notice the following commodity is added to the Procurement List.

	Price
Folder, file, military personnel records jacket (IB) (Department of the Army Form 201) M.	$101.97

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-28520 Filed 12-5-74;8:45 am]

PROCUREMENT LIST 1975

Deletion

Notice of proposed deletion from Procurement List 1975, November 12, 1974 (39 FR 39964) was published in the FEDERAL REGISTER on October 11, 1974 (39 FR 36635).

Pursuant to the above notice the following service is deleted from Procurement List 1975.

INDUSTRIAL CLASS 7399

Microfilm Stripping (GI), Defense Logistics Service Center, Battle Creek, Michigan.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-28519 Filed 12-5-74;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from November 25 through November 29, 1974. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (January 20, 1974).

The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Final

Umpqua National Forest, Jackson, Douglas, and Lane Counties, Oregon, November 29: The statement refers to the 10 Year Management Plan for the forest. The plan would involve construction of roads, the cutting of timber, and the reseeding of cut stands in the 975,425 acre forest. Soil disturbance, strean sedimentation, and adverse impact will result. Sections of the forest are presently being considered for designation as wilderness areas (84 pages). Comments made by: COE, DOI, HUD, DPA, USDA, and State and local agencies and concerned citizens. (ELR Order No. 41784.)

SOIL CONSERVATION SERVICE

Draft

Kindu Watershed Project, Allen and Jefferson Davis Counties, Louisiana, November 29: The statement refers to a proposed protection project for 32,900 acres of the Kindu Watershed. Project measures will include land treatment, channel work, weirs, and control structures. Adverse impact will include the introduction of 1,310 tons of sediment to the Calcasieu River during construction; the loss of timber on 237 acres; the disturbance of 150 acres of cropland, 187 acres of wooded channel banks, and 123 acres of forest land; and the disturbances of sixty acres of wetland. (ELR Order No. 41783).

Okatoma Creek Watershed, several counties in Mississippi, November 27: The statement refers to a watershed protection project on the Okatoma Watershed. Project measures include levee systems, floodwater, retarding structures, recreational facilities, and 53.7 miles of channel work. Construction will result in the clearing of some forest land, and reduction in fishery and wildlife resources. (ELR Order No. 41782.)

Browning Watershed Project, Glacier County, Montana, November 25: The statement refers to the city of Browning's watershed protection and flood prevention in Glacier County, Montana. Adverse impacts include the loss of agricultural production on 20 acres of land, prevention of interchange of fish populations along upper Willow Creek, temporary inundation of land, and increased air and water pollution during construction. (ELR Order No. 41764.)

Final

Lost River Subwatershed, Potomac River, Hardy County, West Virginia, November 25: The statement refers to a proposed watershed protection and flood prevention project on the 94,750 acre subwatershed. Project measures will include four single-purpose floodwater retarding structures, one multiple purpose structure, and land treatment measures. Adverse impact of the project will include the inundation of 2.4 miles of stream and 292 acres of farmland and associated wildlife habitat, as well as the displacement of eleven residences (122 pages). Comments made by: COE, DOC, DOI, DOT, EPA, AHP, and state agency. (ELR Order No. 41768.)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. W. Herbert Pennington, Office of Assistant General Manager, E-201, AEC, Washington, D.C. 20545, 301-973-4241.

For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, P-722, AEC, Washington, D.C. 20545, 301-973-7373.

Draft

South Texas Project, Units 1 and 2, Matagorda County, Texas, November 29: Proposed is the issuance of a construction permit to the Houston Power and Lighting Co. for a two unit plant. Identical pressurized water reactors will be employed to produce up to 3800 MWT each, with electrical capacity anticipated at 1250 MWe (net) each. Exhaust steam will be cooled by flow from a newly constructed lake, with makeup water from the Colorado River. Return will also be to the Colorado. Consumptive use of the river will be at 2.6% of its average annual

historical flow. A total of 12,352 acres will be used for the Station site; 7300 acres will be inundated by the cooling lake. An additional 5685 acres will be committed to 400 miles of transmission line. (ELR Order No. 41785.)

Washington Public Power Supply System, No. 1 & 4, Benton County, Washington, December 4: The proposed action is the issuance of construction permits to the Washington Public Power Supply System for the construction of the WPPSS Nuclear Projects No. 1 and 4. The stations, located on the AEC Hanford Reservation, will employ one pressurized-water reactor per station to produce up to 3600 megawatts thermal (MWt). Two steam turbine-generators, one per station, will use this steam to provide 1267 megawatts electrical or MWe (net) of electrical power capacity. A predicted maximum power level of 3779 MWt is anticipated at a future date. (ELR Order No. 41777.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314, 202-693-7168.

Draft

Iao Stream, Flood Control, Hawaii, November 25: The statement refers to the Iao Stream Flood Control project in Maui. The plan combines about 4,400 Ft. of concrete channelization between the debris basin and near the mouth of the stream, with about 7,300 ft. of stream left in its existing condition, but with a system of levees and floodwalls to protect adjacent lands. Adverse impacts are soil erosion and degradation of visual quality (Honolulu District) (45 pages). (ELR Order No. 41765.)

Providence River Harbor Channel, Supplement, Massachusetts, November 25: The statement, a supplement to the final EIS, submitted to the Council on October 17, 1973, refers to the change of a disposal area from the Brenton Reef Disposal Site to the Conimicut Point Disposal Site (Waltham District). (ELR Order No. 41762.)

St. Lawrence Seaway, Pollys Gut, New York, November 25: The statement refers to the safe navigation project on the St. Lawrence River at Pollys Gut. The project proposes the construction of a carved extension into the existing rubble mound spur dike. Adverse impacts are increased levels of noise, dust and water turbidity, and the destruction of 44,000 sq. ft. of benthic habitat (Buffalo District). (ELR Order No. 41761.)

Diked Disposal Site No. 7, Lorain Harbor, Lorain County, Ohio, November 25: The statement refers to the proposed Diked Disposal Site No. 7, Lorain Harbor, Lorain Harbor, Ohio. The project involves construction and operation of a 58-acre rubble-mound diked disposal facility to receive polluted sediments. Adverse impacts are temporary turbidity, destruction of some bottom organisms, and odor during spoil discharge operations (Buffalo District) (107 pages). (ELR Order No. 41766.)

Clear Creek and Clear Lake, Chambers and Harris Counties, Texas, November 25: The statement refers to the maintenance dredging of Clear Creek and Clear Lake, Texas. Maintenance dredging will be performed by hydraulic pipeline dredge with dredged materials disposed of in open water disposal areas. Adverse impacts are increased turbidity, loss of marine life habitat, and objectionable odors due to the deposition of dredged materials (Galveston District). (ELR Order No. 41763.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets, N.W., Washington, D.C. 20405, 202-343-4161.

Draft

Border Station Building, Lukeville, Arizona, November 25: Proposed is the construction of a new Border Station Building of 10,000 sq. ft., with inspection areas, canopies, a small commercial truck facility, and ten family residential units. Existing facilities would be demolished (38 pages). (ELR Order No. 41769.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF LAND MANAGEMENT

Final

1974 OCS Lease Sale, Texas, November 26: Proposed is the sale of leases on 551 tracts, totalling 3,062,519.73 acres, offshore Texas. No leases are in water depths greater than 200 meters. The sale is scheduled for late fall, 1974. All tracts pose some degree of pollution risks to the environment and adjacent shoreline. Each tract is subjected to a matrix analytical technique in order to evaluate significant environmental impacts should leasing and subsequent oil and gas exploration and production ensue. Comments made by: EPA, DOC, DOD, DOT, FEA, AEC, FPC, and State agencies. (ELR Order No. 41772.)

INTERSTATE COMMERCE COMMISSION

Draft

Docket 27620, Maine Central Railroad Co., Bangor and Aroostook Counties, Maine, November 25: The statement refers to the proposed acquisition of control of the Maine Central Railroad Company (MEC) by the Amoskeag Company. Acquisition would result in common corporate control by Amoskeag of MEC and the Bangor and Aroostook Railroad, with possible major operational changes resulting, including the elimination of duplicative facilities. The statement evaluates the environmental impacts of these changes (43 pages). (ELR Order No. 41770.)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tennessee 37401, 615-755-2002.

Final

Peaking Units, Johnsonville Steam Plant, Humphreys County, Tennessee, November 26: Proposed is the construction of a nominal 350 MW gas turbine peaking plant at the Johnsonville Steam Plant. There will be some land disturbance and construction disruption; increases in discharge of NOx and SO2 and particulates; and possible spillage of oil into Kentucky Reservoir. Comments made by: EPA, FEA, FPC, USDA, DOC, DOD, HEW, HUD, DOI, and DOT. (ELR Order No. 41771.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street, S.W., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

Fourth and Fifth Streets, Newport, Campbell County, Kentucky, November 25: The statement investigates the need for improving Fourth and Fifth Streets from Washington to Linden Avenues, Newport, Campbell County Kentucky. The project would require additional land acquisition and would increase air and noise pollution (114 pages). (ELR Order No. 41767.)

S.R. 371, McKinley and San Juan Counties, New Mexico, November 27: The statement refers to the proposed construction of S.R. 371, commencing 8.5 miles north of Crownpoint in McKinley County and terminating at a point 5 miles south of Farmington in San Juan County. The project length is approximately 65 miles. The most significant adverse effect will be the indirect influence of a great influx of population. (ELR Order No. 41781.)

Final

U.S. 71, Sac and Buena Vista Counties, Iowa, November 27: The statement refers to the construction of a portion of U.S. 71. The highway, which is to be built to expressway standards, will be at least partially relocated. The project will extend north from the north junction of U.S. 71 and U.S. 20 in Sac County, through its junction with Iowa 3 in Buena Vista, a distance of 19.0 miles. Adverse impacts include removal of quality farmland, displacement of farmsteads, and increased noise levels (125 pages). Comments made by: HEW, HUD, USDA, DOI, EPA, and State and local agencies. (ELR Order No. 41775.)

Freeway 520, Delaware and Dubuque Counties, Iowa, November 27: The project involves the proposed construction of approximately 35 miles of Freeway 520. It will consist of a four-lane divided roadway consistent with the freeway concept in design and access control. The project will begin in Delaware County and terminate in Dubuque County. Adverse impacts include the loss of agricultural and timber land, the rechannelization of Catfish Creek, and the displacement of 13 farmsteads, 10 houses, and 5 businesses (147 pages). Comments made by: HEW, HUD, USDA, DOI, EPA, COE, and State and local agencies. (ELR Order No. 41780.)

US 119, Appalachian Corridor F, Letcher County, Kentucky, November 27: The proposed project is the improvement of US 119 (Appalachian Corridor F) in Letcher County, for 16.7 miles. Depending upon the alternate taken the project will require between 571 and 855 acres of land, from 52 to 91 families, 1 to 5 businesses, 1 to 5 non-profit organizations, and 2 to 6 cemeteries. The facility will traverse a number of creeks, creating severe adverse impacts on aquatic habitat. A 4(f) review has been filed to obtain land from the Pine Mountain Wildlife Management Area. Other adverse impacts consist of: loss of wildlife habitat and increased air, noise, and water pollution (269 pages). Comments made by: HUD, HEW, EPA, DOC, DOI, and State and local agencies. (ELR Order No. 41773.)

Relocation of N.H. Route 111, Rockingham County, New Hampshire, November 27: This revised draft proposes the relocation of N.H. Route 111 beginning in Windham and proceeding easterly through Salem and Derry, terminating in Atkinson. The relocation will provide two 12-foot lanes and 10-foot shoulders. The project length is 3.4 miles. Adverse impact includes the displacement of 3 families. Comments made by: DOI, EPA, HEW, USDA, and USCG. (ELR Order No. 41778.)

U.S. 75, Cherokee Expressway, Tulsa County, Oklahoma, November 27: The project involves the construction of U.S. 75, a

ground level, 4 to 6 lane expressway in the northern section of the city of Tulsa. The 2.5 mile facility is the final phase of construction of the Cherokee Freeway. Adverse impacts are displacements, and the removal of privately owned lands from the tax rolls. There will also be a slight increase in noise levels. Comments made by: DPA, DOI, HUD, USDA, HEW, COE, DOT, and State and local agencies. (ELR Order No. 41774.)

US 18 and US 151, Dodgeville to Mt. Horeb, Iowa and Dane Counties, Wisconsin, November 27: The statement refers to the proposed construction of a 21 mile segment of highway which will be the concurrent route for U.S. 18 and U.S. 151. The improvement will be between Dodgeville and Mt. Horeb. Adverse impacts include increased noise levels, the use of 1090 acres of land (67% of which is cropland), and the displacement of 2 families and 3 businesses. Comments made by: DOI, DOT, HUD, EPA, USDA, and state and local agencies and concerned citizens. (ELR Order No. 41776.)

The Council has received written assurance from the Department of Transportation that distribution of full final eis's has been made to all commenting agencies and interested.

Final

I-580/S.R. 238, Alameda County, California: The statement refers to the proposed reconstruction of a 10-mile section of I-580 to an 8-lane freeway with a median wide enough to accommodate other modes of transportation. The construction project extends from San Lorenzo on the west to the Livermore-Amador Valley near Dublin on the east. Adverse impacts are increased air and noise pollution, diminished scenic resources, and displacements of 372 families and 30 businesses. Comments made by: EPA, CEQ, COE, DOI, FPC, DOT, and state and local agencies and concerned citizens.

The following statement was received by the Council on October 23, 1974 and should have appeared in the FEDERAL REGISTER of November 1, 1974. The thirty day review period for this final statement is to be calculated from October 23.

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

Final

Union Municipal Airport, Neshoba County, Mississippi, October 23: The statement refers to construction of a general aviation airport serving the town of Union. The project consists of acquisition of fee simple interest in 68 acres of land and easement interest in 7.23 acres, construction of a runway with an aircraft parking apron and connecting taxiway, fencing, wind cone and segmented circle. There will be slightly increased intermittent noise levels and a very slight increase in air pollution. The project will include clearing of approximately 33 acres and clearing and grubbing of five acres. There will be minor temporary construction effects. Comments made by: EPA, DOE, and USDA. (ELR Order No. 41618.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.74-28548 Filed 12-5-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 301-5; OPP-32000/150]

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 February 4, 1975, 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 February 4, 1975.

APPLICATIONS RECEIVED

EPA File Symbol 6233-RL. Amador Chemical Corp., 1640 N. Broadway St., Stockton CA 95205. AMADOR TRIO. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 8419-RA. The Andersons, PO Box 119, Maumee OH 43537. THE ANDERSONS WEED AND FEED 18-3-5. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 0.93%; Isooctyl Ester of Silvex 2-(2,4,5-Trichlorophenoxy) Propionic Acid 0.38%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8419-RL. The Andersons, PO Box 119, Maumee OH 43537. THE ANDERSONS BROADLEAF WEED KILLER WITH 2,4-D & SILVEX. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 1.00%; Isooctyl Ester of Silvex 2-(2,4,5-Trichlorophenoxy) Propionic Acid 0.47%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 35376-R. A. T. S. Laboratories, 936 Ledge Rd., Medina OH 44256. SECTICIDE FOR HORSES AND SMALL ANIMALS. Active Ingredients: Pyrethrins 0.25%; Piperonyl Butoxide, Technical 1.00%; Butoxypropylene Glycol 15.00%; Petroleum Distillate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 35378-R. Aqua/Process Chemicals, 2408 Yorktown #178, Houston TX 77027. S-72 ANTIMICROBIAL. Active Ingredients: 2,2-Dibromo - 3 - nitrilopropionamide 20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8612-TO. B & G Co., 10539 Maybank, Dallas TX 75220. BGS 5 DUST INSECTICIDE CONTAINS SEVIN. Active Ingredients: Carbaryl (1-Naphthyl Methylcarbamate) 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5185-EGL. Bio-Lab, Inc., PO Box 1489, Decatur GA 30031. BIO-GUARD MF-22 MINT FRAGRANT DETERGENT - DISINFECTANT-SANITIZER-DEODORANT-PATHOGENIC FUNGICIDE. Active Ingredients: Alkyl (C14 58%, C16 28%, C12, 14%) dimethyl benzyl ammonium chloride 2.5%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 35379-R. Burlington Industries, Inc., Chemical Div., PO Box 523, Jamestown NC 27282. BICHEM TREATMENT CWL-30. Active Ingredients: Poly [oxyethylene(dimethyliminio)ethylene (dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34895-R. Central Solvents & Chemicals Co., 2465 S. 1100 West, Woods Cross UT 84087. YARMOR 302W PINE OIL. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34276-R. Century Industries Corp., RD #1, New Waterford OH 44445. NO. 815-01 CENTURY 5% PENTA WOOD PRESERVER. Active Ingredients: Pentachlorophenol 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3125-119. Chemagro, PO Box 4913, Kansas City MO 64120. DI-SYSTON LIQUID CONCENTRATE SYSTEMIC INSECTICIDE. Active Ingredients: O,O-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate 65%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 13898-GA. Contract Packaging, Inc., 1505 North Ave., Norwalk IA 50211. C P I PET SPRAY. Active Ingredients: Pyrethrins 0.06%; Piperonyl butoxide, technical 0.48%; Carbaryl (1-naphthyl N-methylcarbamate) 0.50%; 2,3:4,5-bis(2-butylene) Tetrahydro-2-furaldehyde 0.24%; Petroleum distillate 12.24%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13898-GL. Contract Packaging, Inc., 1505 North Ave., Norwalk IA 50211. C P I SPACE AND RESIDUAL SPRAY. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.350%; Related compounds 0.048%; Aromatic petroleum hydrocarbons 0.464%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 14943-A. Corporate Brands Inc., 9840 Dorchester Ave., Chicago IL 60628. SPECTRUM. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10690-E. Drew C.T.I., 3251 E. 11th Ave., Hialeah FL 33013. LARVEX DOUBLE ACTION. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.350%; Related compounds 0.048%; Aromatic petroleum hydrocarbons 0.464%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 14800-1. Echol Chemical Formulators, Inc., PO Box 1765, Lakeland FL 33802. MICRONIZED WETTABLE SULPHUR. Active Ingredients: Sulphur 95%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9515-G. Fischer Chemco Inc., 410 N. Michigan Ave., Chicago IL 60611. CHLORINE SANITIZER #2. Active Ingredients: Organic chloride 4.0%; Sodium Metasilicate-anhydrous 25.0%; Sodium Hydroxide 10.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 279-E00N. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105. CELA W524 20% EMULSIFIABLE CONCENTRATE FUNGICIDE. Active Ingredients: N,N'-[1,4-Piperazinediylbis (2,2,2-trichloro-ethylidene] bis [formamide] 20.6%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 34911-E. Hi-Yield Chemical Co., PO Box 460, Bonham TX 75418. HI-YIELD MALATHION INSECT SPRAY. Active Ingredients: Malathion 28%; Aromatic Petroleum Derivatives Solvent 60%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34911-G. Hi-Yield Chemical Co. HI-YIELD DIAZINON INSECT SPRAY. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl phosphorothioate 12.5%; Aromatic Petroleum Derivatives 76.9%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34911-U. Hi-Yield Chemical Co. HI-YIELD CHLORDANE SPRAY. Active Ingredients: Technical Chlordane 43%; Aromatic Petroleum Derivative Solvent 49%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2270-35. The Huge Co., Inc., 7625 Page Ave., St. Louis MO 63133. EXCELCIDE S & G WAREHOUSE SPRA. Active Ingredients: Petroleum Distillate 97.07%; Beta-butoxy beta'-thiocyano diethyl ether 1.38%; Methoxychlor, Technical 1.37%; N-Octyl bicycloheptene dicarboximide 0.09%; Technical Piperonyl Butoxide 0.06%; Pyrethrins 0.03%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 19409-R. Leonard Brush Co., 900 E. Main St., Louisville KY 40206. LEONARD BRUSH CO. MINT 7 DISINFECTANT CLEANER. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 299-RII. C. J. Martin Co., 606 W. Main St., Nacogdoches TX 75961. MARTIN'S RABON CATTLE DUST. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 3.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 299-RIT. C. J. Martin Co., 606 W. Main St., Nacogdoches TX 75961. MARTIN'S RABON POULTRY DUST. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 3.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1926-AA. Navy Brand Manufacturing Co., 5111 Southwest Ave., St. Louis MO 63110. TRIUMPH BOWL CLEANER EMULSION. Active Ingredients: Hydrogen Chloride 24.82%; Para Di-Isobutyl-Phenoxy Ethoxy Ethyl, Dimethyl Benzyl, Ammonium Chloride 0.20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1926-AT. Navy Brand Manufacturing Co. LILOL LEMON-SCENTED DISINFECTANT. Active Ingredients: Isopropyl Alcohol 10.03%; Vegetable Oil Soap 5.50%; Ortho-phenylphenol 1.48%; 4 and 6 Chloro-2-phenylphenol 3.55%; Lemon Essential Oils 0.44%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1926-TE. Navy Brand Manufacturing Co. G. G. CLEANER CLEANS—DISINFECTS—DEODORIZES. Active Ingredients: Sodium carbonate 2.50%; n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.25%; n-Alkyl (50% C12, 30% C14, 17% C16, 3% C18) dimethyl ethylbenzyl ammonium chlorides 1.25%; Tetrasodium salt of ethylene diamine tetraacetic acid 0.08%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 24053-I. Peterson Exterminating, 559 E. 63 St., Chicago IL 60637. PETERSON'S PDQ INSECT SPRAY. 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.)) 0.261%; petroleum distillate 98.400%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 17001-E. Petty Exterminating Co., 1515 S. Pulaski Rd., Chicago IL 60623. PETTY'S THE KILLER. 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.) 98.400%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 35137-G. Price Research, Ltd., 205 Westport Rd., Kansas City MO 64111. PRICE FORMULATION—30. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 0.950%; Dioctyl Dimethyl Ammonium Chloride 0.475%; Didecyl Dimethyl Ammonium Chloride 0.475%; Tetrasodium Ethylenediamine Tetraacetate 1.000%; Trisodium Phosphate 2.000%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 10226-LE. Rockwood Chemical Co., PO Box 34, Brawley CA 92227. ROCKWOOD BRAND THIO—SULPHUR DUST NO. 3-50. Active Ingredients: Endosulfan (Hexachloro-Hexahydro-methano 2,4,3-benzodioxathiepin oxide 3.0%; Sulfur 50.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 25022-GR. Sefco, 525 Glenn St., S.W., Atlanta GA 30312. SWACK. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11547-GT. Share Corp., 2655 N. 126th St., Brookfield WI 53005. SHARE CORP. D-S-D DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 21327-E. Southwestern Grain Supply Co., 1401-B W. 7th St., PO Box 3280, Amarillo TX 79106. SW LARVACIDE 100 CHLOROPICRIN (NON-PRESSURIZED) SPACE, GRAIN, AND SOIL FUMIGANT. Active Ingredients: Chloropicrin 99%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 476-2043. Stauffer Chemical Co., 200 S. 47th St., Richmond CA 94804. STAUFFER CHEMICALS PROLATE 1-E EMULSIFIABLE LIQUID. Active Ingredients: N-(mercaptomethyl) phthalimide S-(0,0-dimethyl phosphorodithioate) 11.6%; Petroleum hydrocarbon solvent 72.9%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 476-2056. Stauffer Chemical Co. DYFONATE 4-E EMULSIFIABLE LIQUID INSECTICIDE. Active Ingredients: O-Ethyl S-Phenyl Ethylphosphonodithioate 44.6%; Petroleum Hydrocarbon Solvent 44.9%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 476-2134. Stauffer Chemical Co. DYFONATE 4-EC EMULSIFIABLE LIQUID INSECTICIDE. Active Ingredients: O-Ethyl S-Phenyl Ethylphosphonodithioate 47.3%; Petroleum Hydrocarbon Solvent 42.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935-48. Wilbur-Ellis Co., PO Box 1286, Fresno CA 93715. RED-TOP DUSTING SULFUR. Active Ingredients: Sulfur 98%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. 2935-92. Wilbur-Ellis Co. RED-TOP SPRAY SULFUR. Active Ingredients: Sulfur 97.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935-305. Wilbur-Ellis Co. RED-TOP THIODAN 5 SULFUR 25 DUST. Active Ingredients: Endosulfan 5%; Sulfur 25%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: November 26, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-28181 Filed 12-5-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics Special Committee 126, Airborne OMEGA Receivers. It is to be held on January 15, 1975, in Conference Room 6A and B, FAA Headquarters Building, 800 Independence Avenue, SW, Washington, D.C., beginning at 9 A.M.

AGENDA

1. Chairman's Opening Comments—I. Lublin.
2. Introduction of Members and Guests.
3. Special Announcements.
4. Approval of Minutes of First Meeting of SC-126 held on September 18, 1974, RTCA Paper No. 106-74/SC126-4.
5. Report of Subcommittees:
5.1 Low Performance Aircraft.
5.2 High Performance Aircraft.
6. New Business.
7. Assignment of Special Tasks.
8. Announcement of date and place of next meeting.

The meeting is open to the public on a space available basis. Any members of the public may file a written statement with the Commission either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Commission prior to the meeting.

Those desiring more specific information may contact the RTCA Secretariat, Suite 655, 1717 H Street, NW, Washington, D.C. 20006, or phone, Area Code 202/296-0484.

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

[FR Doc.74-28518 Filed 12-5-74;8:45 am]

PRESIDENTIAL CLEMENCY BOARD

NOTICE OF MEETINGS

NOVEMBER 29, 1974.

Notice is hereby given, pursuant to the provisions of the Federal Advisory Committee Act of 1972, that meetings of the Presidential Clemency Board will be held on December 12, 13, 14 and 19, 20, 21, 1974 in Room 459, Old Executive Office Building, Washington, D.C.

These meetings will not be open to the public since (1) the Board will discuss matters related solely to its internal personnel and practices under 5 U.S.C. 552-(b)(2) and (2) will examine personnel and similar files, disclosure of which would constitute an unwarranted invasion of privacy under (b)(6) of the same section.

A waiver of the 15-day notice provisions has been granted by the Director, Office of Management and Budget, under OMB Circular No. A-63, as revised, pertaining to the Federal Advisory Committee Act of 1972. This waiver is required for the Board to give immediate consideration to those recently furloughed from prison under Executive Order 11803.

CHARLES E. GOODELL,
Chairman.

[FR Doc.74-28492 Filed 12-5-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Procurement Regulations; Temporary Regulation 34]

PROGRESS PAYMENTS

Increase of Permissible Level

1. Purpose. This FPR Temporary Regulation amends the provisions of the Federal Procurement Regulations to increase the permissible level of progress payments.

2. Effective date. This regulation is effective December 16, 1974, but may be observed earlier if desired, as provided in FPR § 1-30.503-1.

3. Expiration date. This regulation will continue in effect until canceled.

4. Background. The Federal Procurement Regulation previously has provided for 70 percent as the customary rate of progress payments, except that the rate has been 75 percent for certain contracts with small business concerns. The customary progress payment levels authorized by the Armed Services Procurement Regulation have been higher in recent years than those authorized by the FPR. The earlier use of funds and savings in contractors' financing costs, particularly for small businesses, can be expected to improve the economy and to increase competition with the prospect of lower prices to the Government.

5. Explanation of changes. The standard percentages for customary progress payments as authorized by Subpart 1-30.5 shall be at the rate of 80 percent of total incurred costs. However, if small business concerns are involved, whether on the basis of formal advertising or negotiation, payment shall be at the rate of 85 percent. Solicitations and invitations for bids as well as contract clauses set forth in § 1-30.510-1 shall cite these revised rates as appropriate.

ARTHUR F. SAMPSON,
Administrator of General Services.

NOVEMBER 27, 1974.

[FR Doc.74-28500 Filed 12-5-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RI75-70 and RI75-71]

SUN OIL CO., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

NOVEMBER 27, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI75-70	Sun Oil Co	108	12	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.) (San Juan Basin Sub Area) Rocky Mountain Area).	(3)	10-31-74		6-1-75	[1] 24.98	[1] 25.48	RI74-145.
	do	319	14	El Paso Natural Gas Co. (Gallegos Canyon Unit, San Juan County, N. Mex.) (San Juan Basin Sub Area) (Rocky Mountain Area).	$1,552	10-31-74		1-2-75	[1] [6] 24.98	[1] 25.48	RI74-145.
	do	376	17	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.) (San Juan Basin Sub Area) (Rocky Mountain Area).	(3)	10-31-74		6-1-75	[1] [7] 28.5	[1] 29.0	RI74-145.
	do	431	11	Northwest Pipeline Co. (Gallegos Canyon, San Juan County, N. Mex.) (San Juan Basin Sub Area) (Rocky Mountain Area).	(3)	11-1-74		6-1-75	[1] [6] 24.98	[1] 25.48	RI74-145.
	do			do	10,742	11-1-74		6-1-75	[1] [6] 24.98	[1] 25.48	RI74-145.
	do			do	13	11-1-74		1-2-75	[1] [8] [9] 24.5	[1] [8] 25.0	RI74-145.
	do			do	51	11-1-74		6-1-75	[1] [7] 28.5	[1] 29.0	RI74-145.
	do			do	(3)	11-1-74		6-1-75	[1] [8] [7] 28.5	[1] [8] 29.0	RI74-145.
	do	512	5	do	546	11-1-74		1-2-75	[1] [6] 24.5	[1] 25.0	RI74-145.
	do			do	3	11-1-74		6-1-75	[1] [7] 28.5	[1] 29.0	RI74-145.
RI75-71	J. M. Williams a.k.a. Jacquelin M. Williams.	[4] 1	10	El Paso Natural Gas Co. (Blanco Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Sub Area) (Rocky Mountain Area).	6,466	11-1-74		5-16-75	29.23	[5] 53.98	RI72-82.

*Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Base rate—subject to applicable taxes and Btu adjustment.
[2] Currently no deliveries.
[3] For gas delivered from acreage dedicated after Oct. 1, 1968.
[4] Applicant's interest is covered under Northeast Blanco Development Corp. FPC Gas Rate Schedule No. 1.
[5] Unilateral increase under a basic contract dated Mar. 18, 1953 (terminated effective Dec. 16, 1974); base rate 43.86 cents plus 3.86 cents tax, 5.26 cents Btu and 1 cent liquids.
[6] For sales from wells completed prior to June 1, 1970.
[7] For sales from wells completed on or after June 1, 1970.

The proposed rate increases which exceed the applicable ceiling rate established by Opinion No. 658 are suspended for five months. Sun's proposed rate increases which exceed the applicable area ceiling rate in Order No. 435 are suspended for one day, except for those proposed increased rates of 29 cents per Mcf which are suspended for five months because of the rate level involved.

J. M. Williams d/b/a Jacquelin M. Williams requests a one day suspension from the proposed effective date. Good cause has not been shown for granting such request, and it is denied.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699, issued June 21, 1974, in Docket No. R-389-B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699 is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have ben satisfactorily demonstrated prior to September 23, 1974, will be made effective as of June 21, 1974.

[FR Doc.74-28438 Filed 12-4-74;8:45 am]

[Docket Nos. E-7571 and E-7572]

UNION ELECTRIC CO. AND MISSOURI POWER & LIGHT CO.

Order Approving Settlement Agreements

NOVEMBER 27, 1974.

On September 3, 1974 Union Electric Co. (UE) and Missouri Power & Light Co. (MPL) filed a Joint Motion for Approval of Stipulations and Agreements[1] to terminate the proceedings in Docket Nos. E-7571 and E-7572. If approved, the settlement agreements would resolve all issues in these proceedings.

Docket Nos. E-7571 and E-7572 were initiated by UE's proposed rate increase to MPL, and MPL's proposed rate increase to Missouri Edison Company (Edison). The requested increases were for $1,017,777 and $376,444, respectively, based on 1969 billings. The Commission, by order dated February 26, 1971, consolidated the two dockets, accepted the proposed rates for filing, and suspended their use for the maximum statutory period until July 27, 1971. Additionally, the interest to be charged on any refunds was set at the prime rate in St. Louis, Missouri on July 27, 1971, and the interventions of the City of Jefferson, Missouri and the Missouri Public Service Commission were permitted.

The proposed settlements were noticed on September 13, 1974, with comments or protests due on or before September 26, 1974. No such response was received. The principal provisions of the settlement agreements may be summarized as follows:

The settlement in Docket No. E-7571 is based upon principles established in Opinion No. 609,[1] issued January 24, 1972, except that the allowable rate of return will be 8.00%. Rates to be charged MPL by UE[2] are herein established for the period from July 27, 1971 to and including December 16, 1973. The aforementioned settlement differs from the suspended rate in that:

1. The demand charge is increased from $1.50 per kW to $1.735.

2. The monthly billing demand is reduced from 100 percent to 80 percent of the highest billing demand established during the preceding 12 months including the current month.

Rates to be charged MPL by UE from December 17, 1973 were placed into effect on that date pursuant to a settlement agreement in Docket No. E-8215, issued by Commission order on September 4, 1974.

The settlement in Docket No. E-7572 is based on the flowing-through of the agreed-upon UE increase to MPL in Docket No. E-7571 from July 27, 1971 to December 17, 1973 and the increase from UE to MPL allowed in Docket No. E-8215 from December 17, 1973. Under rate schedule changes originally proposed in Docket No. E-7572, the rate schedule[3] would have automatically reflected in proportionate part any further rate changes between UE and MPL. The settlement agreement, however, is based on explicit demand and energy rates.

The changes from the suspended rate for the period from July 27, 1971 to and including December 16, 1973 are:

1. The demand charge is changed from billing demand equal to that paid by MPL to UE, to a demand charge of $1.735 per kW.
2. The monthly billing demand is reduced from 100 percent to 80 percent of the highest billing demand established during the preceding 12 months including the current month.

The further changes commencing December 17, 1973 are:

1. The demand charge is $2.53 per kW.
2. The energy charge is 6.3 mills per kWh rather than being based on the expense of purchases from UE.

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[1] Filed as part of the original.

[1] Docket No. E-7525, Union Electric Company, 47 FPC 144 (1972).

[2] Under FPC Electric Tariff No. 49.

[3] MPL Rate Schedule No. 25.

Based upon our review of the record and the pleadings in these dockets, including the Settlement Agreements themselves, we conclude that the proposed Agreements represent a reasonable resolution of the issues in these proceedings, is in the public interest, and should be approved, as hereinafter ordered and conditioned. As provided in our July 27, 1971, suspension order the interest rate on the refunds to be made shall be at the prime rate in St. Louis, Missouri on that date, which is 6 percent per annum.

The Commission finds the settlement of these proceedings on the basis of the Settlement Agreements filed in these proceedings is reasonable, appropriate and in the public interest, as hereinafter ordered and conditioned.

The Commission orders: That (A) The settlement agreements of UE/MPL and MPL/Edison, as filed on September 3, 1974 in Docket Nos. E-7571 and E-7572, are incorporated herein by reference, approved, and adopted subject to the terms and conditions of this order.

(B) Within 30 days UE and MPL shall file revised tariff sheets and rate schedule changes reflecting rates which conform with the proposed settlements as herein approved.

(C) Within 30 days after the aforementioned revised tariff sheets and rate schedule changes are accepted for filing, UE and MPL shall refund to MPL and Edison, respectively, the difference between the revenues collected under rates subject to refund and the revenues permitted under settlement rates approved herein, with interest at the prime interest rate in St. Louis, Missouri on July 27, 1971 (6 percent per annum).

(D) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by this Commission, and it is without prejudice to any claims or contentions which may be made by the Commission, its Staff, UE, or MPL, or by any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against UE, MPL, or any other person or party.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.74-28439 Filed 12-5-74;8:45 am]

FEDERAL RESERVE SYSTEM

COMMONWEALTH BANCSHARES, INC.

Order Denying Formation of Bank Holding Company

Commonwealth Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 88 per cent of the voting shares of Commonwealth National Bank of Dallas, Dallas, Texas ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation organized for the purpose of becoming a bank holding company through the acquisition of Bank. The sole shareholders of Applicant are three individuals who are now members of a partnership that is a registered one-bank holding company owning about 59 per cent of Bank. The proposal contemplates shifting control of Bank from the partnership to a corporation along with acquisition of additional shares of Bank by the corporation. With deposits of $19.6 million, Bank holds approximately .39 of one per cent of the total commercial bank deposits in the relevent banking market (approximated by the Dallas Ranally Metro Area) and is the 51st largest bank in that market.[1] Inasmuch as this proposal represents essentially a reorganization of existing interests and Applicant has no present banking subsidiaries, the acquisition of Bank by Applicant would neither eliminate any significant existing or potential competition, increase the concentration of banking resources, nor have any adverse effect on competition within the Dallas market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The Board has indicated on previous occasions that it believes that a holding company should provide a source of strength to its subsidiary bank(s), and that it will examine closely the condition of the Applicant in each case with this view in mind. The proposal involves an acquisition debt of approximately $1.6 million, which Applicant proposes to service over a twelve-year period through a 50 percent dividend payout from Bank. In recent years, Bank has not paid any dividends. In the Board's view, this high level of debt and the dividend payout required from Bank to service the debt could place an undue strain on Bank's capital position. In this regard, the projected asset and deposit growth and earnings from the Bank between 1974-1985, the debt retirement period, do not appear to provide Applicant with the necessary financial flexibility to meet its annual debt service requirements while maintaining adequate capital at Bank. On the basis of the above banking factors, and other facts of record, the Board is unable to conclude that it would be in the public interest to permit the formation of a one-bank holding company with an initial debt structure which could result in impairing Bank's financial condition. Accordingly, the Board concludes that the financial aspects of Applicant's proposal weigh against approval of the application.

The proposed formation essentially involves the reorganization of the ownership interests of the partnership without any significant changes in Bank's operations or any additional services offered to customers that are not already provided by Bank. Consequently, considerations relating to the convenience and needs of the community to be served lend no weight toward approval of the application. On the contrary, as noted above, the debt service requirements of Applicant's proposal could impair Bank's ability to maintain its capital adequacy and to continue to serve the community as a viable banking organization.

On the basis of all of the circumstances concerning this application, the Board concludes that the financial considerations involved in this proposal present adverse circumstances bearing upon the financial condition and prospects of both Applicant and Bank. Such adverse factors are not outweighed by any procompetitive effects or by benefits which would result in serving the convenience and needs of the community. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be denied.

On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[2] effective November 27, 1974.

[SEAL] GRIFFITH L. GARWOOD, *Acting Secretary of the Board.*

[FR Doc.74-28504 Filed 12-5-74;8:45 am]

[1] All banking data are as of December 31, 1973, unless otherwise indicated.

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Denying Request for Reconsideration

First City Bancorporation of Texas, Inc., Houston, Texas, has requested reconsideration of the Order of June 26, 1974, whereby the Board of Governors denied the application of First City Bancorporation for prior approval for the acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to Meyerland Bank, Houston, Texas, pursuant to section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)).

This request for reconsideration is filed pursuant to § 262.3(g)(5) of the Board's rules of procedures which provides that the Board will not grant any request for reconsideration "unless the request presents relevant facts that, for good cause shown, were not previously presented to the Board, or unless it otherwise appears to the Board that reconsideration would be appropriate."

[2] Voting for this action: Vice Chairman Mitchell, and Governors Sheehan, Holland, Wallich and Coldwell. Absent and not voting: Chairman Burns and Governor Bucher.

The Board has considered the material submitted in Applicant's Request for Reconsideration and finds that it does not present new facts that, for good cause shown, were not previously presented to the Board. Accordingly, the Request for Reconsideration is hereby denied for the reasons set forth in the Board's Statement, which will be released at a later date.

By order of the Board of Governors,[1] effective November 27, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Acting Secretary of the Board.

[FR Doc.74-28505 Filed 12-5-74;8:45 am]

[1] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Holland, Wallich and Coldwell. Absent and not voting: Chairman Burns and Governor Bucher.

MELLON NATIONAL CORP.

Proposed Acquisition of Local Loan Co.

Mellon National Corp., Pittsburgh, Pennsylvania, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire 100 per cent of the voting shares of Local Loan Co., Chicago, Illinois. Notice of the application was published between September 20 and 27, 1974 and on October 3, 11 and 12, 1974 in newspapers of general circulation in each of the communities in which there is located one or more of the 124 offices of Local Loan Co. The subsidiaries of Local Loan Co. operate offices in the states of California, Colorado, Florida, Illinois, Indiana, Kentucky, Minnesota, Nebraska, New York, Oregon, Washington, and Wisconsin.

Applicant states that the proposed subsidiary would engage in making or acquiring, for its own account, loans and other extensions of credit such as would be made by a commercial finance company; and in acting as agent for the sale of credit life and credit accident and health insurance. 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 Cleveland.

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 30, 1974.

Board of Governors of the Federal Reserve System, November 26, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-28502 Filed 12-5-74;8:45 am]

TENNESSEE VALLEY BANCORP, INC.

Order Approving Acquisition of Bank

Tennessee Valley Bancorp, Inc., Nashville, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to convert nonvoting preferred shares into 50 per cent or more of the voting shares of Mountain Empire Bank, Johnson City, Tennessee ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those of the Tennessee Bankers Association and its Independent Bankers Division, the Tennessee Association of Registered Bank Holding Companies, and three Tennessee banks, in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fifth largest bank holding company in Tennessee, controls 11 banks with aggregate deposits of $935 million, representing 8.0 per cent of total commercial bank deposits in the State.[1] Since Bank is a proposed new bank, consummation of the proposal would not immediately increase Applicant's share of Statewide deposits.

Bank is to be located in the Johnson City banking market,[2] which is the relevant market. Applicant is the fourth largest banking organization in the Johnson City banking market, controlling through one subsidiary bank 11.3 per cent of total deposits held by commercial banks in the market. The two largest banking organizations in the market (both multi-bank holding companies) control approximately 72 per cent of the market's commercial bank deposits. Since Bank is a proposed new bank, consummation of the proposal would not eliminate any existing competition between Applicant and Bank, nor would it result in an increase in the concentration of banking resources in the market. Furthermore, it does not appear that any significant potential competion would be foreclosed as a result of the consummation of the proposal. Applicant does not occupy a dominant position in the market, and it does not appear that the present proposal would raise significant barriers to entry from other organizations or individuals not presently in the market. Accordingly, on the basis of the record before it, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and prospects of Applicant, its subsidiary banks, and Bank are regarded as generally satisfactory, particularly in view of Applicant's commitments to inject capital into certain of its subsidiaries. Thus, considerations relating to banking factors are consistent with approval. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval since Bank would serve as an alternative source of full banking services to residents of the area.

In its consideration of the subject application, it is noted that the Tennessee Bankers Association, its Independent Bankers Division the Tennessee Association of Registered Bank Holding Companies, and three commercial banks in Tennessee (here collectively referred to as "protestants") have objected to approval of the application. The protestants contend generally that 1) approval of the proposal would violate provisions of the Tennessee Bank Structure Act of 1974; and 2) Tennessee Valley Bancorp has violated section 3 of the Bank Holding Company Act by acquiring control of Bank without the prior approval of the Board, as required by the Act. Upon receipt of the objections to the application, the Board accorded Applicant an opportunity to respond to the points raised by the protestants and Applicant availed itself of the opportunity to respond. The Board has considered fully the comments received from the protestants, Applicant's response thereto, and additional submissions on behalf of certain of the protestants and, for the reasons summarized below, concludes that 1) approval of the subject proposal is not barred by the provisions of the Tennessee Bank Structure Act of 1974; and 2) Tennessee Valley Bancorp has not violated section 3 of the Bank Holding Company Act by acquiring control of Bank without the prior approval of the Board, as required by the Act.

We turn first to the contention of protestants that approval of the subject proposal would violate the provisions of the Tennessee Bank Structure Act. If the contention of the protestants is correct, it is clear that the Board may not

[1] All banking data are as of December 31, 1973, and reflect bank holding company formations and acquisitions approved through October 31, 1974.

[2] The Johnson City banking market is approximated by the following cities: Elizabethton, Jonesboro, Limestone, and Johnson City, Tennessee.

approve the proposal.[3] The Tennessee Bank Structure Act became effective on March 4, 1974. Its purpose, broadly stated, is to prohibit, until after January 1, 1980, the acquisition by a registered bank holding company of any bank which has been in existence for a period of less than five years, which would include a de novo bank. While there are several exceptions in the statute not here relevant, section 3(c) of the Act does permit a bank holding company to acquire shares of a bank if the holding company held more than 50 percent of such bank's shares prior to March 4, 1974. Protestants argue that the subject proposal, involving the acquisition of 50,000 nonvoting convertible preferred shares of Bank by Tennessee Valley Bancorp, is an attempt to circumvent the provisions of the Tennessee Bank Structure Act and is clearly contrary to the legislative intent of the Act.

Being recently enacted, the relevant provisions of the Tennessee Bank Structure Act have yet to be interpreted by any Tennessee Court. In exercising its responsibilities under the Bank Holding Company Act, the Board would normally look to such authoritative State court interpretations of a State statute in instances where protestants to a holding company proposal contend that the proposal would contravene State law. Failing a judicial decision on the question, the Board inquires next to see if the Attorney General in the State has rendered an opinion that would assist the Board in resolving the issue. Here too, the Board is unaware of any Attorney General opinion on the question, nor have the Applicant or the protestants cited the Board to any such opinion in support of their respective positions. It appears from the record that the only authoritative opinion that has been rendered on the question has been that of the Acting Commissioner of Banking for the State of Tennessee, who has indicated that the Tennessee Department of Banking has no objection to the proposal.[4] The Acting Commissioner states: "Since there appears to be no legal obstacle to the proposal, we have no objection thereto." The Acting Commissioner goes on to examine the applicability of the Tennessee Bank Structure Act to the proposal and finds that Tennessee Valley Bancorp benefits from the exception in section 3(c) of the Act, since Tennessee Valley Bancorp owned more than 50 percent of the shares of Bank prior to the effective date of the statute. The Acting Commissioner refers specifically to the fact that the Act makes no distinction between voting and nonvoting stock and states: "Thus, if a holding company owns a majority of all the shares of a new bank, regardless of their class, it can make use of the exception afforded by section 3(c)."

In the Board's view, the opinion of the Acting Commissioner of Banking is well reasoned and consistent with the plain language of the relevant statute. Where as here, the State's administrative officer authorized under Tennessee law to interpret the banking laws of the State and to regulate banking practices has advised the Board of his view that the proposal is permissible under State law, the Board believes that it would be inappropriate for it to adopt a contrary interpretation of the statute in question, particularly when the Acting Commissioner's opinion is not clearly erroneous and is consistent with the plain language of the statute. Accordingly, the Board concludes that the subject proposal is not prohibited by the Tennessee Bank Structure Act and, therefore, Board approval of the application is not barred.

Turning to the second contention of the protestants, i.e., that Tennessee Valley Bancorp has violated the Bank Holding Company Act by acquiring a controlling influence over the management and affairs of Bank without the prior approval of the Board, as required by the Act, the Board also finds this argument to be no impediment to approval of the subject application. In this regard protestants rely on the presumptions of control found in Regulation Y. These presumptions of control, adopted by the Board for use in proceedings instituted by the Board, provide that the Board may determine, as provided by the Act, after notice and an opportunity for a hearing, that a company directly or indirectly exercises a controlling influence over the management or policies of a bank. If one of the regulatory presumptions of control applies under a given situation, the procedures set forth in the regulation provide that the Board inform the company that the Board has made a preliminary determination of control and the company is given the opportunity to, "(i) indicate to the Board its willingness to terminate the control relationship * * *; (ii) state that it will promptly seek Board approval to retain the control relationship, * * *; or (iii) set forth such facts and circumstances as may support its contention that there is not a control relationship."

Assuming for the purposes of the discussion that Bank constitutes a "bank" as defined in the Bank Holding Company Act, since the Board is only empowered to find a control relationship after notice and opportunity for hearing, due process of law prevents a finding of control which would relate back so as to constitute a violation of the Bank Holding Company Act.[5] A violation would, however, occur were a company to fail to apply to retain the control relationship after a finding of control or to refuse to divest the control relationship were the Board to deny any such retention application. Thus, the second contention of the protestants does not preclude favorable Board action on the subject application.

Accordingly, on the basis of the entire record, it is the Board's judgment that consummation of the proposed acquisition would be in the public interest and, for the reason summarized above, the application should be, and is hereby approved. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Mountain Empire Bank, Johnson City, Tennessee, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[6] effective November 26, 1974.

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

[FR Doc.74-28503 Filed 12-5-74;8:45 am]

[3] See Whitney National Bank in Jefferson Parish v. Bank of New Orleans & Trust Co., 379 U.S. 411 (1965).

[4] Letter of March 6, 1974, from Hugh F. Sinclair, Acting Commissioner of Banking, State of Tennessee, to Federal Reserve Bank of Atlanta.

[5] It should be noted that indirect control of the voting shares of a bank as for instance through officers and directors of the holding company, without prior Board approval, would of course constitute a violation of the Act.

[6] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher, Holland, Wallich, and Coldwell.

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

H & W COAL CO., ET AL.

Applications for Renewal Permits; Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP Docket No. 4171-000, H & W COAL COMPANY, Mine No. 2, Mine ID No. 40 00232 0, Devonia, Tennessee,
- ICP Permit No. 4171-005 (S & S UAT-86 Unatrac, Ser. No. UAT86-153),
- ICP Permit No. 4171-006 (S & S UAT-86 Unatrac, Ser. No. UAT-86).

(2) ICP Docket No. 4176-000, LOIS COAL COMPANY, Mine No. 1, Mine ID No. 44 03482 0, Grundy, Virginia 24614,
- ICP Permit No. 4176-001-R-2 (Stacy's Spinner Loading Machine, Ser. No. 206),
- ICP Permit No. 4176-004-R-2 (Royal Cutting Machine, Ser. No. 63),
- ICP Permit No. 4176-005-R-2 (Bailey's Battery Powered Tractor, Ser. No. 78).

(3) ICP Docket No. 4194-000, DILSTON CORPORATION, Mine No. 1, Mine ID No. 44 02221 0, Grundy, Virginia,
- ICP Permit No. 4194-001 (Bailey 4-W Tractor, I.D. No. 8),
- ICP Permit No. 4194-002 (Bailey 4-W Tractor, I.D. No. 9).

(4) ICP Docket No. 4195-000 DILSTON CORPORATION, Mine No. 3, Mine ID No. 44 01549 0, Grundy, Virginia.
ICP Permit No. 4195-002 (S & S Tractor, I.D. No. 2).
ICP Permit No. 4195-003 (S & S Tractor, I.D. No. 3).
ICP Permit No. 4195-004 (Bailey Tractor, I.D. No. 4).
ICP Permit No. 4195-005 (Bailey Tractor, I.D. No. 5).
ICP Permit No. 4195-006 (Bailey Tractor, I.D. No. 6).
ICP Permit No. 4195-007 (Bailey Tractor, I.D. No. 7).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before December 23, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

Dated: December 2, 1974.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

[FR Doc.74-28490 Filed 12-5-74;8:45 am]

INLAND STEEL CO.

Application for Renewal Permit; Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Mandatory Dust Standard (2.0 mg/m³) has been received as follows:

ICP Docket No. 20257, INLAND STEEL COMPANY, Inland Mine, Mine ID No. 11 00601 0, Sesser, Illinois.
Section ID No. 001-0 (#1 Maine West).
Section ID No. 013-0 (#1 Mains East).
Section ID No. 027-0 (10 Left, #1 Mains West).
Section ID No. 028-0 (10 Right, #1Mains West).
Section ID No. 029-0 (#1 Mains West), West).
Section ID No. 030-0 (11 Left, #1 Mains West).
Section ID No. 031-0 (3 Left, #1 Mains East).
Section ID No. 032-0 (4 Left, #1 Mains East).
Section ID No. 033-0 (6 Right, #1 Mains East).
Section ID No. 034-0 (7 Right, #1 Mains East).
Section ID No. 035-0 (8 Right, #1 Mains East).
Section ID No. 036-0 (12 Left, #1 Mains West).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before December 23, 1974. Requests for public hearings must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

Dated: December 2, 1974.

C. DONALD NAGLE,
Vice Chairman,
Interim Compliance Panel.

[FR Doc.74-28488 Filed 12-5-74;8:45 am]

KAISER STEEL CORP.

Application for Renewal Permit; Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Mandatory Dust Standard (2.0 mg/m³) has been received as follows:

ICP Docket No. 20479, KAISER STEEL CORPORATION, Sunnyside Mine No. 1, Mine ID No. 42 0 0093 0, Sunnyside, Utah.
Section ID No. 031-0 (1st Left).
Section ID No. 032-0 (17th Left).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before December 23, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

Dated: December 2, 1974.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

[FR Doc.74-28489 Filed 12-5-74;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 December 3, 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.

Futher 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 AGRICULTURE

Statistical Reporting Service: Processors and Handlers Survey, Form —, Single time, Lowry (395-3772), Processors and handlers of agriculture commodities.

DEPARTMENT OF COMMERCE

Departmental: Survey of Industrial Energy Use, Form —, Single time, Weiner (395-4890), Large users of energy.

DEPARTMENT OF THE INTERIOR

National Park Service: Survey of National Landmark Owners, Form —, Single time, Planchon (395-3898), Owners of National Landmark properties.

REVISIONS

None.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service: Cotton Prices Landed Mill Points, Form CN 293, CN 293-1, Weekly, Evinger (395-3648), Business firms.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-28642 Filed 12-5-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

BIO-MEDICAL SCIENCES, INC.

Suspension of Trading

NOVEMBER 29, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Bio-Medical Sciences, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 30, 1974 through December 9, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-28555 Filed 12-5-74;8:45 am]

[Rel. No. 8594]

BOSTON MUTUAL EQUITY GROWTH FUND, INC.; THE PRUDENTIAL FUND OF BOSTON, INC.

Application for an Order of Exemption

NOVEMBER 27, 1974.

Notice is hereby given that Boston Mutual Equity Growth Fund, Inc., 120 Royall Street, Canton, Massachusetts 02021, ("BMEG") and The Prudential Fund of Boston, Inc. 50 Congress Street, Boston, Mass. 02109 (812-3575) ("Prudential") (collectively referred to as "Applicants"), open-end, diversified investment companies registered under the Investment Company Act of 1940 ("Act") filed an application on December 20, 1973 and amendments thereto on November 8, 1974 and November 25, 1974 (1) pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act certain transactions incident to the proposed merger of BMEG and Prudential through the conversion of all the outstanding common stock of Prudential into common stock of BMEG and (2) pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of Rule 22c-1 promulgated under the Act the proposed determination of net asset values, for the purposes of computation of the conversion rate, at the close of business on the last day on which the New York Stock Exchange is open for unrestricted trading prior to the effective date of the proposed merger. All interested persons are referred to the application and amendments thereto on file with the Commission for a statement of the representations therein, which are summarized below.

BMEG, a Massachusetts corporation, had net assets of $1,466,959 at September 30, 1974; at the same date Prudential, also a Massachusetts corporation, had net assets of $2,002,667. The primary investment objective of BMEG is long-term growth of capital with current income a secondary objective. Prudential also has a primary investment objective of long-term capital growth with income a secondary objective.

Boston Mutual Management Corporation ("Management") acts as investment adviser to BMEG pursuant to an agreement which provides that Management is to retain the investment advisory services of Standish, Ayer & Wood, Inc. ("SA&W"). Pursuant to such agreement, Management has retained SA&W to provide Management with investment advice concerning the security holdings of BMEG. Accordingly, SA&W (as well as Management) is an affiliated person of BMEG as defined in section 2(a)(3) of the Act. SA&W also acts as investment adviser to Prudential. In addition several officers of SA&W are also officers, directors and stockholders of Prudential. Consequently, Prudential may be deemed to be controlled by SA&W and, therefore, an affiliated person of SA&W as defined in section 2(a)(3) of the Act. Thus, Prudential is an affiliated person of an affiliated person (SA&W) of BMEG.

Under the terms of the agreement of merger, on the effective date of the merger, Prudential shall be merged into BMEG which shall be the surviving company and the separate existence of Prudential shall cease. Prior to the effective date of the proposed merger, each Applicant will distribute to its respective stockholders substantially all of its undistributed net investment income and net realized capital gains.

On the effective date of the merger, the outstanding shares of common stock of Prudential, including any fractional shares, shall be converted into that number of shares (including any fractional shares) of common stock of BMEG, as shall have an aggregate net asset value per share equal to the aggregate net asset value per share of such shares of common stock of Prudential. Such net asset values are to be determined as of the close of business on the last day on which the New York Stock Exchange is open for unrestricted trading prior to the effective date. In computing such net asset values for the purpose of conversion, an adjustment is to be made in recognition of the potential tax effect of any substantial disproportion in unrealized and realized but undistributed taxable capital gains and losses of the merging companies.

If the net asset values of BMEG's and Prudential's shares had been determined as of the close of business on September 30, 1974, a total of 403,276 BMEG shares would have been issuable to the Prudential stockholders, representing a conversion ratio of 4.99 BMEG shares for each Prudential share. After the effectiveness of the proposed merger, each holder of a certificate representing shares of Prudential will be entitled to receive a certificate representing the number of whole shares of BMEG into which his Prudential common stock has been converted upon surrender of his Prudential certificate to BMEG properly endorsed or accompanied by the appropriate instruments. Certificates for fractional shares of BMEG stock will not be issued. Instead, fractional shares will be credited to the share accounts maintained by BMEG for its respective stockholders. Such fractional shares may be redeemed at current net asset value at any time. Until such surrender for exchange, any certificate for shares of common stock of Prudential shall be deemed to represent the number of shares shown on such certificate of common stock of BMEG. The balance of the BMEG shares issuable to Prudential stockholders will be carried as shares on deposit. The name of the surviving corporation shall be shortened to "Boston Mutual Fund, Inc."

The proposed merger, which has already been approved by the boards of directors of BMEG and Prudential, can be consummated only if the merger agreement is approved by the holders of two-thirds of the outstanding shares of Prudential and BMEG at meetings to be held respectively by the stockholders of such companies. The consummation of the proposed merger is conditioned on the receipt by Prudential of a satisfactory opinion of its counsel to the effect that, among other things, the merger will constitute a tax-free reorganization and that no gain or loss for federal income tax purposes will be recognized to the stockholders of Prudential upon the exchange of stock pursuant to the merger.

Under the merger agreement each of BMEG and Prudential will bear its own expenses relating to the merger; and the expenses of each such company will be included among its liabilities for the purpose of calculating the net asset value of its shares. It is estimated that BMEG and Prudential will incur expenses of $30,000 each. However, Boston Mutual Life Insurance Company, the parent company of Management, one of the investment advisers to BMEG, has indicated that it will bear $15,000 of such expenses, thus reducing the estimated expenses to be borne by BMEG to approximately $15,000. SA&W, the investment adviser to Prudential, has indicated that it will bear all the expenses to be incurred by Prudential.

Section 17(a) of the Act provides, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, knowingly to sell to or purchase from such registered investment company any security or other property. Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and the general purposes of the Act.

Applicants assert that the proposed merger should be beneficial to the shareholders of Applicants because it will serve to eliminate duplication of certain expenses and since the increase in the assets of the surviving company will permit greater diversification of investments.

Applicants also assert that the terms of the proposed merger are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed merger is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act and with the general purposes of the Act. In this connection, Applicants state that the investment objectives of BMEG and Prudential are similar, that the securities portfolio of Prudential is entirely consistent with the investment policies of BMEG, and that the ratio for converting Prudential shares into BMEG shares is to be determined on the basis of relative net asset values adjusted as described above.

As previously noted, the net asset values of the shares of BMEG and Prudential for the purposes of the conversion

and exchange are to be determined as of the close of business on the last day on which the New York Stock Exchange is open for unrestricted trading prior to the effective date of the proposed merger. Rule 22c–1 promulgated under section 22(c) of the Act provides, in pertinent part, that no registered investment company issuing any redeemable security, no person designated in such issuer's prospectus as authorized to consummate transactions in any such security, and no principal underwriter of, or dealer in, any such security shall sell, redeem or purchase any such security except at a price based upon the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Section 6(c) of the Act provides that the Commission by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants state that Rule 22c–1 was designed to apply to the typical daily order for purchase and request for redemption of shares of investment companies and not to a merger.

Notice is further given that any interested person may, not later than December 23, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the addresses stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following December 23, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS, *Assistant Secretary.*

[FR Doc.74–28563 Filed 12–5–74;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Non-disapproval of Amendment to Option Plan

Notice is hereby given that on November 21, 1974, the Commission considered and did not disapprove a proposed amendment to the Option Plan of the Chicago Board Options Exchange, Inc. (CBOE) pursuant to Rule 9b–1 under the Securities Exchange Act of 1934 (17 CFR 240.9b–1). The CBOE had proposed to amend rule 14.5(a)(1) which was designed to reduce the general level of floor brokerage and at the same time simplify the structure of the schedule. This proposed change was originally published at 39 FR 40203 on November 14, 1974.

The proposed amendment to rule 14.5 (a)(1), the floor brokerage schedule, reduces the general level of floor brokerage and at the same time simplifies the structure of the schedule. To simplify the structure, CBOE proposed to decrease the number of price categories from 13 to 6 and the number of size categories from 6 to 2.

A comparison of the proposed and existing intra-member rate schedules indicates that overall, there is a substantial reduction in the level of the schedule. Because of the two modifications, however, the new structure results in slight increases for a few combinations of shares and prices. Since the proposed simplification would involve decreasing, the number of price categories from thirteen to six and decreasing the number of size categories from six to two, there are a few places where the new schedule would produce a higher rate than the old. In particular this could occur as to options with premiums in the $5–$6 or $10–$14 range, but basically only as to large orders. For example, for an option with a premium in the range of $12–$14 the existing schedule would produce a rate of $102.85 for sixty contracts whereas the new schedule would produce $105. Based on the trading data for the first 6 months of 1974, it is estimated that there will be a reduction of approximately 26 percent in floor brokerage paid and received, and that less than 1 percent of the total CBOE volume would be subject to a possible rate increase under the proposed amendment.

All interested persons are invited to submit their views and comments on the proposed amendment to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10–54. The proposed amendment is, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

By the Commission.

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

NOVEMBER 26, 1974.

[FR Doc.74–28553 Filed 12–5–74;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Proposed Amendments to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. (CBOE) has filed proposed amendments to its Constitution pursuant to Rule 9b–1 under the Securities Exchange Act of 1934 (17 CFR 240.9b–1). The CBOE proposes to amend §§ 4.3, 5.3 and 6.1 which govern the manner in which members are elected to the Exchange's Board of Directors.

The proposed amendment to § 6.1 would require that at least three of the directors elected to the Exchange's Board of Directors be elected from members whose ordinary place of business is located outside the Chicago metropolitan area; one such nonresident director would be elected each year. This proposed amendment defines a non-resident director as a member whose ordinary place of business is located more than 80 miles from the Exchange's trading floor.

Section 4.3 would be amended to require the Exchange's Nominating Committee to select nominees in conformance with the above proposed amendment. Also, § 5.3 would be amended to indicate that where nominations are made by petitions, as permitted by § 4.5 of the Exchange's Constitution, and as a result a non-resident member does not receive a plurality of votes, the nonresident candidate receiving the largest vote among all non-resident candidates would be elected director in lieu of the resident condidate receiving the lowest winning plurality.

The proposed amendments will become effective upon the 30th day after this notice appears in the Federal Register (1–6–75) or upon such earlier date as the Commission may allow unless the Commission shall disapprove the changes in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed amendments to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the

Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10-54. The proposed amendments are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW, Washington, D.C.

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

[FR Doc.74-28554 Filed 12-5-74;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

NOVEMBER 29, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 1, 1974 through December 10, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Assistant Secretary.*

[FR Doc.74-28556 Filed 12-5-74;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORP. OF AMERICA

Suspension of Trading

NOVEMBER 27, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 28, 1974 through December 7, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Assistant Secretary.*

[FR Doc.74-28557 Filed 12-5-74;8:45 am]

[File No. 500-1]

GREATER WASHINGTON INVESTORS, INC.

Suspension of Trading

NOVEMBER 26, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Greater Washington Investors, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 27, 1974 through December 6, 1974.

By the Commission.

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

[FR Doc.74-28558 Filed 12-5-74;8:45 am]

[File No. 500-1]

HARVARD INDUSTRIES, INC.

Suspension of Trading

NOVEMBER 27, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common and $2 cumulative preferred Series A stock of Harvard Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2 P.M. (EST) on November 27, 1974 through midnight (EST) on December 6, 1974.

By the Commission.

SHIRLEY E. HOLLIS, *Assistant Secretary.*

[FR Doc.74-28559 Filed 12-5-74;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

NOVEMBER 27, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 28, 1974 through December 7, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Assistant Secretary.*

[FR Doc.74-28560 Filed 12-5-74;8:45 am]

[Rel. No. 8593]

INVESTORS MUTUAL, INC., ET AL.

Filing of Application

NOVEMBER 26, 1974.

Notice is hereby given that Investors Mutual, Inc., Investors Stock Fund, Inc., IDS New Dimensions Fund, Inc., IDS Progressive Fund, Inc. and IDS Bond Fund, Inc. 1000 Roanoke Building, Minneapolis, Minnesota 55402 (collectively "Applicants"), open-end diversified management investment companies registered under the Investment Company Act of 1940 ("Act"), filed an application on October 8, 1974, for an order of the Commission pursuant to section 6(c) of the Act declaring that Mr. Melvin R. Laird, a director of the Applicants, shall not be deemed an "interested person" of Applicants or Investors Diversified Services, Inc., their investment adviser and principal underwriter, within the meaning of section 2(a)(19) of the Act solely by reason of his status as a director of Metropolitan Life Insurance Company ("Metropolitan"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

The application states that Mr. Laird, a member of Applicants' boards of directors, is also a director of Metropolitan which is a registered broker-dealer under the Securities Exchange Act of 1934 ("Exchange Act") and a member of the National Association of Securities Dealers, Inc. Metropolitan is a mutual life insurance company organized under the laws of the State of New York. It operates in all states, the District of Columbia, Puerto Rico and all the provinces of Canada. It does not conduct a general broker-dealer business but is registered as a broker-dealer solely for the purpose of selling variable annuities to the public.

Section 10(a) of the Act prohibits Applicants from having a board of directors which shall have more than 60 percent of the members of which are interested persons of the Applicants. Section 10(b) of the Act requires the Applicants to have a majority of its directors who are not interested persons of their principal underwriter. While Applicants assert that no problem under sections 10(a) and 10(b) presently exists with respect to any of their boards of directors, the application has been submitted to preclude the possibility of non-compliance in the future.

Section 2(a)(19) of the Act, in pertinent part, defines an "interested person" of an investment company to include any broker or dealer registered

under the Exchange Act or any affiliated person of such broker or dealer. Section 2(a)(3) of the Act includes in the definition of an "affiliated person" a director of such person and any person directly or indirectly controlling, controlled by or under common control with such other person.

By reason of Mr. Laird's position as a director of Metropolitan, he may be deemed to be an "interested person" of Applicants and their principal underwriter.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants represent that Mr. Laird's principal business is Senior Counsellor for National and International Affairs for Reader's Digest, Inc.; that he is not involved in the day-to-day operation of the business of Metropolitan; and that he does not control, nor is he controlled by Metropolitan. Further, Applicants represent and warrant that as long as Mr. Laird remains a director they will not effect brokerage transactions with Metropolitan.

Applicants represent that Mr. Laird's independence in acting on behalf of Applicants is in no way impaired merely because of his affiliation with Metropolitan and that the granting of an exemption under section 6(c) is appropriate.

Notice is further given that any interested person may, not later than December 20, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

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

[FR Doc.74-28565 Filed 12-5-74;8:45 am]

[Rel. No. 18681; 70-5581]

METROPOLITAN EDISON CO.

Proposed Issue and Sale of Short-Term Notes to Banks

NOVEMBER 27, 1974.

Notice is hereby given that Metropolitan Edison Company, 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania 19605 ("Met-Ed"), an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Met-Ed requests that, for the period commencing on January 1, 1975, and ending December 31, 1975, it be permitted from time to time to issue or renew notes, of a maturity of nine months or less evidencing short-term bank borrowings provided that the aggregate principal amount of such notes to be outstanding at any one time shall not exceed the lesser of (A) $70,000,000, or (B) 10 percent of the sum of (i) the principal amount of Met-Ed's outstanding first mortgage bonds and debentures, (ii) the par value of Met-Ed's outstanding preferred stock, (iii) the par value of Met-Ed's outstanding common stock, and (iv) the capital surplus of Met-Ed.

The new notes will bear interest at a rate not exceeding the prime rate, which may be the floating rate of the lending bank, for commercial borrowing at the date of issue of such note, will mature not more than nine months from the date of issue, will be prepayable at any time without premium, and will not be issued as a part of a public offering. Although no commitments or agreements for such borrowings have been made, Met-Ed expects that, as an to the extent that its cash needs require, borrowings will be effected from among 36 designated banks.

It is stated that Met-Ed is required to maintain compensating balances with each of the banks equal to 10 percent of the line of credit or 20 percent of the amounts actually borrowed, whichever is higher. Assuming a 10½ percent prime rate and a 20 percent compensating balance, the effective interest rate to be paid by Penelec is 13.1 percent.

Met-Ed proposes to utilize the proceeds of the proposed borrowings to provide funds for its short-term working capital requirements, including repayment of other short-term borrowings, and to provide a temporary source of funds for construction expenditures.

The application states that Met-Ed's expenses incident to the proposed transactions are estimated at $8,500, including legal fees of $6,000, and that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 23, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application as filed or as it may be amended, may be granted as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS, *Assistant Secretary.*

[FR Doc.74-28564 Filed 12-5-74;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

NOVEMBER 27, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange

is suspended, for the period from November 28, 1974 through December 7, 1974.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-28561 Filed 12-5-74;8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORP.

Suspension of Trading

NOVEMBER 27, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 28, 1974 through December 7, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-28562;Filed 12-5-74;8:45 am]

TARIFF COMMISSION

[TEA-F-67]

JOSEPH WEISS & SONS, INC., PETITION FOR A DETERMINATION

Investigation and Hearing

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962 on behalf of Joseph Weiss & Sons, Inc., Brooklyn, New York, the United States Tariff Commission, on December 3, 1974, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with manufactured granite (of the types provided for in item 513.74 of the Tariff Schedules of the United States) produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

A public hearing in connection with this investigation will be held beginning at 10 a.m., E.S.T., on December 19, 1974, in the Hearing Room, U.S. Tariff Commission Building, 8th and E Streets, NW, Washington, D.C. Requests for appearances at the hearing should be filed with the Secretary of the Commission, in writing, at his office in Washington, D.C., no later than noon, Thursday, December 12, 1974.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C. 20436, and at the New York City Office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission:

Issued: December 3, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-28543 Filed 12-5-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON MARINE TERMINAL FACILITIES

Cancellation of Meeting

The meeting of the Standards Advisory Commitee on Marine Terminals Facilities scheduled for December 10, 1974, and December 11, 1974, in St. Louis, Missouri, notice of which was published on November 18, 1974 (39 FR 40545) is hereby cancelled. The Commitee members determined at their meeting of November 19 and 20, 1974, that additional time is necessary for members to assimilate material already presented before the Commitee's next meeting. A subsequent meeting of the Committee which was tentatively scheduled for January 14 and 15, 1975, in New Orleans, Louisiana, is now projected to include January 13, 1975 as well.

Signed at Washington, D.C. this 27th day of November, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-28475 Filed 12-5-74;8:45 am]

PROPOSED REJECTION OF NEW MEXICO STATE PLAN

Notice of Hearing

1. *Notice of hearing.* Notice is hereby given, in accordance with section 18(d) of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) and 29 CFR 1902.19(a), that the possible rejection of the New Mexico plan for enforcement of State occupational safety and health standards is in issue before the Secretary of Labor, and a formal hearing will be held to resolve the issues with regard to the plan before an administrative law judge appointed under 5 U.S.C. 3105 and designated by the Chief Administrative Law Judge.

The exact date and place of the hearing will be published in the FEDERAL REGISTER at least 30 days before the hearing date.

As required under 29 CFR 1902.19(a) and in order to fully inform the public, this notice sets forth the present status of the New Mexico plan, the outstanding issues in dispute with regard to it, and the rules for the conduct of the formal proceeding to assure compliance with 5 U.S.C. 556 and 557. The State of New Mexico (hereinafter called the State) shall have the burden of going forward in this proceeding.

The rules provide for the State to submit by, January 19, 1975, a statement of which items in the statement of issues section of this notice are being contested and a brief statement of the facts relied upon, including whether the use of witnesses is intended. If such statement is not received by January 19, 1975, then the State will be considered to be in agreement with the Assistant Secretary's determination, and will have waived its rights to a hearing under 29 CFR 1902.19(a), and such hearing will not be conducted.

Participation as parties by persons other than the State and the Department of Labor may be permitted by the administrative law judge where the decision will substantially affect them or they may contribute materially to the disposition of the proceeding. In addition, other interested persons may file with the administrative law judge substantive written comments on issues in the hearing. The procedures and requirements for public participation are specified in the rules of procedure section of this notice.

The rules provide for pre-hearing conferences to determine or limit the issues, and for submission of documentary evidence in advance of the hearing so as to provide sufficient opportunity for preparation of rebuttal arguments. There are also provisions for consent findings or settlement and for a summary decision where there is no genuine issue of fact.

In order to assure separation of functions between those members of the Department of Labor reviewing the plan and presenting the case for rejection before the administrative law judge, and those who will make the final determination, the initial decision of the administrative law judge may be appealed to the Secretary of Labor who, with the advice of the Under Secretary of Labor and the Solicitor of Labor, will make the final decision. In so doing, he will not receive any ex parte advice from either the Assistant Secretary for Occupational Safety and Health (hereinafter called the Assistant Secretary) or the Associate Solicitor for Occupational Safety and Health. Due to the need for separation of functions, the procedures set out in 29 CFR 1902.21 and 1902.22 insofar as they relate to the issuance of a tentative and final decision by the Assistant Secretary shall not apply. This separation of functions will insure an impartial hearing and decision on the issues in question.

As required by 29 CFR 1902.19(b), New Mexico by December 12, 1974, shall publish or cause to be published within the State reasonable notice containing a summary of the information in this notice as well as the location or locations where a copy of the full notice is available for public inspection and copying. Copies of such notice shall be filed with the administrative law judge as stated in the rules of procedure.

2. *Background.* The New Mexico State plan for occupational safety and health was submitted to the Regional Office of the Department of Labor on June 21, 1973, where it was initially reviewed. The plan was received in the National office on July 25, 1973 and a notice of its receipt and availability for public comment was published in the FEDERAL REGISTER on September 25, 1973 (38 FR 2670). Subsequently, comments were received from the following organizations and individuals: The Association of Commerce and Industry, Edwin C. Hyatt, Rio Rancho Estates, Calvin C. Wright, Jr., and the American Federation of Labor and Congress of Industrial Organizations.

These comments, and the National and Regional office review of the plan, revealed several substantial objections to the provisions of the New Mexico plan. Having reviewed these comments and the plan itself, it has been determined by the Assistant Secretary that the New Mexico plan cannot be considered "at least as effective" as the Federal program. Such a determination of effectiveness is required by section 18(c)(2) of the Act and 29 CFR 1902.3(d). Therefore, in response to a letter from Governor Bruce King dated June 27, 1974, requesting official notification of the Assistant Secretary's decision with regard to the plan, the Assistant Secretary informed the Governor, in a letter dated July 30, 1974, and the State designee, by letter dated August 6, 1974, that rejection proceedings would be commenced if the State failed to make the necessary plan changes. In response, the State, by letter dated August 12, 1974, indicated that, although certain minor changes would be made, it would not make the substantive changes deemed necessary by the Regional and National office of the Occupational Safety and Health Administration of the U.S. Department of Labor.

3. *Statement of the issues.* (a) *Description of the plan.* The plan designates the Environmental Improvement Agency of the State Health and Social Services Department as the agency responsible for administration and enforcement of the plan. New Mexico's enabling legislation, chapter 64, Laws of 1972, sections 59-14-1 through 59-14-23, N.M.S.A., 1953 compilation, authorizes the Environmental Improvement Board (hereinafter called the board) to promulgate occupational safety and health standards (called regulations under the New Mexico Act), and designates the Environmental Improvement Agency (hereinafter called the agency) as responsible for the enforcement of these regulations.

The agency is given the right to inspect worksites and to question employers and employees. In order to aid the inspection, representatives of the employer and the employees may accompany the inspector. As a result of such an inspection, any person (this would necessarily include employees) who was found to be violating any provision of the Act or regulations, will be sent a notice indicating that a regulation has not been complied with, and setting a time for remedial action. The plan states that the inspector will also inform the person of this violation immediately after the close of the inspection itself.

The person cited may then request agency review of the alleged violation and remedial action period, and affected employees may participate in that review (employees may not request review of abatement periods, however). The agency shall thereupon issue a written order resolving the factual issues and stating what action must be taken by the alleged violator. If review is not requested and the violation has not been remedied in the time specified in the notice, or if the alleged violator fails to comply with an order of the agency following review, the agency may request injunctive or other appropriate relief in the district court, which, in addition to injunctive relief, may impose a civil penalty of up to $100. However, such penalty can only be imposed after the expiration of the remedial time period, if the violation has not been abated. As a separate violation, the Act provides that any employee who willfully violates any regulation is subject to the same $100 civil penalty.

The New Mexico Act further provides a criminal sanction of a $500 fine against any employer or employee who makes false statements or fails to disclose material facts in any document or report required by the Act or against any employer who falsifies reports, or discharges or willfully discriminates against an employee.

The agency is also given the power to grant variances to the "limitations" prescribed under the Act or to any regulation where the petitioner can demonstrate that alternative measures will provide protection which is equal to or greater than that under the regulation. The plan indicates that a regulation will be promulgated to provide for the procedures for a variance application, including notification of affected employees and the opportunity for employers or employees to request that a hearing be held on the variance request. The Plan also indicates that the State will seek a legislative amendment to provide for temporary variances.

(b) Reasons for proposed rejection: The defects of the plan were described in detail in the August 6, 1974, letter to the State Designee; of these, the major deficiences are set out below:

Item 1: Enforcement procedures. The basic criterion for review of an enforcement program is 29 CFR 1902.3(d) which requires that the State's program for enforcement of standards "is or will be at least as effective as that provided in the Federal Act" and that it will "continue to be at least as effective". Under 29 CFR 1902.4(a), the State can meet this criterion either by establishing the same standards, procedures, criteria, and rules as the Federal program, or by alternative standards, procedures, criteria and rules which must meet thirteen specific indices of enforcement. The State must demonstrate for each index that its alternative will be at least as effective as the Federal program with respect to the subject of each index. New Mexico has chosen the latter alternative and therefore its enforcement program must be compared with the Federal program under each index.

Sanctions. Section 1902.4(c)(2)(xi) requires that the State provide effective sanctions against violating employers such as those prescribed in the Act. In measuring New Mexico's plan against the Federal program under this index, the following deficiencies are apparent:

New Mexico provides a maximum civil penalty of $100 for violations of any provisions of the New Mexico Act or any regulations of the board and a maximum criminal penalty of $500 for the making of false statements, etc. The civil penalty, under the Act's definition of "person" would be applicable to any individual, including employees. The criminal penalty is more narrow in application than the Federal, applying only to employers and employees. Such penalties are applicable only at the discretion of the trial court in conjunction with an injunction proceeding brought at the discretion of the agency at the end of the abatement period if the violation has not been abated. Under this scheme, New Mexico makes no distinction between serious and non-serious violations, and has no specific penalty for willful or repeated violations, and no specific penalties for giving advance notice of an inspection, or for willful violations causing death. Penalties for violations of recordkeeping and posting, if considered a violation of a regulation, would also be at the discretion of the trial court in conjunction with a discretionary injunction proceeding brought when abatement had not been accomplished.

New Mexico has made no demonstration that such an alternative enforcement scheme is or will be as effective as the Federal provisions, which provide maximum fines of one thousand dollars, mandatory in the case of serious violations, for violations of standards, and criminal sanctions of up to a ten thousand dollar fine or six months in prison for false representations, or the willful violation of a standard causing death.

While the application of maximum penalty amounts is not appropriate in many cases, the possibility of such application, where warranted, is an important compliance incentive and indicates the degree to which employee safety and health is to be taken seriously. With regard to all State plans found approvable, the substitution of a lesser potential civil penalty maximum has been found to be no acceptable alternative to the Federal maximum penalty amount; to be "at least as effective as" when likes are compared requires meeting the same standard, or better. (See South Carolina Decision (37 FR 25932, 25933)).

First Instance Sanctions. Inherent in the New Mexico enforcement scheme is

the concept that no penalty will be imposed for the first discovery of violation of a standard, however serious that violation might be. Without first instance sanctions, there is no incentive for an employer to comply with regulations or to correct a hazardous situation until after that employer has been inspected and told to abate. The fact that the employer could have complied with a standard at any time is immaterial because he is only required to comply after the inspection has been conducted and the notice sent out. This procedure clearly diminishes employee protection. Under the Federal Act with its mandatory first instance sanctions for serious violations, an employer knows that he must comply with all standards immediately, because he could and will be inspected at any time, and he realizes that when he is inspected, he will be fined for any violations which exist. Therefore, there is an inducement to comply immediately. A recalcitrant employer is not permitted to avoid compliance and wait until he is finally inspected, thereby circumventing and delaying all employee protections, and possibly causing injury or death. In contrast, however, under the New Mexico system, even the most egregious violation of a standard, causing multiple deaths or injuries, would only result in a notice being sent to the employer, informing him that he should remedy the situation by a certain date.

In addition to the problems encountered with the New Mexico enforcement system as it is applied to regulations which are occupational safety and health standards, substantive problems exist when this system is used to enforce other regulations. This would include the posting regulation proposed by the agency, (the Federal Act prescribes a mandatory penalty of up to one thousand dollars for violation of the posting requirements under the Act) recordkeeping and reporting regulations, employee information regarding hazards, and the prohibition against advance notice, discussed infra.

Employee sanctions. The entire procedure is further weakened by the fact that under the New Mexico Act, employees are subject to the same penalties as employers, and in fact, section 59–14–16(e) of the Act describes an additional employee sanction for willful violations. Employee sanctions, have not been determined to weaken the effectiveness of a program per se, but the application of such provisions must be limited to avoid substantial problems which would reduce the overall effectiveness of the enforcement program. Restrictions are necessary to prevent the primary responsibility for compliance with standards from shifting from the employer to the employee. The employer is responsible for the jobsite, and has control over the operations, machinery, tools, and work procedures. He also can exercise the authority to change any of these conditions.

An employee sanction, such as that proposed by New Mexico, would, in effect, transfer or make possible the transfer of such compliance responsibility. There is no provision in the New Mexico Act which limits the applicability of the penalties in a manner which would prevent such a shifting of responsibility, and in addition, there is the obvious controversy which would constantly arise concerning whether an employee or the employer is responsible for a violation, and the further problem that an employee sanction would interfere with the traditional right and responsibility of an employer to discipline his own employees. (See Iowa Decision 38 FR 19368–19369).

Employee Right to Contest Abatement Periods. Section 1902.4(c)(2)(xii) requires that, in addition to an employer's right to contest violations and abatement periods, employees be given the right to full participation in the review procedures for both the citation and the abatement period. The Federal Act, in section 10(c) provides that employees have the right to contest abatement periods set by the Secretary. The New Mexico Act, however, provides only for participation by employees in the review of the abatement date; employees may not contest the date (of course employees who are themselves cited by the agency do have the right to contest both the notice and the abatement date).

This right is important because although the employer would likely contest any abatement period which appeared unreasonably short, it would be unlikely that the employer would contest an abatement period which appeared unreasonably long. Only the employee, who has a direct interest in abatement occurring as soon as possible, would wish to contest such a period. This presents a situation contrary to the express purpose of the Act, that of maximum employee protection. New Mexico has not demonstrated that its alternative would be at least as effective as its Federal counterpart.

Employee Discrimination (29 CFR 1902.4(c)(2)(v)). The New Mexico Act, section 59–14–23(c) makes discrimination against employees a misdemeanor punishable by a fine of up to $500, and, when the employer is found guilty, the employee must be reinstated. This provision is in contrast to the Federal Act section 11(c), which provides that an employee may file a complaint with the Secretary of Labor after which the Secretary conducts an investigation and, where appropriate, may initiate civil proceedings in Federal district court. As a result of this civil action, the employee may be reinstated with full rights, including back pay. New Mexico has not demonstrated that its alternative will be as effective. The employer must be found guilty of a criminal offense before an employee is entitled to any relief. This means that the agency, presumably acting through a local prosecutor, must prove its case beyond a reasonable doubt, a burden which is far more difficult to meet than the preponderance of the evidence burden in most civil trials. In addition, there is some question as to a criminal court's power to reinstate an employee to his former position since this appears to be more in the nature of injunctive relief, and there exists the possibility that various constitutional issues might arise, which could further inhibit the agency's chances for successfully prosecuting a case. This would include, among others, the fact that the agency, upon losing at the trial court level, would be unable to appeal this decision to a higher court. This would cause the development of the law in this area to be formulated solely through appeals by employers convicted at the trial court level, and would leave the agency in a position where it had very little control over this development.

Prohibition Against Advance Notice. Section 1902.3(f) requires that the State provide for a prohibition against advance notice of inspections with limited exceptions.

The Federal Act, in section 17(f) provides a criminal penalty of a fine of up to one thousand dollars and imprisonment for up to six months for any person giving advance notice of an inspection without authority from the Secretary.

The New Mexico plan proposes to prohibit advance notice of inspections by the adoption of a regulation which sets out the limited circumstances where advance notice could be given. This regulation would be enforced in the same manner as all other regulations. Thus, New Mexico requires only that notice of the violation be sent to the violator and that an abatement date be set. The fine of up to one hundred dollars could presumably only be applied after the expiration of the remedial date. Aside from the obvious problem of how a remedial time period could be set for such a violation, it is apparent that there would be no sanction whatever for a first violation of the advance notice regulation.

Item 2: Standards. State standards, under 29 CFR 1902.3(c) must also meet the "at least as effective" test. Under 29 CFR 1902.4(a) the State can meet this criterion either by establishing the same standards, procedures, criteria, and rules as the Federal program, or by alternative standards, procedures, criteria, and rules which meet seven specific indices of effectiveness. The State must demonstrate for each index that its alternative will be at least as effective as the Federal program with respect to the subject of each index. Although New Mexico has indicated that it intends to adopt most Federal standards, its program must be compared with the Federal program to insure that all state standards are at least as effective.

The New Mexico Act provides only that the board adopt regulations which are consistent with the Federal Act.

There is no guarantee of either present or future effectiveness and there is nothing in the State Act which requires that the indices enumerated in 29 CFR 1902.4(b) will be met with respect to State occupational safety and health standards in areas where there are no present Federal standards. In particular the New Mexico Act does not provide that

such standards assure protection for employees during their working lives (29 CFR 1902.4(b)(2)(i)); or require that information on a hazard be given to employees; or that such standards, where appropriate, provide for medical examinations or monitoring and measuring of exposure (29 CFR 1902.4(b)(2)(vi) and (vii)).

4. *Rules of procedure.* (a) *Publication in the State.* (1) By December 12, 1974, New Mexico shall publish or cause to be published within the State reasonable notice containing a summary of the information in the notice as well as the location or locations where a copy of the full notice is available for public inspection and copying.

2. Two copies of such notice shall be served on the Assistant Secretary in accordance with paragraph (f)(2) of this section.

(b) *Submission by the State.* By January 19, 1975, the State shall submit a statement of which items in the statement of issues section of this notice are being contested and a brief statement of the facts relied upon, including whether the use of witnesses is intended. This submission shall be served on the Assistant Secretary in accordance with paragraph (f)(2) of this section. If such statement is not received by January 19, 1975, then the State will be considered to be in agreement with the Assistant Secretary's determination, and will have waived its right to a hearing under section 18(d) of the Act and 29 CFR 1902.19(a).

(c) *Administrative law judge; powers and duties.* (1) The administrative law judge appointed under 5 U.S.C. 3105 and designated by the Chief Administrative Law Judge to preside over the hearing shall have all the powers necessary and appropriate to conduct a fair, full and impartial hearing including the following: (i) To administer oaths and affirmations; (ii) to rule upon offers of proof and receive releyant evidence; (iii) to provide for discovery, including the issuance of subpoenas as authorized by section 8(b) of the Act and 5 U.S.C. 555(d) and 556(c)(2), and to determine the scope and time limits of discovery; (iv) to regulate the course of the hearing and the conduct of the parties and their counsel; (v) to consider and rule upon procedural requests e.g. motions for extension of time; (vi) to hold pre-hearing conferences for the settlement or simplification of issues; (vii) to take official notice of material facts not appearing in the evidence in the record in accordance with paragraph (o)(4) of this section; (viii) to render an initial decision; (ix) to examine and cross-examine witnesses; and (x) to take any other appropriate action authorized by the Act, the implementing regulations, or the Administrative Procedure Act, 5 U.S.C. 554–557 (hereinafter called the APA).

(2) On procedural questions not otherwise regulated by these rules, the Act or the APA, the administrative law judge shall be guided to the extent practicable by the pertinent provisions of the Federal Rules of Civil Procedure.

(3) All documents required by these rules to be filed with the administrative law judge shall be sent to:

Chief Administrative Law Judge
U.S. Department of Labor
Suite 720 Vanguard Building
1111 20th Street NW.
Washington, D.C. 20036

(d) *Disqualification.* (1) If the administrative law judge deems himself disqualified to preside over this hearing, he shall withdraw by notice on the record directed to the Chief Administrative Law Judge. Any party, who deems an administrative law judge, for any reason, to be disqualified to preside, or to continue to preside over this hearing, may file a motion to disqualify and remove the administrative law judge, provided the motion is filed prior to the time the administrative law judge files his decision. Such motion must be supported by affidavits setting forth the alleged ground for disqualification. The Chief Administrative Law Judge shall rule upon the motion.

(2) Contumacious conduct at any hearing before the administrative law judge shall be ground for summary exclusion from the hearing. If a witness or party refuses to answer a question after being so directed or refuses to obey an order to provide or permit discovery, the administrative law judge may make such orders with regard to the refusal as are just and proper, including the striking of all testimony previously given by such witness on related matters.

(e) *Ex parte communications.* Except to the extent required for the disposition of ex parte matters the administrative law judge shall not consult any interested person or party or their representative on any fact in issue or on the merits of any matter before him except upon notice and opportunity for all parties to participate. Written or oral communications from interested persons outside the Department of Labor involving any substantive or procedural issues in this hearing directed to the administrative law judge, the Secretary of Labor, the Assistant Secretary, the Associate Assistant Secretary for Regional Programs, the Solicitor of Labor, or the Associate Solicitor for Occupational Safety and Health, or their staffs shall be deemed ex parte communications and are not to be considered part of any record or the basis for any official decision, unless the communication is made by motion to the administrative law judge and served upon all the parties. To facilitate implementation of this requirement, the above-mentioned offices may keep a log of such communications which shall be made available to the public and may, by motion, be entered into the record.

(f) *Manner and proof of service.* (1) Service of any document upon any party may be made by personal delivery of, or by mailing a copy of the document by certified mail, to the last known address of the party or his representative. The person serving the document shall certify to the manner and date of service.

(2) For the purpose of serving documents on the Assistant Secretary, all documents and pleading shall be served on:

Benjamin W. Mintz
Associate Solicitor for
Occupational Safety and Health
Office of the Solicitor
Room 5420
14th and Constitution Avenue, NW.
Washington, D.C. 20210

(3) For the purpose of serving documents on the State, all documents and pleading shall be served on:

Aaron Bond
Director, Environmental
Improvement Agency
P.O. Box 2348
Room 506, P.E.R.A. Building
Santa Fe, New Mexico 87503

(g) *Determination of parties.* (1) The New Mexico Environmental Improvement Agency and the Department of Labor shall be the initial parties to this proceeding. Other interested persons may, at the discretion of the administrative law judge, be granted the right to participate as parties if he determines that the final decision could substantially affect them or the class they represent, or that they may contribute materially to the disposition of the proceeding.

(2) Any person wishing to participate as a party in this hearing shall submit in accordance with paragraph (c)(3) of this section a petition to the administrative law judge by January 19, 1975. The petition shall also be served upon the State and the Assistant Secretary in accordance with paragraph (f) of this section. Such petition shall concisely state: (i) Petitioner's interest in the proceeding; (ii) how his participation may contribute to the disposition of the proceeding; (iii) who will appear for the petitioner; (iv) the issue or issues as set out in this notice on which the petitioner wishes to participate; and (v) whether petitioner intends to present witnesses.

(3) The administrative law judge shall, within 5 days of receipt of the petition, ascertain from the State and the Assistant Secretary what objections, if any, there are to the petition. He shall then determine whether the petitioner is qualified in his judgment to be a party in the proceedings and shall permit or deny participation accordingly. The administrative law judge shall give each petitioner written notice of the decision on his petition promptly. If the petition is denied, the notice shall briefly state the grounds for denial. Persons whose petition for party participation is denied may appeal the decision to the Secretary within 5 days of receipt of the notice of denial. The Secretary will make the final decision to grant or deny the petition no later than 10 days prior to the commencement of the hearing.

(4) Where the petitions to participate as parties are made by individuals or groups with common interests, the administrative law judge may require all such petitioners to designate a single representative, or he may recognize one or more of such petitioners to represent all such petitioners.

(h) *Provision for written comments.* Any person who is not a party may submit a written statement of position with 4 copies to the administrative law judge at any time prior to or during the hearing, which statement shall be made available to all parties and may be introduced into evidence by a party. Mere statements of approval or opposition to the plan without any documentary support shall not be considered as falling within this provision.

(i) *Submission of documentary evidence.* (1) The administrative law judge shall set a date by which all documentary evidence which is to be offered during the hearing shall be submitted to the administrative law judge and served on the other parties. Such submission date shall be sufficiently in advance of the hearing as to permit study and preparation of cross-examination and rebuttal evidence. Documentary evidence not submitted in advance may be received into evidence upon a clear showing that the offering party had good cause for failure to produce the evidence sooner.

(2) The authenticity of all documents submitted in advance shall be deemed admitted unless written objections are filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later date upon clear showing of good cause for failure to have filed such written objections.

(j) *Pre-hearing conference.* (1) Upon his own motion, or the motion of a party, the administrative law judge may direct the parties and/or their counsel to meet with him for a conference or conferences to consider: (i) Simplification of the issues; (ii) the necessity or desirability of amendments to documents for purposes of clarification, simplification, or limitation; (iii) stipulations of fact, and of the authenticity of the contents of documents; (iv) limitations on the number of parties and of expert witnesses; (v) scope of participation of petitioners under paragraph (g) of this section; (vi) such other matters as may tend to expedite the disposition of the proceedings, and to assure a just conclusion thereof.

(2) The administrative law judge shall enter an order which recites the action taken at the conference, the amendments allowed to any documents which have been filed, in accordance with this section, and the agreements made between the parties as to any of the matters considered. Such order shall limit the issues for hearing to those not disposed of by admissions or agreements, and control the subsequent course of the hearing, unless modified at the hearing to prevent manifest injustice.

(k) *Discovery.* (1) Requests for admission. At any time after the commencement of a proceeding under this part but generally before the pre-hearing conference, any party may request of any other party, admissions that relate to statements or opinions of fact, or of the application of law to fact, including the genuineness of any document described in the request. Copies of documents shall be served with the request unless they have been or are otherwise furnished or made available for inspection or copying. The matter shall be deemed admitted unless, within 30 days after service of the request, or within such shorter or longer time as the administrative law judge may prescribe, the party to whom the request is directed serves upon the party requesting the admission a specific written response.

(2) If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission and when good faith requires that a party qualify his answer or deny only a part of the matter on which an admission is requested, he shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as the reasons for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny.

(3) The party who has requested the admission may move to determine the sufficiency of the answers or objections. Unless the administrative law judge determines that an objection is justified, he may order either that the matter is admitted or that an amended answer be served. The administrative law judge may, in lieu of these orders, determine that final disposition of the requests be made at a pre-hearing conference, or at a designated time prior to the hearing. Any matter admitted under this section is conclusively established unless the administrative law judge on motion permits withdrawal or amendment of the admission.

Copies of all requests and responses shall be served on all parties and filed with the administrative law judge.

(4) Depositions. The testimony of any witness may be taken by deposition. Depositions may be taken orally or upon written interrogatories before any person designated by the administrative law judge or having power to administer oaths.

(5) Application. Any party desiring to take the deposition of a witness may make application in writing to the administrative law judge setting forth: (i) The time when, the place where, and the name and post office address of the person before whom the deposition is to be taken; (ii) the name and address of each witness; and (iii) the subject matter concerning which each witness is expected to testify.

(6) Notice. Such notice as the administrative law judge may order shall be given by the party taking the deposition to every other party.

(7) Taking and receiving evidence Each witness testifying upon deposition shall be sworn, and the parties not calling him shall have the right to cross-examine him. The questions propounded and the answers thereto, together with all objections made, shall be reduced to writing, and shall be read to or by the witness unless such examination and reading are waived by the witness and the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness and certified by the officer before whom the deposition was taken, Thereafter the officer shall seal the deposition, with copies thereof, in an envelope and mail the same by registered or certified mail to the administrative law judge at the address in paragraph (c)(3) of this section.

(8) Subject to such objections to the questions and answers as were noted at the time of taking the deposition, any part or all of a deposition may be offered into evidence by the party taking it as against any party who was present, represented at the taking of the deposition, or who had due notice thereof.

(9) Other discovery. Whenever appropriate to a just disposition of any issue in the hearing, the administrative law judge may allow discovery by any other appropriate procedure, such as by interrogatories upon a party or motion for production of documents by a party.

(l) *Consent findings and orders.* (1) General. At any time before the reception of evidence in the hearing, or during the hearing, a reasonable opportunity may be afforded to permit negotiation by the parties of an agreement containing consent findings and a rule or order disposing of the whole or any part of the proceeding. The allowance of such opportunity and the duration thereof shall be in the discretion of the administrative law judge, after consideration of the nature of the proceeding, the requirements of the public interest, the representations of the parties, and the probability of an agreement which will result in a just disposition of the issues.

(2) Contents. Any agreement containing consent findings and a rule or order disposing of a proceeding shall also provide: (i) That the rule or order shall have the same force and effect as if made after a full hearing; (ii) a waiver of any further procedural steps before the administrative law judge and the Secretary; and (iii) a waiver of any right to challenge or contest the validity of the findings and of the rule or order made in accordance with the agreement.

(3) Submission. On or before the expiration of the time granted for negotiations, the parties or their counsel may: (i) Submit the proposed agreement to the administrative law judge for his consideration; or (ii) inform the administrative law judge that agreement cannot be reached.

(4) Disposition. In the event an agreement containing consent findings and a rule or order is submitted within the time allowed therefor, the administrative law judge may accept such agreement by

issuing his decision based upon the agreed findings. Such decision shall be published in the FEDERAL REGISTER.

(m) *Motion for a summary decision.* (1) Any party may, at least 20 days before the date fixed for the hearing, move, with or without supporting affidavits, for a summary decision on all or any part of the proceeding. Any other party may, within 10 days after service of the motion, serve opposing affidavits or file a cross motion for summary decision. The administrative law judge may, in his discretion, set the matter for argument and call for submission of briefs. The filing of any documents under this section shall be with the administrative law judge and copies of any such document shall be served on all the parties.

(2) The administrative law judge may grant such motion if the pleadings, affidavits, material obtained by discovery or otherwise obtained, or matters officially noticed, show that there is no genuine issue as to any material fact and that a party is entitled to summary decision. Affidavits shall set forth such facts as would be admissible in evidence in the hearing and shall show affirmatively that the affiant is competent to testify to the matters stated therein. When a motion for summary decision is made and supported as provided in paragraph (m)(1), the party opposing the motion may not rest upon the mere allegations or denials of his pleading, his response must set forth specific facts showing that there is a genuine issue of fact for the hearing.

(3) Should it appear from the affidavits of a party opposing the motion that he cannot, for reasons stated, present by affidavits facts essential to justify his opposition, the administrative law judge may deny the motion for summary decision or may order a continuance to permit affidavits to be obtained, or depositions to be taken, or discovery to be had, or may make such other order as is just.

(4) The denial of all of any part of a motion or cross-motion for summary decision by the administrative law judge shall not be subject to interlocutory appeal to the Secretary unless the administrative law judge certifies in writing: (i) That the ruling involves an important question of law or policy as to which there is substantial ground for difference of opinion; and (ii) that an immediate appeal from the ruling may materially advance the ultimate termination of the proceeding. The allowance of such an interlocutory appeal shall not stay the proceeding before the administrative law judge unless the Secretary so orders.

(n) *Summary decision.* (1) No genuine issue of material fact. Where no genuine issue of material fact is found to have been raised the administrative law judge shall issue an initial decision to become final 30 days after service thereof upon each party unless, within those 30 days any party has filed written exceptions to the decision with the Secretary. Requests for extension of time to file exceptions may be granted if the requests are received by the Secretary no later than 25 days after service of the decision.

(2) If any timely exceptions are filed, the Secretary may set a time for filing any response to the exception with supporting reasons. All exceptions and responses thereto shall be served on all the parties.

(3) All documents required by these rules to be filed with the Secretary shall be sent to:

William J. Kilberg
Solicitor of Labor
U.S. Department of Labor
14th and Constitution Avenue NW.
Washington, D.C. 20210

(4) The Secretary, after consideration of the decision, the exceptions, and any supporting briefs filed therewith and any responses to the exceptions with supporting reasons, shall issue a final decision.

(5) An initial decision and a final decision under this section shall include a statement of: (i) Findings of fact and conclusions of law and the reasons and bases therefore on all issues presented; (ii) reference to any material fact based on official notice; and (iii) the terms and conditions of the rule or order made. The final decision shall be published in the FEDERAL REGISTER and served on all the parties.

(6) Hearings on issues of fact. Where a genuine material question of fact is raised, the administrative law judge shall, and in any other case may, set the case for an evidentiary hearing.

(o) *Hearings.* (1) Order of proceedings. Except as may be ordered otherwise by the administrative law judge, the State of New Mexico shall proceed first at the hearing.

(2) Burden of proof. The State of New Mexico shall have the burden of proof.

(3) Evidence.

(i) Admissibility. A party shall be entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received, but the administrative law judge shall exclude evidence which is irrelevant, immaterial or unduly repetitious.

(ii) Testimony of witnesses. The testimony of a witness shall be upon oath or affirmation administered by the administrative law judge.

(iii) Objections. If a party objects to the admission or rejection of any evidence, or to the limitation of the scope of any examination or cross-examination, or to the failure to limit such scope, he shall state briefly the grounds for such objection. Ruling on all objections shall appear in the record. Only objections made before the administrative law judge may be relied upon subsequently in the proceeding.

(iv) Exceptions. Formal exception to an adverse ruling is not required.

(4) Official notice. Official notice may be taken of any material fact not appearing in evidence in the record which is among the traditional matters of judicial notice, or concerning which the Department of Labor by reason of its functions is presumed to be expert: Provided, That the parties shall be given adequate notice, at the hearing or by reference in the administrative law judge's and the Secretary's decision of the matters so noticed and shall be given adequate opportunity to show the contrary.

(5) Transcript. Hearings shall be stenographically reported. Copies of the transcript may be obtained by the parties and the public upon payment of the actual cost of duplication to the Department of Labor in accordance with 29 CFR 70.62.

(p) *Decision of the administrative law judge.*

(1) Proposed findings of fact, conclusions and rules or orders. Within 30 days after receipt of notice that the transcript of the testimony has been filed with the administrative law judge, or such additional time as the administrative law judge may allow, each party may file with the administrative law judge proposed findings of fact, conclusions of law, and rule or order, together with a supporting brief expressing the reasons for such proposals. Such proposals and brief shall be served on all other parties and shall refer to all portions of the record and to all authorities relied upon in support of each proposal.

(2) Decision of the administrative law judge. Within a reasonable time after the time allowed for the filing of proposed findings of fact, conclusions of law and rule or order, the administrative law judge shall make and serve upon each party his initial decision which shall become final upon the 30th day after service thereof unless exceptions are filed thereto.

(3) The decision of the administrative law judge shall be based solely upon substantial evidence on the record as a whole and shall state all facts officially noticed and relied upon. The decision of the administrative law judge shall include: (i) A statement of the findings of fact and conclusions of law, with reasons and bases therefor upon each material issue of fact, law or discretion presented on the record; (ii) reference to any material fact based on official notice; and (iii) the appropriate rule, order, relief or denial thereto.

(q) *Exceptions.* (1) Within 30 days after service of the decision of the administrative law judge any party may file with the Secretary, written exceptions thereto with supporting reasons. Such exceptions shall refer to the specific findings of fact, conclusions of law, or terms of the rule or order excepted to; the specific pages of the transcript relevant to the suggestions; and shall suggest corrected findings of fact, conclusions of law, or terms of the rule or order. Requests for extension of time to file exceptions may be granted if the requests are received by the Secretary no later than 25 days after service of the decision.

(2) If any timely exceptions are filed, the Secretary may set a time for filing any response to the exceptions with supporting reasons. All exceptions and responses thereto shall be served on all the parties. Documents required to be filed with the Secretary shall be filed in accordance with paragraph (n)(3) of this section.

(r) *Transmission of the record.* If the exceptions are filed, the Secretary shall request the administrative law judge to transmit the record of the proceeding to the Secretary for review. The record shall include the State's plan; a copy of the Assistant Secretary's notice of proposed rejection; the State's request for a hearing and statement of items in contention; the notice of the hearing; any motions and requests filed in written form and ruling thereon; the transcript of the testimony taken at the hearing, together with any documents or papers filed in connection with the pre-hearing conference and the hearing itself; such proposed findings of fact, conclusions of law, rules or orders and supporting reasons as may have been filed; the administrative law judge's decision; and such exceptions, responses, and briefs in support thereof, as may have been filed in the proceedings.

(s) *Final decision.* After review of any exceptions, together with the record references and authorities cited in support thereof, the Secretary shall issue a final decision ruling upon each exception and objection filed. The final decision may affirm, modify, or set aside in whole or in part the findings, conclusions and the rule or order contained in the decision of the administrative law judge. The final decision shall also include reference to any material fact based on official notice or other extra record fact.

(t) *Effect of appeal of administrative law judge's decision.* An administrative law judge's decision shall not be operative pending a decision on appeal by the Secretary. If there are no exceptions filed to the decision of the administrative law judge the administrative law judge's decision shall be published in the FEDERAL REGISTER as a final decision and served upon the parties.

(u) *Finality for purposes of judicial review.* Only a final decision by the Secretary under 4(s) shall be deemed final agency action for purposes of judicial review. A decision of an administrative law judge which becomes final for lack of appeal is not deemed final agency action for purposes of 5 U.S.C. 704.

(v) *Judicial review.* The State may obtain judicial review of a decision by the Secretary in accordance with section 18 (g) of the Act.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 25th day of November 1974.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.74-28476 Filed 12-5-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 647]

ASSIGNMENT OF HEARINGS

DECEMBER 3, 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-F-12201, Buffacon, Inc.—Control—Container Transfer Corporation, now assigned December 12, 1974, at Buffalo, N.Y., is cancelled and transferred to Modified Procedure.

No. 35937, Lehigh Valley Railroad Company, John F. Nash and Robert C. Haldeman, Trustees, Petition for Declaratory Order, now being assigned for Pre-hearing Conference, January 15, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I & S No. 8997, Minimum Switching Charges, Official Territory now being assigned January 28, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I & S M 28100, Increased Fares, North Boulevard Transportation Co., now assigned January 23, 1975, at New York, N.Y., is cancelled.

I & S No. 8982, Soda Ash, SFA Territory, and FSA No. 42837, Soda Ash Within the South, now assigned January 20, 1975, at Washington, D.C., is cancelled.

I & S No. 8995, Minimum Charges on Carload Shipments—Eastern Territory, now being assigned January 21, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 138465 Sub 3, Phil Townsend, Jr., now being assigned February 4, 1975, at Tallahassee, Fla., in a hearing room to be later designated.

MC 138276 Sub 2, J & G Transport Ltd., now being assigned January 14, 1975, at Olympia, Washington, in a hearing room to be later designated.

Ex Parte No. 310, Increased Freight Rates and Charges, 1975, Nationwide, now being assigned January 6, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-28573 Filed 12-5-74;8:45 am]

[AB 6 (Sub-No. 19)]

BURLINGTON NORTHERN, INC.

Abandonment Between Corydon and Humeston, in Wayne County, Iowa

DECEMBER 3, 1974.

Present: Kenneth H. Tuggle, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Wayne County, Iowa, on or before December 17, 1974, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 25th day of November, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

BURLINGTON NORTHERN, INC., ABANDONMENT BETWEEN CORYDON AND HUMESTON, IN WAYNE COUNTY, IOWA

The Interstate Commerce Commission hereby gives notice that by order dated November 25, 1974, it has been determined that the proposed abandonment by the Burlington Northern Railroad, Inc., of its line of railroad between milepost 117.58 near Corydon and milepost 130.97 near Humeston, a distance of approximately 13.4 miles, in Wayne County, Iowa, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects are not considered significant because (1) the volume of traffic handled on the line has been low and is declining, (2) any resultant diversion of traffic from rail to truck will not have a significant impact on air and water quality, and (3) both Humeston and Corydon will continue to have rail service available.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing

with the Interstate Commerce Commission, Washington, D.C. 20423, on or before January 3, 1975.

This negative environmental determination shall become final unless good and sufficient reason is filed to demonstrate why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.74-28572 Filed 12-5-74;8:45 am]

[AB 7 (Sub-No. 6]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Abandonment Between Isinours Junction and Caledonia, Fillmore and Houston Counties, Minnesota

DECEMBER 3, 1974.

Present: Kenneth H. Tuggle, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Fillmore and Houston Counties, Minn., on or before December 17, 1974, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 25th day of November, 1974.

By the Commission, Commissioner Tuggle.

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

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN ISINOURS JUNCTION AND CALEDONIA FILLMORE AND HOUSTON COUNTIES, MINNESOTA

The Interstate Commerce Commission hereby gives notice that by order dated November 25, 1974, it has been determined that the proposed abandonment of the line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company between Isinours Junction and Caledonia in Fillmore and Houston Counties, a distance of approximately 52.2 miles all in Minnesota, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that adverse environmental effects resulting from this action will include an increase in air pollution and energy consumption but the effects will be insignificant in light of the low and declining volumes of traffic handled on the line, the availability of nearby alternate rail service in the area, and the presence of a number of adequate highways throughout the region. Interest in acquiring the abandoned right-of-way has been expressed by two parties for public recreational trail use or continuing rail service.

It is determined that this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Consistent with the Commission's procedure followed for previous environmental threshold assessment surveys, the attached order provides for local and Federal Register publication of a summary of the Commission's environmental determination.

In our opinion, the attached assessment and order comply with the judicial injunction in Harlem Valley v. Stafford, 5 ERC 1503 (1973), aff'd 6 ERC 1855 (2nd Cir, 1974), and should permit the Commission to proceed to the merits of this abandonment proceeding.

It is recommended that the attached order and notice be adopted.

[FR Doc.74-28571 Filed 12-5-74;8:45 am]

[Notice No. 161]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 29, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 22229 (Sub-No. 95TA), filed November 21, 1974. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30315. Applicant's representative: Harold H. Clokey, 1740 The Equitable Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Firestone Tire and Rubber Co. at Rutherford County, Tenn., as an off-route point in connection with carrier's regular route service to and from Nashville, Tenn., for 180 days. Supporting shipper: The Firestone Tire and Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

NOTE.—Applicant states it will tack with MC 22229 and subs thereto.

No. MC 61231 (Sub-No. 81TA), filed November 22, 1974. Applicant: ACE LINES, INC., 4143 East 43rd Street, Des Moines, Iowa 50317. 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: *Crushed car bodies and related parts*, from points in Iowa and Minnesota, to Milwaukee, Wis., and South Beloit, Chicago, Joliet, and Des Plaines, Ill., and points in their respective commercial zones, for 180 days. Supporting shipper: Scrap Traders Ltd., P.O. Box 6701, Denver, Colo. 80206. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 106674 (Sub-No. 146TA), filed November 21, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Knocked down farm machinery*, from the plantsite of Forest City Machine Works, Inc., at or near Forest City, Ark., to Columbus, Ohio; Indianapolis, Ind.; St. Ann, Mo.; and points in Illinois, for 180 days. Supporting shipper: Forrest City Machine Works, Inc., Box 984, Forrest City, Ark. 72335. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 11274 (Sub-No. 2TA), filed November 21, 1974. Applicant: Elmer C. Schmidgall and Benjamin G. Schmidgall, doing business as SCHMIDGALL TRANSFER, P.O. Box 249, Tremont, Ill. 61568. Applicant's representative: Frederick C. Schmidgall, 318 Lilac

Lane, E. Peoria, Ill. 61611. Authority operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery, farm equipment, fencing, fencing materials, farm buildings, their materials and components*, from Morton, Ill., to all points in Kansas, for 180 days. Supporting shipper: Morton Buildings, Inc., 252 W. Adams Street, Morton, Ill. 61550. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 111729 (Sub-No. 477TA), filed November 22, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds*, and (2) *Garments*, restricted against the transportation of packages or articles weighing in the aggregate more than 50 pounds from one consignor to one consignee on any one day, between Milwaukee, Wis., on the one hand, and, on the other, Henderson and Paducah, Ky.; Moorehead and New Ulm, Minn.; and points in Illinois, Indiana, Iowa, Michigan, Missouri, Nebraska, North Dakota, Ohio, and South Dakota, for 180 days. Supporting shipper: William Sherkow Formal Wear, Inc., 610–612 W. Wisconsin Avenue, Milwaukee, Wis. 53202. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114965 (Sub-No. 55TA), filed November 19, 1974. Applicant: CYRUS TRUCK LINE, INC., P.O. Box 327, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, 104 South Washington, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propane*, in bulk, in tank vehicles, from Ringer Pipeline Terminal at or near Paola, Kans., to points in Missouri, for 180 days. Supporting shipper: Phillips Petroleum Company, 154 Phillips Building Annex, Bartlesville, Okla. 74004. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission. Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 115841 (Sub-No. 484TA), filed November 22, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products* (except in bulk), in vehicles equipped with mechanical refrigeration, from Reading, Pa., to points in Florida, for 180 days. Supporting shipper: Luden's, Inc., 200 North 8th Street, Reading, Pa. 19601. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 115841 (Sub-No. 485TA), filed November 22, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products* (except in bulk), from Roswell, N. Mex., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Glover Packing Co., Box 92, Amarillo, Tex. 79105. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 118263 (Sub-No. 55TA), filed November 20, 1974. Applicant: COLDWAY CARRIERS, INC., P.O. Box 38, Clarksville, Ind. 47130. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts* (except commodities in bulk and hides), from the plant site of Elm Hill Meats, Inc., located in Lexington, Ky., to Philadelphia and Pittsburgh, Pa.; Chicago, Ill.; Detroit, Mich.; Cleveland, Cincinnati, Dayton, Toledo, Columbus, St. Marys, and Bellefontaine, Ohio; Memphis and Nashville, Tenn.; Indianapolis, Ind.; Atlanta, Ga.; and Jacksonville, Fla.; and the commercial zones thereof, for 180 days. Supporting shipper: Elm Hill Meats, Inc., Lisle Road, Lexington, Ky. 40505. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 S. Penn. Street, Indianapolis, Ind. 46204.

No. MC 119726 (Sub-No. 44TA), filed November 20, 1974. Applicant: N.A.B. TRUCKING CO., INC., 3220 Bluff Road, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, 130 East Washington Street, Suite 1000, Indianapolis, Ind. 46204. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground clay* (fullers earth), not in bulk, from the plantsite and warehouse facilities of Oil-Dri Corporation of America, at or near Ripley, Miss., to points in Minnesota, Wisconsin, Michigan, Iowa, Nebraska, Illinois, Indiana, Ohio, Pennsylvania, Kansas, Missouri, Kentucky, West Virginia, Virginia, Oklahoma, Texas, Arkansas, Tennessee, and Alabama, for 180 days. Supporting shipper: Oil-Dri Corporation of America, 520 North Michigan Avenue, Chicago, Ill. 60611. 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 124554 (Sub-No. 14TA), filed November 21, 1974. Applicant: LANG CARTAGE CORP., 338 South 17th Street, P.O. Box 2055, Milwaukee, Wis. 53203. Applicant's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract 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 and those requiring special equipment), from Milwaukee, Wis., to dealers of Stanley Home Products, Inc., located at points in Lafayette, Iowa, Grant, Richland, Juneau, Adams, Wood, Clark, Taylor, Price, Lincoln, Onieda, Vilas, Forest, Florence, and Marinette Counties, Wis., with no transportation for compensation on return except as otherwise authorized, for 180 days. Restriction: Restricted to transportation to be performed under a continuing contract or contracts with Stanley Home Products, Inc. Supporting shipper: Stanley Home Products, Inc., 1633 East Birchwood Avenue, Des Plaines, Ill. 60018 (George Mandis). 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 124796 (Sub-No. 135TA), filed November 21, 1974. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aerosol products*, from Berkeley, R.I., and Danville, Ill., to Gloucester City, N.J.; Detroit, Mich.; Columbus, Ohio; and Louisville, Ky., for 180 days. Supporting shipper: Morton-Norwich Products, Inc., P.O. Box 368, Greenville, S.C. 29602. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 126305 (Sub-No. 66TA), filed November 22, 1974. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Route 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spheres, highway marking strip glass, ballotini and glass*, crushed, ground or powdered, from the facilities of Potters Industries, Inc., Apex, N.C., to points in

Kentucky, Arkansas, Virginia, Tennessee, North Carolina, South Carolina, Georgia, and Louisiana; and (2) *Materials and supplies* used in the manufacture and sale of glass spheres and glass spheres (except in bulk, in tank vehicles), from the above-named destination points, to the facilities of Potters Industries, Inc., Apex, N.C., for 180 days. Supporting shipper: Potters Industries, Inc., 377 Route 17, Hasbrouck Heights, N.J. 07604. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 134323 (Sub-No. 67TA), filed November 20, 1974. Applicant: JAY LINES, INC., 720 North Grand, Amarillo, Tex. 79105. Applicant's representative: Gailyn Larsen, P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malted beverages*, from the warehouse and storage facilities of Anheuser-Busch, Inc. at St. Louis, Mo., and Williamsburg, Va., to Amarillo, Tex., for 180 days. Supporting shipper: Dan Sackett, Controller, Budco, Inc., 100 So. Philadelphia, Amarillo, Tex. 79102. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 136343 (Sub-No. 35 TA), filed November 21, 1974. Applicant: Milton Transportation, Inc., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spheres, highway marking strip glass, ballotini and glass*, crushed, ground, or powdered, from the facilities of Potters Industries, Inc., Potsdam, N.Y., to points in Connecticut, Rhode Island, Maine, New Hampshire, Vermont, Ohio, Pennsylvania, New York, New Jersey, and Massachusetts, and (2) *Materials and supplies* used in the manufacture and sale of glass spheres and glass spheres (except in bulk, in tank vehicles), from the above-named destination points, to the facilities of Potters Industries, Inc., Potsdam, N.Y., for 180 days. Supporting shipper: Potters Industries, Inc., 377 Route 17, Hasbrouck Heights, N.J. 07604. Send protests to: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 136343 (Sub-No. 36TA), filed November 21, 1974. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spheres, highway marking strip glass, ballotini and glass*, crushed, ground, or powdered, from the facilities of Potters Industries, Inc., Apex, N.C., to points in New Jersey, Pennsylvania, Ohio, Maryland, and New York, and (2) *Materials and supplies* used in the manufacture and sale of glass spheres and glass spheres (except in bulk, in tank vehicles), from the above-named destination points, to the facilities of Potters Industries, Inc., Apex, N.C., for 180 days. Supporting shipper: Potters Industries, Inc., 377 Route 17, Hasbrouck Heights, N.J. 07604. Send protests to: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 136407 (Sub-No. 7TA) (Correction), filed November 4, 1974, published in the FEDERAL REGISTER, issue of November 19, 1974, and republished as corrected this issue. Applicant: COORS TRANSPORTATION COMPANY, a Corporation, 5101 York Street, Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center Bldg., 1600 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning and bleaching compounds, animal litter, and liquid cooking oils*, from the plantsite and facilities of The Clorox Company located at Kansas City, Mo., to Denver and Pueblo, Colo., for 180 days. Supporting shipper: The Clorox Company, 7901 Oakport Street, Oakland, Calif. 94621. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

NOTE.—The purpose of this republication is to add the rest of the commodity description, which was left out of the FEDERAL REGISTER in error.

No. MC 140146 (Sub-No. 1TA), filed November 21, 1974. Applicant: JEFFREY P. JENKS, doing business as JENKS CARTAGE COMPANY, 9644 Old Johnnycake Ridge Road, Mentor, Ohio 44060. Applicant's representative: Jeffrey P. Jenks (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast concrete building materials*, and *materials, equipment, and supplies* used in the manufacturing of pre-cast concrete building materials, between Thompson Township, Geauga County, Ohio, on the one hand, and, on the other, points in Alabama, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Wisconsin, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Nebraska, New Hampshire, New Jersey, and New York, for 180 days. Supporting shipper: Olds Cast Stone Products, Inc., 6965 Clay Street, Thompson, Ohio. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 140405 (Sub-No. 1TA), filed November 20, 1974. Applicant: FLORIDA CRATING AND PACKING, INC., 1511 East 11 Avenue, Hialeah, Fla. 33010. Applicant's representative: Richard B. Austin, Palm Coast II Building, Suite 214, 5255 N.W. 87th Avenue, Miami, Fla. 33166. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Broward, Collier, Dade, Martin, Monroe, and Palm Beach Counties, Fla., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and said operations are restricted to the performance of pick-up and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, or decontainerization of such traffic, for 180 days. Supporting shipper: Malabe Shipping Co., Inc., 45-53 Bergen Street, Brooklyn, N.Y. 11201. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 N.W. 87th Avenue, Miami, Fla. 33178.

No. MC 140407TA, filed November 21, 1974. Applicant: DONALD R. PENICK AND HARVEY KEENAN, doing business as DOUBLE EAGLE TRUCKING, Route 1, Box 80, Onalaska, Wash. 98570. Applicant's representative: David C. White, 2400 S.W. Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint and drywall joint compound*, in containers, for the account of Kelly-Moore facilities at San Carlos, Calif., to Kelly-Moore facilities at Kirkland, Wash., for 180 days. Supporting shipper: Kelly-Moore Paint Company, Inc., 1015 Commercial Street, San Carlos, Calif. 94070. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 140408TA, filed November 14, 1974. Applicant: JOHNSON BROTHERS TRUCKING CO., INC., 501 East Spring Street, Herndon, Va. 22070. Applicant's representative: James Anton, 1123 Munsey Building, 1329 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, cement, cinder and concrete block, sand and gravel, lintel, flue lining, and fireplace dampers, clean-out doors and ash dumps*, (1) from Herndon, Va., to points in Maryland (except Prince Georges, Charles, and Mongtomery Counties) and (2) from points in Maryland, to points in Virginia and the District of Columbia, for 180 days. Supporting shipper: Cherrydale Cement Block Co., Inc., 501 East Spring Street, Herndon, Va. 22070. Send protests to: W. C. Hersman, District Supervisor, Interstate

Commerce Commission, Bureau of Operations, 12th and Constitution Ave., NW, Room 317, Washington, D.C. 20423.

By the Commission.

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

[FR Doc.74-28574 Filed 12-5-74;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

[Docket No. 75-22]

PENN CENTRAL TRANSPORTATION CO.

Abandonment, LE&P Branch, Cuyahoga County, Ohio

The Trustees of Penn Central Transportation Company, debtor, a railroad in reorganization under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.), applied to the United States Railway Association for the authorization required by section 304(f) of that Act to abandon a portion of a line of railroad known as the LE&P Branch, between Valuation Station 30+00 near East 71st Street, Cuyahoga Heights and Valuation Station 62+33 near Warner Road, Garfield Heights, a distance of 0.6 miles, in Cuyahoga County, Ohio.

Section 304(f) provides that a railroad in reorganization may not abandon a line of railroad "unless it is authorized to do so by the Association and unless no state or local or regional transportation authority reasonably opposes such action."

No state or local or regional transportation authority opposes this application. The Congress of Railway Unions requests the protection of the "Burlington" conditions for any employees who may be affected by this abandonment. Abandonment of this line would not otherwise be inconsistent with the purposes of the Act.

Accordingly, the application will be granted on the condition that adversely affected employees receive, until the effective date of mandatory offers to "protected employees" under section 502(b) of the Act, the labor protection customarily imposed by the Interstate Commerce Commission, as in Chicago, B&Q R. Co., Abandonment, 257 I.C.C. 700.

This Order shall be effective December 16, 1974.

Dated this 26th day of November 1974.

[SEAL] EDWARD G. JORDAN, *President, United States Railway Association.*

[FR Doc.74-28478 Filed 12-5-74;8:45 am]

federal register

FRIDAY, DECEMBER 6, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 236

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

POISONOUS OR DELETERIOUS SUBSTANCES IN PEANUTS, EVAPORATED MILK, FISH AND SHELLFISH

Proposed Rules

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 122]

ACTION LEVEL FOR MERCURY IN FISH AND SHELLFISH

Notice of Proposed Rule Making

Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs is issuing proposed regulations concerning the control of poisonous or deleterious substances in food. In accordance with those proposed procedures and principles, the Commissioner is issuing a proposal for an action level for mercury in fish and shellfish.

Most of man's exposure to mercury arises from the contamination of food and possibly drinking water. The levels of mercury found in water treated for drinking are lower than those found in food. Moreover, mercury in water is found primarily in the less toxic inorganic form. Except in occupational exposure, the contribution of inhaled mercury is insignificant in relation to intake from food. The amount of methylmercury (the most toxic organic form of mercury) found in fruits, vegetables, grains, meat and dairy products is very small (reference 4). Of all the commodities analyzed for mercury by the Food and Drug Administration (FDA) in a survey of 10 basic foods and in the food commodity classes of the FDA total diet study, fish was the only commodity shown to present a potential hazard to man (reference 5). Other data show levels of mercury in shellfish (mollusks and crustaceans) similar to the levels in some vertebrate fish (reference 10). The total human intake of mercury from food sources other than fish and shellfish is insignificant.

All forms of mercury are toxic, but it has been established that the form of mercury in edible fish muscle is almost completely methylmercury (reference 1, chapter 3), which is more toxic chronically than other forms of mercury. Currently only limited data are available on the form of mercury in shellfish. These data do indicate, however, that the mercury in shrimp and lobster is largely methylmercury (reference 11). No data are available on the methylmercury concentrations in mollusks. There is no analytical procedure suitable for regulatory use that is capable of measuring levels of methylmercury. Therefore, the action level is expressed in terms of mercury. Since data are not available to establish with certainty the proportion of mercury that is methylmercury in each species of fish and shellfish, all mercury must be regarded as the most hazardous form, methylmercury.

Methylmercury and other forms of mercury serve no essential function in fish and shellfish. They are not normal inherent constituents, but are found in aquatic species because of environmental, industrial, and agricultural contamination. The source of methylmercury contamination in fish and shellfish is mercury contamination of the waters. The mercury that contaminates the aquatic environment has come from two principal sources, leaching or volatilization from natural geological sources and human activities. Significant amounts of mercury enter the environment from man's agricultural and industrial use (chlor-alkali industry, mercury-based slimicides, mining operations, burning of fossil fuels, etc.).

All forms of mercury entering the aquatic environment, whether as a result of man's activities or from natural geologic sources, may be converted by microorganisms in bottom sediments to methylmercury, which can be concentrated by fish and other aquatic species.

Studies by Finnish scientists have shown that methylmercury is lost from fish at an extremely slow rate (reference 2). The loss appears to occur in two stages, first a rapid loss when mercury is being distributed throughout the tissues, a process that lasts a few weeks, and then a very slow loss from the established binding sites. The half-life estimated for this component is approximately 2 years. This extremely slow loss is one of the reasons why fish are a major source of mercury for man. Moreover, during this period the fish are continuously supplied with methylmercury from the water, providing a mechanism for the continuous increase of mercury residues.

Mercury is present in fish and shellfish because of contamination. It is, therefore, an added poisonous or deleterious substance within the meaning of the Federal Food, Drug, and Cosmetic Act. The meaning of that term is discussed in detail in the preamble to the proposed procedures and principles for the control of poisonous or deleterious substances published elsewhere in this issue of the FEDERAL REGISTER.

Mercury contamination of fish and shellfish is unavoidable. Though further addition of mercury to the aquatic environment from industrial sources can be prevented or at least reduced, at present there are no means of removing the mercury from these waters. Moreover, there is no method of processing fish or shellfish so as to remove or reduce the mercury contamination. Control over mercury intake by consumers of fish and shellfish can be achieved only through regulation of the mercury content of the products sold.

Methylmercury poisoning may lead to progressive blindness, deafness, incoordination, intellectual deterioration, and death. The amount of mercury accumulating in the body is directly related to the methylmercury dose size, and a critical concentration of mercury in brain tissues is required to produce neurological symptoms. Because it requires some time for the brain tissue of exposed individuals to reach such levels, due to the time of passage through the blood-brain barrier and redistribution of mercury in the brain, neurological symptoms are not observed during the early periods of exposure, but may develop several weeks after the initial exposure. However, it has been established that toxic concentrations of methylmercury in the brain vary very little between different animals. In all mammals, concentrations of 5 to 10 micrograms per gram (mcg/g) of brain tissue may be associated with neurological symptoms.

At present, there are no sensitive diagnostic techniques to identify possible sub-clinical and latent mercury toxicity. Of particular concern in relation to possible undetected injury are reports that individuals who have been exposed to methylmercury (or other alkyl mercurials) may continue to function in an apparently normal manner and then at death, some years later, show the complete pathologic brain lesions associated with the exposure. It is not known to what extent man's brain can compensate for neuronal loss that may occur following exposure or how neuronal loss following low levels of exposure affects the normal aging process of the brain (reference 3).

Methylmercury readily crosses the placental barrier in pregnant women and enters the fetus (references 1 and 2). It may concentrate in the central nervous system of the developing organism resulting in serious brain damage to the unborn child. Fetal damage may occur at exposure levels lower than that required to produce observable effects in the mother. Therefore, chronic exposure to fish and shellfish containing methylmercury poses a greater potential for danger to women of child-bearing age than to the general population.

Because of these uncertainties about the effects of low levels of methylmercury, the approach to tolerating mercury contamination must generally be cautious.

The potentially hazardous nature of mercury residues in fish and shellfish has been emphasized by the Minamata Bay and Niigata, Japan, poisoning episodes which involved fatalities associated with consumption of contaminated fish and shellfish. Detailed studies of the patients affected during these poisoning episodes, particularly information on mercury levels in blood, hair, and in some cases brain, have provided valuable information for estimating tolerable levels of exposure of man to methylmercury. Additional information has also been provided by (1) studies in Scandinavia on the metabolism of trace amounts of Hg^{203}-labeled methylmercury by man, which have permitted a calculation of the biological half-life of mercury in man (about 70 days) and the relative distribution of mercury in the various parts of the body and (2) the relationship between ingestion of methylmercury from contaminated fish and mercury levels in blood and hair (reference 2).

The 0.5 ppm action level for mercury in fish and shellfish established by the Food and Drug Administration in 1969 incorporated all the significant aspects of the mercury-in-fish problem known at

the time of its establishment. The information available at that time included:

(1) Estimates of levels of intake of contaminated fish and shellfish which resulted in the Japanese poisoning episodes.

(2) Data on the relation of intake of methylmercury to body levels of methylmercury. Some data related intake of methylmercury in man from contaminated fish to levels of mercury in blood. Other human data were from studies on distribution and excretion of raidoisotope-labeled methylmercury in a few volunteers. Data on brain levels of mercury were from test animals and human autopsy cases.

In 1970, a study group of 10 scientists (both FDA and non-FDA) concluded on the basis of their experience in Sweden and Finland, where there had been a great deal of investigation regarding mercury hazards, that the FDA action level of 0.5 ppm was a sound basis for the protection of the public health (reference 2). This conclusion was based in part on data obtained by the Swedish Commission on Evaluating the Toxicity of Mercury in Fish.

The Swedish Commission set forth its recommendations relating to allowable intakes of methylmercury (reference 1). Their recommended tolerable daily intake was based on a set of values derived from data on Swedish individuals, their blood levels of methylmercury, and their dietary intake of fish, as well as the Japanese data, as follows: The lowest whole blood concentration at which toxic symptoms occurred in the Japanese poisoning episodes was estimated to be 0.2 microgram per gram (mcg/g). Swedish data on intake of contaminated fish showed that these blood levels could be reached with a daily intake of 0.3 milligram (mg) by a 70 kilogram (kg) man. Extrapolating from these human data and applying a safety factor of 10 (the usual safety factor applied when human data are used), the acceptable level for whole blood would be 0.02 mcg/g, which would correspond to a daily intake of 0.03 mg by a 70 kg man or 0.4 mcg/kg of body weight. If fish containing 0.5 ppm mercury were eaten daily, the acceptable limit (0.03 mg) would be reached by the daily consumption of 60 grams of fish.

The action level for mercury in fish and shellfish was again reviewed in April 1971 by an ad hoc committee of scientific and medical experts from this country and Canada with respect to the high levels of mercury found in swordfish. The committee supported maintaining the 0.5 ppm guideline (reference 8).

The most recent data on the toxicity of methylmercury are from a study of a widespread outbreak of methylmercury poisoning in Iraq in 1972 in which farmers and their families were exposed to methylmercury when they ate homemade bread prepared from seed wheat treated with a methylmercurial fungicide (reference 9). The amount of mercury in the body at the onset of toxic symptoms (threshold body burden) was calculated to be 25 to 40 mg. This agrees remarkably well with a threshold body burden of 20 to 40 mg of mercury computed by the Swedish Commission from the whole blood concentrations at onset of symptoms reported from Japanese data (reference 1). While this is a preliminary interpretation of the Iraqi data, it does tend to confirm the Swedish Commission's allowable intake level, for which a maximum permissible level of 0.5 ppm will provide adequate protection.

Because this important Iraqi study is incomplete and other mercury studies are in progress, the Commissioner concludes that it would be inappropriate to set a formal tolerance at this time. When the study of the Iraqi poisoning episode is fully developed and published, the Commissioner will reevaluate it and all other available information and consider whether to establish a formal tolerance for mercury in fish and shellfish. The Commissioner concludes that in the interim, it is appropriate to issue an action level for mercury in fish and shellfish as a regulation.

As demonstrated above, an action level of 0.5 ppm permits a daily consumption of 60 grams of fish and shellfish contaminated to that extent, while still maintaining a tenfold margin of safety over the level of mercury intake known to be toxic. The 60 g/day figure is based on a mercury concentration of 0.5 ppm in all fish and shellfish consumed, but because actual concentrations are much less in most fish and shellfish (references 4, 6 and 10), there is an additional safety margin. In addition, the average consumption of fish and shellfish in this country is regarded as considerably less than 60 grams per day (reference 1, chapter 13; references 6 and 12).

A National Marine Fisheries Service (NMFS) survey determined that only 1.8 percent of the population consumes an average of more than 60 grams of fish and shellfish per day (reference 7). The vast majority of the population is therefore protected by the tenfold margin of safety. Additional protection is provided by the fact that actual concentrations in most fish and shellfish are below 0.5 ppm mercury and the fact that consumption is less than an average of 60 grams per day.

It is not possible, however, to provide this same high level of protection to every person without excluding a great amount of fish and shellfish from the market. The NMFS survey indicated that 1 percent of the participants in the survey consumed an average of 77 grams daily and 0.1 percent consumed 165 grams daily. At the very high consumption of 165 grams per day, the tenfold margin of safety is reduced to less than four; although, it may be increased above that figure by the additional margin resulting from consumption of fish and shellfish with less contamination than 0.5 ppm mercury.

An action level of about 0.18 ppm would be necessary to assure a tenfold margin of safety for those individuals who consume approximately 165 grams of fish and shellfish per day. Since the mean mercury levels for certain species of fish, e.g., tuna and red snapper, exceed 0.18 ppm and a significant portion of other species also exceeds that level (references 5 and 6), an inordinate amount of fish would be excluded from the market by such an action level.

The number of fish and shellfish that would be excluded from sale at a given action level is a reflection of the degree to which the contaminant is unavoidable. In establishing an action level, the Commissioner must consider the extent to which the contaminant is unavoidable, which is the policy embodied in section 406 of the act.

In balancing the unavoidability of mercury in fish and shellfish against the need for protection of the public health, the Commissioner concludes that it would be inappropriate to exclude a vast amount of fish and shellfish from the market in order to provide a large margin of safety for those who consume far more than the average person. The Commissioner notes that a person would have to consume every day the extraordinarily high amount of 600 grams of fish and/or shellfish contaminated at the full 0.5 ppm level to reach the blood levels where symptoms have been known to occur. Thus some margin of safety is still provided for even the largest consumers of these foods.

In setting a tolerance or action level, the Commissioner considers the other ways in which the consumer may be affected by the same substance or other substances. As noted above, fish and shellfish are the major sources of dietary mercury, and the presence of mercury in other foods is too insignificant to affect the action level for mercury in fish and shellfish. The Commissioner has also considered the effects mercury has on human health in combination with other substances, including other heavy metals. Information is not available that demonstrates that the action level for mercury in fish and shellfish should be affected by the presence of other substances in food.

As stated above, this action level is based on the assumption that all mercury detected in fish and shellfish is methylmercury, since there is no suitable regulatory test for methylmercury and since the relationship of the amount of methylmercury to the amount of total mercury cannot be established with certainty for every species. The Commissioner will consider higher action levels for particular species or categories of fish and shellfish if adequate data are presented to establish that the consistent proportion of mercury that is methylmercury is relatively low.

The regulations also prescribes sampling and analytical methods by which compliance with the proposed limitation will be determined.

Taking into account (1) that mercury contamination of the aquatic habitat and thereby of fish and shellfish is ubiquitous and unavoidable, (2) that mercury cannot be removed from fish and shellfish tissue during processing,

(3) the extent to which mercury in fish and shellfish is unavoidable, (4) toxicological data on the effects of mercury, and (5) the other ways in which the consumer may be affected by mercury and other substances, the Commissioner proposes to establish an action level for mercury in fish and shellfish. Accordingly, an action level of 0.50 ppm is proposed.

REFERENCES

A copy of each reference document is on file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, and may be seen during working hours, Monday through Friday.

1. "Methyl Mercury in Fish: A Toxicologic-Epidemiologic Evaluation of Risks. Report from an expert group." Nordisk Hygienisk Tidskrift, Supp. 4, 1971.

2. "Hazards of Mercury," Special Report to the Secretary's Pesticide Advisory Committee, Department of Health, Education, and Welfare, November 1970, Environmental Research 4:1-69, 1971.

3. Shibko, S. I., Testimony before Southwestern South Dakota Enforcement Conference, Rapid City, SD, October 19-21, 1971.

4. "Evaluation of Certain Food Additives and the Contaminants Mercury, Lead, and Cadmium," Sixteenth Report of the Joint FAO/WHO Expert Committee of Food Additives.

5. Simpson, R. E., Horwitz, W. and Roy C. A., "Residues in Food and Feed, Survey of Mercury Levels in Fish and Other Foods," Pesticides Monitoring Journal 7, No. 3/4, 127-138 (1974).

6. Analysis of Data from Mercury-Wholesale Fish Survey, Division of Mathematics, Bureau of Foods, Food and Drug Administration, June 1971.

7. Finch, R., "Effects of Regulatory Guidelines on the Intake of Mercury from Fish—The MECCA Project," Fishery Bulletin 71(3): 615, 1973.

8. HEW News, 71-25, Thursday, May 6, 1971.

9. Bakir, F., Clarkson, T. W., et al., "Methylmercury Poisoning in Iraq," Science, pp. 230-241, July 20, 1973.

10. Memorandum: Proposed 0.5 ppm Tolerance for Mercury in Fish; Shellfish Sanitation Branch to Division of Regulatory Guidance, November 12, 1974.

11. Letter: Clarkson to Shibko, July 12, 1972.

12. Compilation of Data on Consumption of Fish and Shellfish in U.S., Guidelines and Compliance Research Branch, November 14, 1974.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 306, 402, 406, 701(a), 52 Stat. 1045-1046 as amended, 1049, 1055; 21 U.S.C. 336, 342, 346, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 122 be amended by adding thereto a new Subpart C consisting at this time of § 122.200 as follows:

Subpart C—Action Levels for Added Poisonous or Deleterious Substances

§ 122.200 Mercury in fish and shellfish.

(a) An action level of 0.50 part per million is established for mercury in fish and shellfish (mollusks and crustaceans), both raw and processed.

(b) Compliance with this section shall be determined as follows:

(1) (i) For processed fish and shellfish, a lot shall consist of a collection of primary containers or units of the same size, type, and style produced under conditions as nearly uniform as possible, designated by a common container code or marking, or, in the absence of any common container code or marking, a day's production.

(ii) For unprocessed fish and shellfish (raw, fresh, or frozen, usually whole), a lot shall consist of a collection of fish or shellfish from a shipment or storage designation, of a uniform size and kind (or species) taken from similar waters of origin. Where the waters of origin are not known, fish or shellfish of the same size and kind will be considered to comprise a lot.

(2) The sample for mercury analysis shall consist of a composite of the edible portion of 12 subsamples (primary packages or units from a lot) chosen randomly to be representative of the lot. The edible portion of vertebrate fish excludes heads, scales, tails, fins, viscera, and inedible bones.

(3) Composites shall be analyzed by the official procedure of the Association of Official Analytical Chemists, described in "Changes in Methods: 25.A01-25.A03," Journal of the Association of Official Analytical Chemists (JAOAC), Vol. 54, p. 466 (1971).[1]

(4) A lot does not comply with the action level established in paragraph (a) of this section if the value of the analysis of the composite of randomly chosen subsamples is greater than 0.50 ppm mercury.

Interested persons may, on or before March 6, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: November 29, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-28405 Filed 12-5-74;8:45 am]

[21 CFR Part 122]

LEAD IN EVAPORATED MILK AND EVAPORATED SKIM MILK

Proposed Tolerance

Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs is issuing proposed procedural regulations concerning the control of poisonous or deleterious substances in food. In accordance with those proposed procedures and principles, the Commissioner is issuing a proposal for a tolerance for lead in evaporated milk and evaporated skim milk.

Early in 1972, the Food and Drug Administration conducted investigations and examinations of four evaporated milk manufacturing plants in different geographical areas of the country to determine baseline values of lead in raw milk and evaporated milks (evaporated milk and evaporated skim milk). The following information was obtained from these investigations (reference 1): (1) Samples of raw milk were found to contain from none detected to 0.28 part per million (ppm) lead with an average of 0.09 ppm and (2) levels of lead in evaporated milks ranged from 0.21 ppm to 1.10 ppm with an average of 0.52 ppm.

These results were supported by other investigations published in the scientific literature (references 2 and 3) which revealed ranges of 0.02 to 0.08 ppm and 0.01 and 0.21 ppm lead, each with averages of 0.05 ppm, for raw milk. Values were reported for lead in evaporated milk ranging from 0.09 to 0.72 ppm with an average of 0.35 ppm.

The levels of lead in evaporated milks were higher than would be caused solely by the normal procedure of concentrating raw milk 2 to 2.5 times during the evaporation process, and the Commissioner concluded from these data that a substantial portion of the lead in evaporated milk was being added during, or as a result of, processing.

Lead in evaporated milk is, therefore, an added poisonous or deleterious substance within the meaning of the Federal Food, Drug, and Cosmetic Act. The meaning of that term is discussed in detail in the preamble to the proposed procedures and principles for the control of poisonous or deleterious substances published elsewhere in this issue of the FEDERAL REGISTER.

The evaporated milk industry was informed of the seriousness of the problem of added lead in their product and of the need to develop a solution. In February 1972, the Evaporated Milk Association (EMA) formed a task force composed of representatives of evaporated milk manufacturers and started a series of investigations (reference 4). As a result of these studies, some modifications in can manufacturing procedures were made, and the manufacturing companies set up processing lines using the new techniques in the effort to reduce the lead levels in evaporated milk and evaporated skim milk.

The evaporated milk industry also began a monitoring and sampling program in January 1973 (reference 4), to provide assurance that evaporated milk and evaporated skim milk entering consumer distribution channels would not contain more lead than the amount which is unavoidable using the new technology. This monitoring program requires that all plants producing evaporated milk or evaporated skim milk for retail sale monitor the finished product.

The levels of lead actually present in raw milk were probably significantly lower than the approximately 0.09 ppm reported, based on investigations prior to

[1] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044.

1973. Improvements in analytical methodology that have been developed since 1973 cast some doubt on the validity of the earlier data. Using the improved methodology, an FDA survey of whole milk in fiscal year 1974 (July 1973–June 1974) resulted in data in which 0.021 ppm was the average amount of lead determined in 60 samples. The lead findings ranged from none detected to 0.069 ppm (reference 5). More samples would have to be analyzed to obtain a truly reliable measure of the average lead content of all whole milk, but it be concluded that it is significantly less than the 0.09 ppm reported from earlier data.

While the same analytical problems existed for evaporated milk as for raw or whole milk, those problems were not as significant at the levels of lead that occurred in the evaporated product. The 0.09 ppm average lead levels found in whole milk were at the limit of sensitivity of the analytical methods employed, where results are generally less precise.

Data reported to FDA from the industry monitoring program for the first half of 1973 showed an average of 0.12 ppm lead in over 3,000 samples of evaporated milk and evaporated skim milk. The results ranged from 0.01 ppm to 0.46 ppm (reference 6). These data are generally consistent with the results of a survey conducted by FDA in 1973 in which 83 samples of evaporated milk were found to contain an average of 0.12 ppm lead, with a range of 0.02 to 0.37 ppm (reference 7). Results from an independent study also were in agreement: 15 samples of evaporated milk contained an average of 0.11 ppm lead with a range of 0.04 to 0.22 ppm and 11 samples of evaporated skim milk averaged 0.06 ppm lead with a range of 0.04 to 0.07 ppm (reference 8).

Industry data for the second half of 1973 and the first 4 months of 1974, in which 3,015 samples contained an average of 0.12 ppm lead with a range of 0.02 to 0.33 ppm (reference 9), indicate that the changes in technology have resulted in the reduction of lead levels in evaporated milk and evaporated skim milk to a stable level which should not exceed 0.3 ppm.

Clinically overt pediatric lead toxicity involves damage to the central nervous system and the kidneys as well as an impairment in the production of blood cells. The central nervous system effects are principally responsible for the morbidity and mortality of the disease (reference 10). While the incidence of fatality due to coma and convulsions produced by lead ingestion has declined markedly over the past 20 years due to both the availability of methods for the earlier detection of the disease and the use of chelation therapy, it has been established that less severe lead toxicity may still result in impairment of the central nervous system. Subtle central nervous system damage that has been associated with lead includes hyperactivity (references 11 and 12) and impaired motor coordination (references 13 and 14).

The pathological changes in central nervous system function frequently remain even though it is possible to reduce the body burden of lead with chelation therapy. Perlstein and Attala (reference 15) found that 39 percent of children treated by chelation therapy showed neurologic sequelae including mental retardation, recurrent seizures, cerebral palsy, and optic atrophy. Chisolm (reference 16) has also reported persistent neurologic deficits in children after chelation therapy treatment for lead poisoning. Thus, it is clear that while the biochemical changes due to lead may be reversed by removal of lead, neurological changes may remain for prolonged periods of time.

When there is an increased body burden of lead, it is reflected by an increased lead concentration in the blood. A blood lead concentration greater than 40 micrograms (mcg) per 100 milliliters (ml) of whole blood is considered evidence of undue exposure to lead (reference 17). The incidence of blood lead concentrations in excess of 40 mcg/100 ml of whole blood varies with the populations studied. Generally, the frequency is highest among children living in center-city areas with poor housing. In such center-city areas, 25 to 45 percent of young children show evidence of undue exposure to lead (reference 18). The problem is not limited, however, to large urban areas since the incidence of blood lead concentrations greater than 40 mcg/100 ml has been reported to vary between 9.6 and 31.3 percent in Illinois cities under 100,000 population (reference 19).

Severe lead poisoning is almost invariably associated with pica for lead containing substances such as paint, plaster, newspaper, or dirt. Children with symptomatic lead poisoning often have blood lead concentrations greater than 60 mcg/100 ml of whole blood. Subtle neurological changes associated with lead are thought to occur at blood lead concentrations of 40 to 60 mcg/100 ml of whole blood although this is not fully established (references 11, 12, 13, 14). While the majority of children with blood lead concentrations greater than 40 mcg/100 ml of whole blood have pica, many do not have a demonstrable pica-related source of lead.

Nonpica sources of lead include food, water, and air. While the relative magnitude of these sources varies in different environments, food is generally the largest contributor to lead exposure in nonpica children. The average total dietary intake of lead of a 2-year old child has been estimated to be approximately 75 mcg per day, with about 45 mcg contributed by the dairy products that constitute about 36 percent of this average diet. Similarly, the estimated average intake of a 6-month old infant who consumes only infant foods would be approximately 120 mcg per day, with about 70 mcg contributed by the dairy products that constitute 59 percent of the average diet (reference 20).

Lead metabolism and the metabolic effects of various quantities of lead have been studied in adults (reference 21). Similar experimental data are not available for children; however, some knowledge of the quantities of lead which will produce various metabolic effects has been obtained (reference 22). An ad hoc committee of experts in pediatric lead toxicity, appointed by the U.S. Department of Health, Education and Welfare, has suggested that 300 mcg of elemental lead per day be considered the maximum daily permissible intake from all sources for children between 1 and 3 years of age (reference 22). Ingestion of lead in excess of this amount results in an increased body burden of lead and the beginning of lead-induced metabolic changes, specifically impaired heme synthesis. The World Health Organization has established a provisional tolerable weekly lead intake for adults at 3 milligrams of lead per person or 0.05 milligram/kilogram body weight (reference 23). No provisional allowances for lead have yet been established for infants or children; although on the basis of a lesser body weight, the total tolerable intake would most likely be smaller for children.

It is thought that the young have greater susceptibility to the toxic effects of lead. Although experimental data on this point are limited, there is recent evidence of increased toxicity and a greater retention of ingested lead in young as compared to adult animals (reference 24). It has previously been shown that very young animals absorb a greater portion of ingested lead than do adult animals (references 25 and 26). Children have been shown to absorb and retain substantially larger percentages of dietary lead than do adults (reference 27).

Although evidence of greater lead susceptibility of children when compared to adults has not been firmly established, it is evident that children, as a result of a higher caloric requirement due to their higher metabolic rate and a consequently more rapid respiratory rate, have a greater degree of lead exposure per kilogram of body weight.

The lead concentration of evaporated milk is of particular interest in infant feeding. Formula made from evaporated milk often provides a high percentage of the calories ingested by infants from birth to 6 months of age. Between 6 months and 1 year, formula frequently provides at least half of the caloric intake. In addition, the high milk diet of infants presents special problems because of the low iron intake which accompanies these diets if they are unsupplemented with iron. It has been shown experimentally that low iron intake will increase susceptibility to lead toxicity (reference 28), and that the retention of lead by animals fed milk diets is unusually high (reference 29).

The Commissioner has determined that the proposed 0.3 ppm lead tolerance will provide adequate protection for infants and young children from ingestion of hazardous levels of lead from evaporated milk and evaporated skim milk. If all evaporated milks were to contain the full 0.3 ppm lead, the calculated daily lead intake for infants would range from

about 70 mcg for infants from birth to 3 months, who obtain 80 to 90 percent of their total calorie intake from formula, to about 170 mcg for 9 to 12 month olds, who obtain 80 percent of their calorie intake from formula (reference 30). These lead intake levels are significantly lower than the 300 mcg allowable daily intake for children and, though an allowable level for infants has not been determined, such a level would probably not be exceeded by users of evaporated milks containing 0.3 ppm lead.

Based upon an analysis of currently available data, a level of 0.3 ppm lead is expected to occur only occasionally (reference 9). In a lot with an average lead level less than 0.3 ppm, most individual containers will have less than 0.3 ppm. With a maximum permissible level of 0.3 ppm lead in a 12-can composite sample, lots averaging more than 0.3 ppm should be rejected. Thus, the possibility of any individual's being exposed to the calculated intake of 170 mcg lead per day over an extended period is remote.

The limitation on lead in evaporated milk and evaporated skim milk is proposed to be a tolerance. Limiting an unavoidable substance through use of a tolerance rather than an action level is appropriate when there are no changes foreseeable in the near future that might affect the appropriateness of the limitation established. The Commissioner concludes that additional improvements in can technology, further reducing the levels of lead in evaporated milk and evaporated skim milk, are not expected in the near future. In addition, the scientific evidence on the toxicity of lead is sufficiently well established that no data are expected to be developed in the near future that would cause the Commissioner to alter the limitation proposed.

In setting a tolerance, the Commissioner considers the other ways in which the consumer may be affected by the same substance or by other substances. As noted above, dairy products are a major source of dietary lead, and the presence of lead in other foods consumed by infants and young children is not significant enough to affect the tolerance for lead in evaporated milk and evaporated skim milk.

One potential exposure to lead, which is not accountable by current food intake data (reference 5), is leachable lead from pottery (ceramics) and enamelware suitable for liquid food use. Since the manner and extent to which these articles are used for liquid food in the home has not been documented, the Commissioner is not able to establish the exact contribution of this leachable lead to total human dietary intake.

The Commissioner concludes, however, that whatever this contribution may be, it should not, at this time, bear on the tolerance level being proposed for lead in evaporated milk and evaporated skim milk. In part, this tolerance takes into account the extent to which lead in these foods is unavoidable. Thus, rather than having this tolerance any lower, the Commissioner considers it proper and in the public interest to study the present FDA action level of 7 micrograms/milliliter for leachable lead in pottery and enamelware, and at the completion of that study, to determine whether the action level for leachable lead in these articles should be changed or a tolerance established. The proposed tolerance or action level would be based on the criteria contained in the proposed procedures and principles for the control of poisonous or deleterious substances published elsewhere in this issue of the FEDERAL REGISTER.

The Commissioner has also considered the effects lead in combination with other substances, including other heavy metals, has on human health. Information is not available that demonstrates that the tolerance for lead in evaporated milk and evaporated skim milk would be affected by the presence of other substances in food.

The regulation also prescribes sampling and analytical methods by which compliance with the proposed limitation will be determined. Because of the possible variation in the results obtained by the analytical method prescribed, the regulation provides that the average of duplicate analyses shall be used.

Taking into account (1) the extent to which lead is present in raw milk and cannot be removed in the production of evaporated milk and evaporated skim milk; (2) the fact that can technology has been improved so that industry production practices can effectively eliminate the avoidable lead from these products; (3) the upper limit of safety based on present toxicological knowledge; and (4) the ways in which consumers may be affected by lead and other substances, the Commissioner proposes to prescribe a tolerance for lead in evaporated milk and evaporated skim milk, above which such products will be deemed unsafe within the meaning of section 406 of the act. Accordingly, a tolerance of 0.3 ppm is proposed.

REFERENCES

A copy of each reference document is on file with the Hearing Clerk, Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, MD 20852, and may be seen during working hours, Monday through Friday.

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

(secs. 306, 402, 406, 701, 52 Stat. 1045–1046 as amended, 1049, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 336, 342, 346, 371) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 122 be amended by adding a new § 122.102 as follows:

§ 122.102 Lead in evaporated milk and evaporated skim milk.

(a) A tolerance of 0.3 part per million (ppm) is established for lead in evaporated milk and evaporated skim milk.

(b) Compliance with this section shall be determined as follows:

(1) A lot shall consist of a collection of primary containers or units of the same size, type, and style produced under conditions as nearly uniform as possible, designated by a common container code or marking, or in the absence of common container code or marking, a day's production.

(2) The sample for lead analysis shall consist of a composite of randomly chosen sample units from a lot as follows: 12 cans of the 13 fluid ounce size or 29 cans of the 5½ fluid ounce size, or the equivalent in the case of cans of other sizes.

(3) Composites shall be analyzed in duplicate by the procedures of the Association of Official Analytical Chemists (AOAC): The atomic absorption technique as described in "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed., 3d Supplement, 25.C12–25.C17, or the anodic stripping voltammetry technique as described in the Journal of the AOAC, Vol. 56, p. 1247 (1973).[1]

(4) A lot does not comply with the tolerance established in paragraph (a) of this section if the average value of duplicate analyses of the composite of randomly chosen sample units is more than 0.3 ppm lead.

Interested persons may, on or before March 6, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: November 29, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-28406 Filed 12-5-74;8:45 am]

[1] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044.

[21 CFR Part 122]

POISONOUS OR DELETERIOUS SUBSTANCES IN FOOD

Notice of Proposed Rule Making

Elsewhere in this issue of the FEDERAL REGISTER the Commissioner of Food and Drugs is issuing proposed regulations concerning permitted levels of mercury in fish and shellfish (mollusks and crustaceans), lead in evaporated milk and evaporated skim milk, and aflatoxin in shelled peanuts and peanut products used as human foods. The Commissioner has concluded that Part 122, promulgated in an order published in the FEDERAL REGISTER of July 6, 1973 (38 FR 18096), should be expanded to deal with all poisonous or deleterious substances in food, including food-contact surfaces, pet food, and animal feed, to implement sections 402(a) and 406 of the Federal Food, Drug, and Cosmetic Act.

Section 402(a)(1) of the act provides that a food shall be deemed to be adulterated:

> If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health.

Section 402(a)(2) of the act provides that a food shall be deemed to be adulterated:

> (A) If it bears or contains any added poisonous or added deleterious substance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; (iii) a color additive; or (iv) a new animal drug) which is unsafe within the meaning of secton 406, or (B) if it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of section 408(a); or (C) if it is, or it bears or contains, any food additive which is unsafe within the meaning of section 409: *Provided*, That where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under section 408 and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on such processed food shall, notwithstanding the provisions of sections 406 and 409, not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of such residue in the processed food when ready to eat is not greater than the tolerance prescribed for the raw agricultural commodity; or (D) if it is, or it bears or contains, a new animal drug (or conversion product thereof) which is unsafe within the meaning of section 512.

Section 406 of the act permits the establishment of tolerances for added poisonous or deleterious susbtances in food; section 408 of the act permits the establishment of tolerances for pesticide chemicals in or on raw agricultural commodities; and section 409 of the act permits the establishment of tolerances for food additives.

The basic provision of the act dealing with poisonous or deleterious substances in food is section 402(a)(1) of the act, which applies to all poisonous or deleterious susbtances, whether they are naturally occurring or added. It is deliberately cumulative with the provisions relating to establishment of tolerances for food substances referenced in section 402(a)(2) of the act and was retained from the Food and Drugs Act of 1906 because its language had been construed by the Supreme Court in United States v. Lexington Mill & Elevator Co., 232 U.S. 399 (1974). See Hearings on S. 2800 Before the Senate Committee on Commerce, 73d Cong., 2d Sess. 530 (1934). Its broad scope is shown by the fact that the related provisions in sections 406, 408(a), 409(a), and 512(k) of the act exempt a substance from section 402(a)(1) only if a regulation has been promulgated under the authority of those other sections.

Section 402(a) of the act distinguishes between naturally occurring and "added" substances and sets different standards for each. Naturally occurring substances are prohibited only if they render the food "ordinarily" injurious to health. Added substances are prohibited if they "may" be injurious to health; if such substances are necessary or unavoidable, special procedures are established by which they can be regulated.

"Added" is a statutory term of art encompassing all ingredients which are not inherent and intrinsic parts of a food. The term "added" was introduced into Federal food law in the drafting of the 1906 act when the U.S. Department of Agriculture (USDA) opposed a provision defining a food product as adulterated if it was injurious to health. The Department noted that such a provision would outlaw coffee, tea, and other foods containing deleterious ingredients as natural constituents. See the testimony of the Commissioner in Hearings on H.R. 6906, H.R. 8805, H.R. 8941, and S. 5 Before A Subcommittee of the House Committee on Interstate and Foreign Commerce, 74th Cong., 1st Sess. 58 (1935). To exempt such foods containing naturally occurring deleterious ingredients, the Senate committee considering the bill in 1906 adopted the word "added." See 40 Cong. Rec. 897 (1906). Although the word chosen implies that the statute is concerned with the act of addition, the legislative history makes clear that the term seeks rather to establish a standard based upon the necessary and inherent normal condition of the food.

Actions of the USDA after enactment of the 1906 act demonstrate that all contamination was regarded as "added." In 1914, the USDA announced that it had been investigating the presence of lead and arsenic in food, noting that such contaminants were "usually introduced into such products through the use of impure raw materials or from the apparatus or utensils employed in the processes of manufacture." The announcement further stated that "this bureau holds that food containing arsenic or lead, added in any manner, is adulterated, in that it contains an added poisonous or deleterious ingredient which may render the product injurious to health." U.S. Department of Agriculture, Bureau of Chemistry, Service and Regulatory Announcements 312–313 dated June 23, 1914.

Throughout the hearings leading to the 1938 act, it remained clear that substance was "added" within the meaning of the statute whenever it was not inherent in nature, and not just when it was purposefully added. Thus, in explaining a proposed provision equivalent to the present section 402(a)(1) of the act, which removed the 1906 act's limitation to added ingredients, the Commissioner testified that the effect of eliminating the reference to added ingredients was to include deleterious ingredients "normal to the food product." Hearings on S. 2800, supra, at 528. The Commissioner's examples of added substances clearly included environmental and industrial contaminants. One example given of food containing an added poisonous substance was sugar contaminated by smoke from a nearby smokestack. Lead pipes, lead manufacturing equipment, and lead containers were also identified as sources of added poisonous substances. Hearings on H.R. 6906, supra, at 59–60; Hearings on S. 1944 Before a Subcommittee of the Senate Commerce Committee, 73d Cong., 2d Sess. 25, 27 (1933). The Commissioner testified at one point that some added poisonous or deleterious substances were "more or less universal," and at another time that "[t]here are very few things * * * in which you will not find contaminating products in some small degree." Hearings on S. 1944, supra, at 18; Hearings on H.R. 6906, supra, at 59. This emphasis on the ubiquity of added poisonous or deleterious substances clearly demonstrates that the term was understood to include all food contaminants.

The legislative history also identifies examples of foods naturally containing poisonous or deleterious substances and thus not subject to the "added" provisions of section 402(a)(1) of the act. These examples are Burma beans, which contain a glucoside that yields prussic or hydrocyanic acid; rhubarb, which contains oxalic acid; and coffee and tea. See Hearings on S. 1944, *supra*, at 17; Hearings on S. 2800, *supra*, at 29; Hearings on H.R. 6906, *supra*, at 58. Except for substances whose deleterious nature is inherent to the natural state of the food, and thus similar in origin to these examples, all poisonous and deleterious components are "added" within the meaning of the act. Moreover, when a naturally occurring poisonous or deleterious substance is increased to abnormal levels through mishandling or other intervening act, it is "added" to the extent of such increase.

Judicial decisions have recognized that the scope of the "added" provisions of the law extends to all poisonous or deleterious substances not inherently a component of the food. In United States v. 1,600,800 Pounds of White Corn, Civil No. T–4173 (D. Kan., Dec. 18, 1970), the court held that aflatoxin in corn was an added poisonous or deleterious substance within the meaning of the act since aflatoxin is not a natural constituent of corn. In *United States v. 1200 Cans, Pasteurized Whole Eggs*, 339 F. Supp. 131, 136 (N.D. Ga. 1972), the court recognized that salmonella in eggs is an added poisonous or deleterious substance.

Section 406 was included in the 1938 act to permit the establishment of tolerances for added poisonous or deleterious substances which are required in the production of food or otherwise cannot be avoided by good manufacturing practice. A limitation may be placed upon such substances to the extent necessary for the protection of the public health. Although formal tolerances under section 406 have not been used by the Food and Drug Administration, except for the tolerance for PCB's published in the FEDERAL REGISTER of July 6, 1973 (38 FR 18096), informal action levels have frequently been utilized to implement this provision of the law and a number of those action levels exist today. In the past, such action levels have been issued through press releases and other public announcements but have not been published in the FEDERAL REGISTER or codified as regulations.

Section 408 was added to the act in 1954 to permit the establishment of tolerances for pesticide chemicals in or on raw agricultural commodities. This provision of the law was administered by the Food and Drug Administration (FDA) until the establishment of the Environmental Protection Agency (EPA) in 1970.

In 1958, Congress enacted the Food Additives Amendment, which affected the legal status of some of the contaminants previously regulated only as added poisonous or deleterious substances. The legislation was basically in two parts: first, a broad definition of "food additive" and a general prohibition of food additives not demonstrated to be safe; and second, a procedure by which the use of safe food additives could be approved. This two-part approach was the congressional answer to what was identified as a "dual problem." See H.R. Rep. 2284, 85th Cong. 2d Sess. 1 (1958). The first part of the problem was that under section 402(a)(1) and (2)(A) of the act, the burden is on the Government to show that a food substance is poisonous or deleterious. As the House Commerce Committee noted, "to prove an untested substance poisonous or deleterious may require approximately 2 years or more of laboratory experiments with small animals and during this period the Government cannot prevent the use of such a substance in food." The amendment therefore shifted the burden of proof in enforcement actions brought against food containing poisonous or deleterious substances to the food manufacturer.

The definition of "food additive" established in section 201(s) of the act is not limited to intentional additives. The breadth of the language in section 201(s) of the act includes any food substance, and excludes only those substances which cannot reasonably be expected to become a component of food. The statutory definition thus includes what are referred to as "incidental additives" as well as "intentional additives". See H.R. Rep. No. 2284, supra, at 3. Any added poisonous or deleterious substance in food, unless accidental and unforeseeable or specifically exempted by section 201(s) of the act, is a food additive. A food naturally containing a poisonous or deleterious substance becomes a food additive if it is not generally recognized as safe and is added to other food or undergoes processing. Food-packaging material may also contain food additives. The broad scope of section 201(s) of the act has been judicially recognized in United States v. Ewig Bros. & Co., Nos. 73–1008, 73–1454 (7th Cir., Aug. 28, 1974), and United States v. City Smoked Fish Co., Civil No. 33989 (E.D. Mich. 1970, 1972) in which DDT in smoked fish was held to be a food additive. The court in United States v. Articles of Food, 370 F. Supp. 371 (E.D. Mich. 1974), held that substances migrating from pottery plates are food additives.

The Food Additives Amendment of 1958 was also intended to rectify the second part of the dual problem which was that "present law entirely prohibits the use of these additives even if their use at safe levels would advance our food technology and increase and improve our food supplies." H.R. Rep. 2284, supra, at 1–2. Section 409 of the act was enacted to permit issuing a regulation prescribing the conditions under which an additive may be safely used. Before any such regulation can be issued, the statute requires that the safety of the food additive be demonstrated. The statute also requires that the food additive accomplish a physical or other technical effect and requires the regulation to restrict use of the food additive to the lowest level necessary for that purpose.

When the Food Additives Amendment of 1958 was enacted, the provisions of section 406 of the act were not repealed. Although all added poisonous or deleterious ingredients are food additives, except when they appear in food accidentally and unforeseeably or are exempted under section 201(s) of the act because they are otherwise regulated under the act, the tolerance-setting provisions of section 406 of the act were left intact to deal with those unavoidably added poisonous or deleterious ingredients that could not meet the high standards for issuance of a regulation under the authority of section 409 of the act. A number of added poisonous or deleterious substances, which are also food additives within the meaning of section 201(s) of the act, are unavoidable but cannot meet the requirements for a section 409 regulation because their safety cannot be demonstrated and because they serve no functional purpose. A prominent example is lead, which was one of the contaminants most frequently mentioned in the legislative history of the 1938 act and one of the prime contaminants with which section 406 was enacted to deal. Lead cannot be the subject of a food additive regulation under section 409 of the act even at trivial levels because it serves no functional purpose. Section 406 of the act, therefore, remains in force to control the use of such substances, since there would otherwise be no statutory means available to recognize

their unavoidability and to exercise reasonable control over their presence.

Thus, there is nothing in the language of section 402(a)(2)(A) of the act to prevent issuance of a regulation under section 406 of the act for an added poisonous or deleterious substance that is also a food additive and for which no food additive regulation has been or can be promulgated. Section 402(a)(2)(A) of the act deems a food adulterated "if it bears or contains any added poisonous or added deleterious substance (other than one which is * * * (ii) a food additive * * *) which is unsafe within the meaning of section 406". If the parenthetical exception had been meant to prohibit issuance of section 406 tolerances for food additives, the exception would have been placed in section 406 of the act. Instead, the language of section 406 of the act allowing the Secretary of Health, Education, and Welfare to promulgate tolerances remains in full effect. Section 406 of the act must, of course, be read as having equal force and effect as the other parts of the statute.

The parenthetical exception was placed in section 402 of the act, the section dealing with the legal definitions of adulteration, rather than in section 406 of the act, the authority to promulgate tolerances, because the intention was to exempt a food additive from the provisions of section 406 of the act once a section 409 regulation has been promulgated. The parenthetical exception is thus similar to the language in sections 406, 408(a), 409(a), and 512(k) of the act granting an exemption from section 402(a)(1) of the act if a regulation under one of those sections is in effect.

The correctness of that interpretation is confirmed by the language of the proviso in section 402(a)(2)(C) of the act. That proviso creates an exemption from the food additive provisions of the act for a pesticide in a processed food under certain circumstances. In doing so, the proviso refers to both sections 406 and 409 of the act. A reference to section 406 of the act would obviously not have been necessary to exempt a substance from the provisions of the act applicable to food additive if the language of section 402(a)(2)(A) of the act made the provisions of section 406 of the act inapplicable to food additives. Instead, because the proviso deals with a situation in which no section 409 regulation will be issued, the reference to section 406 of the act is necessary to afford complete exemption.

Similarly, when a tolerance for an unavoidable pesticide cannot be issued under the criteria of section 408 of the act, section 406 is available to control its use. Under the Executive Order establishing it, the EPA promulgates tolerances under sections 406, 408, and 409 of the act for pesticides in or on food, and the FDA is then responsible for enforcing those provisions.

The Commissioner proposes to establish procedures for controlling all poisonous or deleterious substances. Basic reliance on the provisions of section 409 for regulating use of such substances remains unchanged, and regulations issued under that authority are set forth in 21 CFR Part 121. However, when a food contaminant is unavoidable but cannot be approved under the criteria of section 409 of the act, a formal procedure is being proposed to control its use under authority of sections 306, 402(a), and 406 of the act.

When a tolerance is established under the provisions of section 406, the act requires it to be set at the level necessary for the protection of the public health taking into account the extent to which the substance cannot be avoided and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances.

At times it will not be appropriate to establish a formal tolerance. The Commissioner is not required to establish a tolerance for every added poisonous or deleterious substance, as is indicated by the language of section 406 of the act recognizing that an adulteration charge can be made under section 402(a)(1) of the act when no tolerance is in effect. Section 306 of the act has long been interpreted to permit the Food and Drug Administration to establish action levels in implementing the adulteration provisions of the act. See United States v. Goodman, 486 F. 2d 847 (7th Cir. 1973); United States v. Thriftimart, Inc., 429 F.2d 1006, 1011 (9th Cir. 1970); United States v. 1500 Cases More or Less, Tomato Paste, 236 F. 2d 208, 211–12 (7th Cir. 1956); United States v. 449 Cases Containing Tomato Paste, 212 F. 2d 567, 572–73 (2d Cir. 1954); United States v. 133 Cases of Tomato Paste, 22 F. Supp. 515, 516 (E.D. Pa. 1938); cf. United States v. Ewig Bros. & Co., supra.

When the factors required to be considered prior to promulgation of a section 406 tolerance are rapidly changing, it would be inappropriate to set such a formal tolerance. The procedures required by section 406 of the act, including a public hearing and requirement of substantial evidence to support the tolerance, contemplate ample evidence to consider, and a relatively stable situation where the evidence will be of more than transient significance and where the tolerance eventually promulgated will be appropriate for a relatively long period of time. For example, if industrial practices are improving so quickly that the extent to which the substance is unavoidable changes significantly from year to year, there is little justification for use of section 406 procedures. Similarly, if toxicological data are scanty or conflicting, but additional data are being developed, it would serve no good purpose to labor over an assessment of the existing data in a public hearing while ignoring the prospects of additional studies. The Commissioner therefore concludes that the structure and criteria of section 406 of the act indicate it is to be used primarily in relatively static circumstances.

When it is not appropriate to promulgate a tolerance under section 406, it may nevertheless still be appropriate to take some formal regulatory action to control use of a substance. In such circumstances, the Commissioner will consider promulgating an action level under authority of sections 306, 402(a), and 406 of the act.

Such action levels are similar to a formal tolerance in basis and effect. In setting an action level, the Commissioner considers evidence indicating when the presence of an added poisonous or deleterious substance may render food injurious to health, which is the standard in section 402(a)(1) of the act. In addition, the Commissioner takes into account the question of its unavoidability, a policy embodied in section 406 of the act. Thus, an action level is based on the same criteria as a tolerance, except that an action level is temporary until the appearance of more stable circumstances makes a formal tolerance appropriate.

Particular problems are raised with respect to the use of pesticides, which frequently result in environmental contamination. Tolerances under section 406 of the act may be issued by EPA which allow for residues of pesticides in food, even though the pesticide itself is not registered by EPA for use with that particular crop.

An action level may also be established for a pesticide for which the EPA has not issued a tolerance under section 406 of the act. Because of their joint pesticide responsibilities under the act, the EPA and the FDA agree that both agencies have definite roles in respect to action levels for pesticides. Since action levels are an exercise of enforcement discretion, and since FDA is responsible for enforcement under the Executive Order establishing EPA, FDA is responsible for determining when an action level for a pesticide should be established and issuing such actions levels as regulations. Since action levels are similar to a formal tolerance in basis and effect, and since EPA has the expertise to establish pesticide tolerances, EPA is responsible for determining, upon request from FDA, the appropriate level at which a pesticide action level is to be set.

Such tolerances or action levels properly recognize the problem of environmental contamination caused by drift of a pesticide from one area to another, or the persistence of the chemical in the environment over a period of time. In no instance, however, does any such action level or tolerance itself authorize use of any pesticide on a food crop for which it has not been registered by EPA. Except in the limited instances discussed below, no action level or other administrative action will be taken to permit the sale of food contaminated with a pesticide that has been used in any manner other than in strict accordance with the label directions approved by EPA.

The establishment of a tolerance or an action level does not authorize use of the particular poisonous or deleterious substance involved, or mean that any product containing up to that level of contamination is necessarily a lawful

product. The failure to comply with the requirements of section 402(a)(4) of the act, which prohibits the preparation, packaging, or storage of food under insanitary conditions, is a separate violation of the act, even if the food itself does not violate any tolerance or action level for added poisonous or deleterious substances. Similarly, blending a contaminated food with a noncontaminated food, to produce a final product that falls within a tolerance or action level, is unlawful under the act and is prohibited by the proposed regulations.

The proposed principles and procedures set forth in Part 122 apply equally to imported food. Any food additive or pesticide intentionally used in or on imported food must be the subject of a regulation issued under section 408 or 409 of the act. Unavoidable added poisonous or deleterious substances may be the subject of a tolerance or action level issued under Part 122.

Because of enforcement practicalities, tolerances and action levels for imported food must be the same as for domestically produced food, although levels of unavoidable contamination may differ from country to country. For example, some pesticides are approved for use abroad because of conditions which justify their use, but are not registered for use in this country because those conditions do not exist here. In such a case, a regulation issued by EPA under section 408 or 409 of the act would apply to any food on which the pesticide was intentionally used. A tolerance may be issued by EPA or an action level by FDA, however, to be applied to food unavoidably contaminated by the pesticide. That tolerance or action level will be set at a uniform level for all food, including domestic food. The establishment of the tolerance or action level would not authorize any use of the pesticide in this country, however.

The Commissioner intends to issue, by publication in the FEDERAL REGISTER, all existing action levels for unavoidable poisonous or deleterious substances as regulations in Part 122. In the interim, these publicly known action levels will continue in effect. Although the Commissioner intends to issue as regulations all new action levels as well, circumstances may require use of informal action levels pending issuance of final regulations. Such informal action levels will continue to be announced to the public.

Finally, the Commissioner recognizes that there may be some circumstances where it will be in the public interest to permit the marketing of food that is contaminated with a poisonous or deleterious substance, even though the contamination may have occurred through unlawful or other avoidable misuse of the substance and thus the food would not be eligible for a tolerance or action level. This would occur where a large amount of food is contaminated, resulting in a substantial adverse impact on the national food supply, and all available toxicological data indicate that no significant health hazard is involved. Accordingly, the proposed regulations provide a public procedure whereby, under such circumstances, the Commissioner may permit the marketing of such food, as an exemption from the usual rules that would be applicable. Any such exemptions would be limited to a single occurrence and would be decided on an ad hoc basis after public consideration of the issues involved.

The proposal also prescribes a method of issuing regulations to deal with foods containing naturally occurring poisonous or deleterious substances. Where appropriate, the Commissioner may identify foods which, because of their inherent components, are deemed to be adulterated within the meaning of section 402(a)(1) of the act. These regulations would, of course, not constitute a complete list of such foods.

In the FEDERAL REGISTER of September 23, 1974 (39 FR 34172), the Commissioner consolidated existing regulations on substances prohibited from use in food in a new § 121.106 (21 CFR 121.106). Prohibited food additives will continue to be listed in Part 121, and Part 122 will be used only to identify foods prohibited even when not used as food additives. Since neither of these lists is exhaustive, the appearance of a food or of a poisonous or deleterious substance on one of the lists while not on the other does not constitute a determination that it should not appear on the other.

In addition, the proposal creates a method whereby interested persons can petition the Commissioner to establish a tolerance, action level, or other regulation under this part. Petitions adequately supported would be published in the FEDERAL REGISTER for comment.

No action is proposed for polychlorinated biphenyls (PCB's) (21 CFR 122.10) except recodification as § 122.100. The renumbered section is set forth in its entirety as part of the revision for the convenience of the reader. Additionally, paragraph (a)(9) of that section was stayed by an order published in the FEDERAL REGISTER of August 24, 1973 (38 FR 22792).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 306, 402(a), 406, 408, 409, 701(a), 52 Stat. 1045–1046 as amended, 1049, 1055, 68 Stat. 511 as amended; 72 Stat. 1785–1788 as amended; 21 U.S.C. 336, 342(a), 346, 346a, 348, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 122 be revised to read as follows:

PART 122—POISONOUS OR DELETERIOUS SUBSTANCES IN FOOD AND FOOD-PACKAGING MATERIAL

Subpart A—Definitions and Procedures

Sec.
122.3 Definitions.
122.4 Establishment of regulations.
122.5 Petitions.
122.6 Added poisonous or deleterious substances.
122.7 Unavoidability.
122.8 Exemptions.

Subpart B—Tolerances for Added Poisonous or Deleterious Substances

122.100 Polychlorinated biphenyls (PCB's).

AUTHORITY: Secs. 306, 402(a), 406, 408, 409, 701, 52 Stat. 1045–1046 as amended, 1049, 1055–1056 as amended, 68 Stat. 511, as amended; 72 Stat. 1785–1788 as amended (21 U.S.C. 336, 342(a), 346, 346a, 348, 371).

Subpart A—Definitions and Procedures

§ 122.3 Definitions.

(a) "Act" means the Federal Food, Drug, and Cosmetic Act.

(b) The definitions of terms contained in section 201 of the act are applicable to such terms when used in this part.

(c) A "naturally occurring poisonous or deleterious substance" is a poisonous or deleterious substance that is an inherent natural constituent of a food and is not the result of environmental, agricultural, industrial, or other handling or contamination.

(d) An "added poisonous or deleterious substance" is a poisonous or deleterious substance that is not a naturally occurring poisonous or deleterious substance. When a naturally occurring poisonous or deleterious substance is increased to abnormal levels through mishandling or other intervening act, it is an added poisonous or deleterious substance to the extent of such increase.

(e) "Food" includes human food, substances migrating to food from food-contact articles, pet food, and animal feed.

§ 122.4 Establishment of regulations.

(a) When appropriate under the criteria of § 122.6, a tolerance for an added poisonous or deleterious substance, which may be a food additive, may be established by regulation in Subpart B of this part under the provisions of section 406 of the act. A tolerance may be established at the level of zero.

(b) When appropriate under the criteria of § 122.6, an action level for an added poisonous or deleterious substance, which may be a food additive, may be established by regulation in Subpart C of this part to define the level of contamination at which a food will be deemed to be adulterated under section 402(a)(1) of the act. An action level may prohibit any detectable amount of the substance in food.

(c) A regulation may be established in Subpart D of this part to identify a food containing a naturally occurring poisonous or deleterious substance which will be deemed to be adulterated under section 402(a)(1) of the act. These regulations do not constitute a complete list of such foods.

§ 122.5 Petitions.

The Commissioner of Food and Drugs, either on his own initiative or on behalf of any interested person who has submitted a petition, may issue a proposal to establish, revoke, or amend a regulation under this part. Any such petition shall include an adequate factual basis to support the petition, shall be in the form set forth in § 2.65 of this chapter, and will be published in the FEDERAL REGISTER for comment if it contains reasonable grounds for the proposed regulation.

§ 122.6 Added poisonous or deleterious substances.

(a) Use of an added poisonous or deleterious substance, other than a pesticide chemical, that is also a food additive will be controlled by a regulation issued under section 409 of the act when possible. When such a use cannot be approved under the criteria of section 409, or when the added poisonous or deleterious substance is not a food additive, a tolerance or action level may be established pursuant to the criteria established in paragraphs (b) and (c) of this section. Use of an added poisonous or deleterious substance that is also a pesticide chemical will ordinarily be controlled by a regulation issued under section 406, 408, or 409 by the U.S. Environmental Protection Agency (EPA). When such a regulation has not been issued, an action level for an added poisonous or deleterious substance that is also a pesticide chemical may be established at a level specified by EPA pursuant to the criteria established in paragraph (c) of this section.

(b) A tolerance for an added poisonous or deleterious substance in any food may be established when the following criteria are met:

(1) The substance cannot be avoided by good manufacturing practice.

(2) The tolerance established is sufficient for the protection of the public health, taking into account the extent to which the presence of the substance cannot be avoided and the other ways in which the consumer may be affected by the same or related poisonous or deleterious substances.

(3) No technological or other changes are foreseeable in the near future that might affect the appropriateness of the tolerance established. Examples of changes that might affect the appropriateness of the tolerance include anticipated improvements in good manufacturing practice that would change the extent to which use of the substance is unavoidable and anticipated studies expected to provide significant new toxicological or use data.

(c) An action level for an added poisonous or deleterious substance in any food may be established when the criteria in paragraph (b) of this section are met, except that technological or other changes that might affect the appropriateness of the tolerance are foreseeable in the near future. An action level shall cease to be enforced and shall be revoked when a tolerance for the same substance and use has become effective.

(d) Tolerances will be established under authority appropriate for action levels as well as under authority appropriate for tolerances. In the event the effectiveness of a tolerance is stayed pursuant to section 701(e)(2) of the act by the filing of an objection and request for hearing, the order establishing the tolerance shall be deemed to be an order establishing an action level until final action is taken upon such objection.

§ 122.7 Unavoidability.

(a) Tolerances and action levels in this part are established at levels based on the unavoidability of the poisonous or deleterious substance concerned and do not establish a permissible level of contamination where it is avoidable.

(b) Compliance with tolerances and action levels does not excuse failure to observe either the requirement in section 402(a)(4) of the Federal Food, Drug, and Cosmetic Act that food may not be prepared, packed, or held under insanitary conditions or the other requirements in this chapter that food manufacturers must observe current good manufacturing practices. Evidence obtained through factory inspection indicating such a violation renders the food unlawful, even though the amounts of poisonous or deleterious substances are lower than the currently established tolerances or action levels. The manufacturer of food must at all times utilize quality control procedures which will reduce contamination to the lowest level currently feasible.

(c) The mixing of a food containing a poisonous or deleterious substance in an amount above the tolerance or action level with another lot of food is not permitted and renders the final food unlawful regardless of the amount of poisonous or deleterious substance in the final food.

§ 122.8 Exemptions.

(a) The Commissioner may exempt from regulatory action and permit the marketing of any food that is unlawfully contaminated with a poisonous or deleterious substance if:

(1) He determines (i) based upon all available scientific evidence, that the food is safe for consumption and (ii) that destruction or diversion of the food involved would result in a substantial adverse impact on the national food supply.

(2) Such determination is published as a proposal in the FEDERAL REGISTER, with time for public comment whenever feasible. The time permitted for comment shall depend upon the degree of urgency required by the specific matter involved. In the event that no time for comment is feasible, the exemption may be issued as a final determination rather than as a proposal.

(3) The determination identifies the level of contamination allowed by the exemption, and the food to which it applies (e.g., the specific growing area or other identifying information). The exemption shall not apply to any other food produced in any other area or at any other time. Contaminated food not subject to the exemption will remain subject to regulatory action.

(b) Any person responsible for contamination of the food involved, or shipment of any such food in interstate commerce prior to the issuance of an exemption pursuant to this section, shall remain subject to regulatory action pursuant to sections 302 (injunction proceedings) and 303 (penalties) of the act.

(c) In the case of a poisonous or deleterious substance which is a pesticide chemical, the level of contamination allowed by the exemption shall, upon request of the Food and Drug Administration, be specified by the Environmental Protection Agency pursuant to paragraph (a)(1)(i) of this section and promulgated by the Commissioner. No exemption for a pesticide chemical shall be promulgated without the concurrence of the Environmental Protection Agency.

Subpart B—Tolerances for Added Poisonous or Deleterious Substances

§ 122.100 Polychlorinated biphenyls (PCB's).

(a) Polychlorinated biphenyls (PCB's) are toxic, industrial chemicals. Because of their widespread, uncontrolled industrial applications, PCB's have become a persistent and ubiquitous contaminant in the environment. As a result, certain foods and animal feeds, principally those of animal and marine origin, contain PCB's as unavoidable, environmental contaminants. PCB's are transmitted to the food portion (meat, milk, and eggs) of food producing animals ingesting PCB contaminated animal feed. In addition, a significant percentage of paper food-packaging materials contain PCB's which may migrate to the packaged food. The source of PCB's in paper food-packaging materials is primarily of certain types of carbonless copy paper (containing 3 to 5 percent PCB's) in waste paper stocks used for manufacturing recycled paper. Therefore, temporary tolerances for residues of PCB's as unavoidable environmental or industrial contaminants are established for a sufficient period of time following the effective date of this paragraph to permit the elimination of such contaminants at the earliest practicable time. For the purposes of this paragraph, the term "polychlorinated biphenyls (PCB's)" is applicable to mixtures of chlorinated biphenyl compounds, irrespective of which mixture of PCB's is present as the residue. The temporary tolerances for residues of PCB's are as follows:

(1) 2.5 parts per million in milk (fat basis).

(2) 2.5 parts per million in manufactured dairy products (fat basis).

(3) 5 parts per million in poultry (fat basis).

(4) 0.5 parts per million in eggs.

(5) 0.2 parts per million in finished animal feed for food-producing animals (except the following finished animal feeds: feed concentrates, feed supplements, and feed premixes).

(6) 2 parts per million in animal feed components of animal origin, including fishmeal and other by-products of marine origin and in finished animal feed concentrates, supplements, and premixes intended for food producing animals.

(7) 5 parts per million in fish and shellfish (edible portion). The edible portion of fish excludes head, scales, viscera, and inedible bones.

(8) 0.2 parts per million in infant and junior foods.

(9) 10 parts per million in paper food-packaging material intended for or used with human food, finished animal feed and any components intended for animal feeds. The tolerance shall not apply to

paper food-packaging material separated from the food therein by a functional barrier which is impermeable to migration of PCB's.

(b) A compilation entitled "Analytical Methodology for Polychlorinated Biphenyls, February 1973" for determining compliance with the tolerances established in this section is available from the Hearing Clerk, Department of Health, Education, and Welfare, Room 4-65, 5600 Fishers Lane, Rockville, MD 20852.

Interested persons may, on or before March 6, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: November 29, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-28407 Filed 12-5-74;8:45 am]

[21 CFR Part 122]

AFLATOXINS IN SHELLED PEANUTS AND PEANUT PRODUCTS USED AS HUMAN FOODS

Proposed Tolerance

Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs is issuing proposed procedural regulations concerning the control of poisonous or deleterious substances in food. In accordance with those proposed procedures and principles, the Commissioner is issuing a proposal for a tolerance for aflatoxins in shelled peanuts and peanut products used as human foods.

Under certain environmental conditions, molds grow on and contaminate some of the foods we eat. Historically, mold contamination of food has been considered as an aesthetic problem; however, there have been numerous instances where consumption of moldy food or feed resulted in illness or death to humans or animals (references 1, 2, 3, and 4). In some of these cases, it was determined that the cause was certain toxic chemical compounds produced by the molds. These compounds are known as mycotoxins (*mykes*, from the Greek, meaning mold). There are many known mycotoxins, but only a few have been found as food contaminants (reference 4).

The recent concern over mycotoxins was brought about by the discovery in the early 1960's of a specific group of mycotoxins known as aflatoxins (reference 1). The aflatoxins are chemically related substances produced by the common molds *Aspergillus flavus* (hence the name aflatoxins, from *A. flavus* toxins) and by *Aspergillus parasiticus*. The term "aflatoxins" also refers to a number of other related chemicals, which either are of synthetic origin or are produced biologically by animals fed aflatoxins. In this document the terms "aflatoxin" and "aflatoxins" will include only the four common mold-produced aflatoxins known as B_1, B_2, G_1, and G_2.

Aflatoxins may contaminate foods whenever the producing molds grow on foods under favorable conditions of temperature and humidity. The presence of an aflatoxin-producing mold on a food does not necessarily imply the presence of the aflatoxins. Conversely, the absence of obvious growth of an aflatoxin-producing mold does not mean the absence of the toxins, since aflatoxins may be produced when there is little evident mold growth. Furthermore, aflatoxins may remain in a food product after processing has obscured or otherwise eliminated visible mold (references 3 and 4). Under laboratory conditions, a large number of foods can support the growth of aflatoxin-producing molds; under natural conditions in the field, natural competition determines which molds will grow and which mycotoxins will be produced. Corn, barley, copra, cassava, tree nuts, cottonseed, peanuts, rice, wheat, and grain sorghum are subject to natural aflatoxin contamination (reference 4). In the United States, aflatoxins have been detected only in corn, figs, grain sorghum, cottonseed, certain tree nuts, and peanuts (reference 5).

Aflatoxins are present in peanuts and peanut products because of these contaminating molds. They are, therefore, added substances within the meaning of the Federal Food, Drug, and Cosmetic Act. The meaning of that term is discussed in detail in the preamble to the proposed procedures and principles for the control of poisonous and deleterious substances published elsewhere in this issue of the FEDERAL REGISTER.

The Commissioner has a two-fold concern with aflatoxins. First, animals fed aflatoxins are subject to acute toxic effects. Second, and of primary concern, data which indicate that these substances, particularly aflatoxin B_1, found in some species of test animals are among the most potent liver carcinogens known (references 1, 2, and 3).

The acute toxic effects of the aflatoxins are of little concern in the United States, since our agricultural and marketing processes assure that heavily molded food, which might contain levels of aflatoxins associated with such effects, does not enter the human food chain. Of great concern is the effect of long-term, low-level ingestion (i.e., chronic toxicity effects), particularly the carcinogenic effects (references 6, 7, and 8).

While there is no direct evidence that aflatoxins are a cause of liver cancer in man in the United States, their extreme potency as hepatocarcinogens in some animal species does furnish a foundation for the Commissioner's concern. The carcinogenicity of aflatoxins has been demonstrated in rats, monkeys, rainbow trout, ducks, ferrets, and mice (references 6, 7, and 8).

Aflatoxin carcinogenesis has been studied most extensively in rats. There have been several experimental studies with rats, and liver carcinomas have been produced in a number of different strains (reference 7).

In one study, highly purified aflatoxin B_1 was fed continuously to 25 rats for a period of 68-80 weeks. The level of aflatoxin in the diet was 15 parts per billion (ppb). All 25 rats developed liver carcinoma (reference 9). In a later study with the same strain of rat, liver carcinoma was produced in 2 out of 22 rats exposed for 105 weeks to a diet containing only 1 ppb aflatoxin B_1 (reference 9). These two studies demonstrate the extreme potency of aflatoxin B_1 as a liver carcinogen; however, other experimental studies furnish evidence that there are marked differences in the incidence of liver carcinomas in rats produced by various levels of aflatoxins depending on such variables as composition of the diet, age of the test animals, strain of rats used, and length and type of exposure (reference 7). The extreme difficulty in drawing conclusions from all of these studies is indicated by one study in which one strain of rat exposed to aflatoxins at a level of 80 ppb for 90 weeks suffered some liver damage, but no cancer (reference 10).

Liver cancer has been produced by ingestion of aflatoxins in three Macaque monkeys. One was exposed to an average of 0.02 milligram per kilogram (mg/kg) body weight daily for 5½ years. The other two were exposed to an average of 0.06 mg/kg body weight for 6 years (reference 8).

Epidemiological studies bearing on the possible effects of aflatoxin in man have been performed on specific population groups in Southeast Asia and Africa, where there is a known high incidence of primary liver cancer (references 8 and 11). In these areas, the climate and agronomic practices were expected to be conducive to production of aflatoxins in food. In one of the areas studied, 95 percent of the corn and 80 percent of the peanut samples had average aflatoxin levels around 100 ppb. In another area, 20 percent of the food staples contained aflatoxin levels averaging 300 ppb. In a third area, there was a high incidence (7 percent) of low levels (3-4 ppb) of aflatoxins in family meals. The result of these studies is an indication of a general correlation between the incidence of primary liver cancer in humans and the exposure to aflatoxins (reference 11).

No epidemiological studies of these types have been carried out in the United States. However, primary liver cancer is a minor form of cancer in the United States, accounting for about 0.7 percent of all cancer cases (reference 12). In addition, cancer rates in those areas of the United States where climatic conditions are most conducive to aflatoxin contamination (i.e., the southeastern states) do not differ significantly from other areas (reference 13). Domestic profiles for primary liver cancer differ in sex and age from those observed in "high incidence" countries (reference 13). One study in a major city in the United States shows some degree of correlation between primary liver cancer and alcoholism (reference 14).

Thus, while it is not certain that aflatoxins are a cause of primary liver cancer in the United States, the Commissioner concludes that the observations of severe carcinogenic effects in experimental animals and positive correlations between dietary aflatoxins and primary human liver cancer seen in other parts of the world are sufficient justification to regard aflatoxins as poisonous or deleterious substances and to take actions to hold the human exposure to aflatoxins in the United States to the lowest level possible. Shortly after the discovery of the presence of aflatoxins in peanuts (reference 15), the Food and Drug Administration (FDA) began a program for their control (references 5 and 16). In 1965, the FDA established an informal action level of 30 ppb total aflatoxins. In 1969, it was reduced to the current level of 20 ppb total aflatoxins.

The informal action level of 20 ppb has been applied to all affected commodities. As more is learned about the extent to which contamination of foods by aflatoxins can be avoided, FDA will systematically and formally adjust its action level to reflect this new knowledge either as an action level or tolerance. Since different agricultural products become contaminated in different ways and since the potential for removing contamination during processing differs from one product to another, the extent to which aflatoxin contamination can be avoided is commodity dependent. Action levels or tolerances will be established, then, on a commodity-by-commodity basis. In each case, the action level or tolerance will be consistent with the concept that the total human exposure to aflatoxins must be as low as possible.

At the present, there exists a body of information upon which to judge the extent to which aflatoxin contamination can be avoided in shelled peanuts and peanut products used as human food, and a reconsideration of the action level for these commodities is in order. FDA is in the process of collecting relevant information on other affected commodities. When this information becomes adequate in scope and content, adjustments in the acceptable level will be made for each of the other affected products. Until then, the 20 ppb action level will be maintained.

It is now known that aflatoxins can contaminate peanuts during any of several stages: growth, harvest, shipment, or storage. Whether mold develops at any or all of these stages depends on such factors as kernel damage, temperature, moisture, and availability of oxygen (references 17 and 18).

Although aflatoxin contaminated peanuts can be found prior to harvest, the major point of contamination, by all available evidence, is the curing process. Once mold invasion takes place, aflatoxins may be produced unless the moisture content is rapidly reduced to a level unfavorable to mold growth (references 17, 18, and 19).

Employed properly, artificial drying is an effective way to control contamination; nevertheless, large quantities of peanuts are still dried naturally, thereby risking contamination due to unfavorable weather conditions (reference 17). Fuel shortages are apt to increase the problem, since artificial drying may give way to natural, open air drying practices.

Damage to the peanut shell may be one of the most significant factors leading to mold growth and aflatoxin contamination. It has been demonstrated that the removal of damaged kernels can lead to a major reduction in the aflatoxin levels in peanuts (references 15 and 19). Insect infestation is one source of damage; however, many kernels are damaged as the result of mechanical harvesting techniques (reference 17). Once the natural barrier imposed by the shell is breached, mold invasion can begin.

Fungicides, crop rotational practices, and other good agronomic practices can ameliorate the problem to an extent (reference 17). It is impossible at this time totally to eliminate all of the breakdowns that can occur in the total process of growing, harvesting and storing peanuts. Adverse weather, insects, improper harvesting methods, and general ignorance of the problems and solutions will be with us for some time to come. Thus, in practice, the complete prevention of mold growth and aflatoxin production in peanuts appears unattainable at the present time.

Processors of shelled nuts can eliminate some contaminated material by using a number of standard manual, mechanical, and electronic sorting procedures. Although these procedures were originally designed to remove the damaged, discolored, and immature nuts which affect appearance and flavor, they have been useful in removing aflatoxin-containing peanuts, since contamination is often associated with such peanuts (references 15, 20, and 21). Sorting does have a major limitation in that intact, sound, mature kernels can contain aflatoxins (reference 22). Due to this and other as yet unidentified reasons, there is a limit, not easily definable, to the effectiveness of sorting techniques.

The ordinary process of roasting peanuts results in some reduction of average aflatoxin level, but complete elimination of aflatoxins cannot be accomplished by the process (reference 23).

In order to detect the presence of aflatoxins in peanuts, it is necessary to have analytical methods of adequate sensitivity and specificity. Such methods are available and their effectiveness has been demonstrated by interlaboratory collaborative studies. These are now official methods of the Association of Official Analytical Chemists (AOAC) (references 3, 24, and 25). AOAC Method I can be used to detect aflatoxins B_1, B_2, G_1, and G_2 in peanut products at levels as low as 1–2 ppb (total aflatoxins). AOAC Method III, although not as accurate as Method I at low levels (2–10 ppb), is much more rapid and is used as an industrial quality control method (references 25, 26, and 27). Tests for confirmation of identity of measured aflatoxins B_1 and G_1 have also been studied collaboratively and are official AOAC (reference 24).

While the analytical methods are a source of variability in the assay for aflatoxins, the greatest source of variability is sampling. Contamination is usually confined to a small number of kernels and there is thus no practical sampling plan which can assure that a sample is truly representative of the entire lot under investigation. Therefore, any practical sampling plan must be based on certain distribution assumptions and can assure only a limited level of confidence that a particular sample is representative of a lot (reference 28).

FDA regulation of finished peanut products has been only a part of the total control picture. The U.S. Department of Agriculture (USDA), through its Peanut Marketing Agreements, has been involved in establishing and maintaining sampling and analysis procedures designed to remove lots of peanuts showing visible *A. flavus* mold and lots of aflatoxin-contaminated raw peanuts prior to finished product manufacture (references 16 and 29). FDA has been involved in this program on a consulting basis and receives yearly, for analysis and evaluation, the USDA reports of analyses of raw, shelled peanuts (reference 30). This program requires that all shelled peanuts offered for sale to manufacturers or wholesalers be sampled and analyzed for aflatoxins by a laboratory certified as competent by the Peanut Administrative Committee (references 5 and 21). A negative certification means that the sample assay is not over 25 ppb total aflatoxins (reference 21).

Once a lot of peanuts is sampled and assayed, it may or may not be tested again as practices vary among manufacturers. Some manufacturers do maintain their own in-house laboratories, or contract for testing services through independent or government laboratories. Others perform no further testing at all, relying on the processing procedure to remove the aflatoxins.

Since the inception of this system of controls, sampling and analysis by FDA has turned up few violative samples of finished peanut products (reference 5). FDA surveillance, however, has been limited. In 1973, the agency conducted its first large survey of the nation's peanut products. This was done to determine the nature of the quality control procedures being utilized by manufacturers to remove contaminated peanuts and the effectiveness of these procedures (reference 31).

The survey was also used to determine the distribution of various levels of aflatoxins in the nation's peanut product supply. These survey data are used as one of the considerations in establishing a tolerance for aflatoxins in peanut butter and other peanut products. All analytical data gathered in surveys of this type and reported here include the errors associated with sampling and analysis of aflatoxins.

The FDA survey encompassed 146 peanut butter and/or peanut product

manufacturers. Of prime concern was geographical and size distribution, with the greater emphasis on smaller concerns where the poorest operating procedures and quality control were presumed to exist. A checklist was provided to each FDA inspector to ensure uniform reporting and data retrieval. From the 146 establishments, 361 samples of peanut butter and other finished peanut products (generally unground) were collected.

Aflatoxins levels above the action level (total aflatoxins, 20 ppb) were found in 4 percent of the 141 peanut butter samples and 2 percent of the 220 samples of unground peanuts. These samples with levels above the action level came from 5 percent of the establishments inspected. Detectable aflatoxins (greater than approximately 1 ppb) were found in 25 percent of the peanut butter samples and 10 percent of the unground peanut samples. These samples came from 22 percent of the establishments inspected. There is a large error inherent in sampling unground nuts for aflatoxins compared to the blended product, peanut butter. This precluded drawing a statistically valid inference that the incidence of aflatoxins in unground nuts is lower than that in peanut butter.

The data were examined for possible correlations between aflatoxin findings and size of establishment, between aflatoxin findings and manufacturing practices related to control of aflatoxin contamination, and between aflatoxin findings and the aflatoxin level in the raw peanuts used.

Aflatoxin levels above 20 ppb were found only in the small and medium size establishments; however, 50 percent of the 10 largest establishments provided samples with detectable aflatoxin, compared to 23 percent of the 136 small and medium size establishments (reference 31). No correlation between establishment size and incidence and degree of contamination could be found for the establishments inspected.

In the instances where aflatoxin contamination was found in the consumer product, there was no obvious correlation between the levels of aflatoxin found and the various manufacturing practices used (reference 31). The same observation holds for both peanut butter and unground peanuts.

There were indications that the processing of peanuts could result in a reduction of aflatoxin level to a trace of nondetectable level. However, the level of aflatoxin in raw peanuts was not consistently related to the level in the consumer product. In 15 instances, the level in the consumer product was higher than that found in the raw peanuts. This result emphasizes the difficulty in obtaining a representative sample of the granular product (raw peanuts), as aflatoxin contamination may be extremely heterogeneous within a lot (reference 31).

The presence of detectable levels of aflatoxins in consumer products could result either from faulty application of the reported inspection and sorting practices or a peculiarity in the nature and distribution of the contamination. The latter possibility has some justification since aflatoxin has been found in otherwise sound, undamaged kernels.

One important conclusion which derives from all of these findings is that current manufacturing capabilities cannot consistently assure the complete elimination of aflatoxin-contaminated peanuts from a lot during processing. What level can be consistently reached is determined by a detailed consideration of the FDA and other survey data, including those gathered by the USDA analyses of peanut butter produced under government contract and those collected by the Canadian Health Protection Branch (reference 30).

Thus, in determining an acceptable level for aflatoxins in shelled peanuts and other peanut products, the Commissioner considered all of the available information and sought to bring into balance four factors:

1. The need to minimize human exposure to aflatoxins;
2. The capabilities of sampling procedures and analytical methods to detect, measure and confirm the aflatoxins;
3. The capability of agricultural and manufacturing technology to prevent and remove contaminated peanuts; and
4. The need for the continued availability of a low cost protein source (i.e., peanuts (reference 32)).

Survey data (FDA, USDA, and Canadian) indicate that since 1971 an average of 93 percent of sampled peanut products contained aflatoxins below the 20 ppb level (references 30 and 31). The Commissioner concludes that current agricultural and manufacturing technology is capable of meeting a level below that which it is now being asked to meet. Although the immediate result of lowering the level may be the loss of a small percentage of the peanut supply, improved producer practices should compensate for any short-run loss.

Obviously, for complete protection, aflatoxins should be eliminated from food, but this is not presently feasible. Therefore, it is necessary for the Commissioner to weigh the consequences of possible levels above zero.

Setting a level at 5 or 10 ppb was considered by the Commissioner. Eleven of the 12 major U.S. manufacturers of peanut butter could meet a 10 ppb level in 90 percent of their products (reference 33). The Canadian government survey of 1972 indicated that 95 percent of the samples of peanut butter could meet this standard. However, there is year-to-year variability in aflatoxin contamination of the peanut crop. The FDA survey of 1973 evidenced the fact that only 89 percent of the peanut butter samples and 82 percent of the establishments surveyed met a 10 ppb level. Of the 12 largest establishments surveyed, only seven met a 5 ppb limit in 90 percent of their samples (reference 33). There are also data showing that in some years only about 60 percent of the peanut butter produced met a 5 ppb level (reference 30). One bad crop year could effectively eliminate a large percentage of peanut products from the market. Thus, a move to 5 or 10 ppb could result in significant losses to producers, manufacturers, and consumers alike.

These increased losses of food would result in much higher prices (reference 33) or in unavailability of what is generally considered a highly nutritious and useful food.

Another important consideration concerns setting a tolerance at a level at which manufacturers have the capability to monitor their products during processing and to ensure that the finished product complies with the tolerance. Manufacturers of peanut products now monitoring their production set analytical limits for their products in the range 5 to 10 ppb to ensure that their finished products do not exceed the current 20 ppb action level; this factor must be built into a quality control operation because of the large error associated with sampling and analysis. Setting a tolerance level of 5 or 10 ppb for aflatoxins in peanut products would have the effect of requiring manufacturers to employ an analytical limit of less than 1 to 5 ppb for quality control purposes. Because present sampling and analytical methodologies have considerable error at the 1–5 ppb range, analytical results obtained for such quality control samples would not accurately represent the production lot from which the sample was drawn. Therefore, the capability of manufacturers to control their production at these levels is extremely questionable, and to guard against the release of products containing levels of aflatoxins in excess of 5 or 10 ppb is not possible.

It would serve no useful purpose to establish a tolerance at a level at which current sampling and analytical procedures are such that compliance with the tolerance is unachievable.

In addition, because there is no direct evidence that aflatoxins cause cancer in man or of what may be the level of no effect, the Commissioner cannot conclude that there is any tangible gain from lowering the permissible level to either 10 or 5 ppb. Such uncertain benefit to the public health must be weighed against the clear loss of food that would result.

On the basis of these considerations, the Commissioner concludes that justification does not exist for implementing a maximum permissible level at either 10 or 5 ppb.

A level of 15 ppb represents a lowering of the level from the 20 ppb level which has stood since 1969. FDA survey data indicate that 93 percent of the lots of peanut butter and 97 percent of the lots of other peanut products could meet the 15 ppb level (reference 31).

Survey data from the Canadian Government and from USDA show that, on the average, 97 percent of the lots of peanut butter sampled since 1971 could meet the proposed level (reference 30).

The Commissioner concludes that existing agricultural and industrial technology can combine to yield finished peanut products at or below a 15 ppb level

without causing significantly increased losses of food. This level will also allow manufacturers to maintain capability for monitoring their products during processing with nearly as much reliability as could be attained with a 20 ppb level. At the same time, the lowering of the allowable level to 15 ppb will result in decreased human exposure to aflatoxins.

In setting a tolerance or action level, the Commissioner considers the other ways in which the consumer may be affected by the same substance or by other substances. Since there is no known acceptable level of intake of aflatoxins and the proposed tolerance is set at the lowest practicable level, the existence of other sources of aflatoxins and the existence of other poisonous or deleterious substances do not affect the level proposed for aflatoxin in shelled peanuts and peanut production.

The regulation also prescribes sampling and analytical methods by which compliance with the proposed limitation will be determined. Because of possible variation in the results obtained by the analytical method prescribed, the regulation provides that the average of duplicate analyses shall be used.

Taking into account (1) the fact that aflatoxins cannot be avoided by current agronomic and manufacturing processes; (2) the extent to which aflatoxins are unavoidable; (3) the data on the effects of aflatoxins; and (4) the other ways in which the consumer may be affected by aflatoxins and other substances, the Commissioner proposes to establish a tolerance for aflatoxins in shelled peanuts and peanut products used as human foods, above which such products will be deemed unsafe within the meaning of section 406 of the act. Accordingly a tolerance of 15 ppb is proposed.

Pending a final regulation, FDA will continue to apply for enforcement purposes an action level of 20 ppb for aflatoxin in shelled peanuts and peanut products.

The Commissioner has considered promulgating the present proposal as an action level. Limiting an unavoidable substance through use of an action level, rather than a tolerance, is appropriate when changes are foreseeable in the near future that might affect the appropriateness of the limitation established. This, however, is not the case with aflatoxins. The Commissioner is unaware of any new or anticipated developments that would affect the proposed 15 ppb level in the near future. There are no new procedures pending, either agronomic or technical, that will alter the present unavoidability of aflatoxins. Futhermore, it is unlikely that any new pertinent information will become available in the near future. Therefore, it is the Commissioner's preliminary conclusion that the most reasonable approach to regulating aflatoxin, in shelled peanuts and peanut products, would be a formal tolerance established under section 406 of the act. The Commissioner, however, specifically solicits comments on the question of whether any anticipated changes make an action level more appropriate.

REFERENCES

A copy of each reference document is on file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, and may be seen during working hours Monday through Friday.

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Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 306, 402, 406, 701, 52 Stat. 1045–1046 as amended, 1049, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 336, 342, 346, 371) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 122 be amended by adding a new § 122.101 as follows:

§ 122.101 Aflatoxin in shelled peanuts and peanut products used as human food.

(a) A tolerance of 15 parts per billion (ppb) is established for total aflatoxins (B_1, B_2, G_1, G_2) in shelled peanuts and peanut products used as human food.

(b) Compliance with this section shall be determined as follows:

(1) A lot shall consist of a collection of primary containers or units of the same size, type, and style produced under conditions as nearly uniform as possible, designated by a common container code or marking, or in the absence of any common container code or marking, a day's production.

(2) (i) The sample for aflatoxin analysis of smooth peanut butter shall consist of a composition of 24 subsamples

(primary units) randomly drawn from a lot.

(ii) For all other peanut products, the sample shall consist of a composite of 48 subsamples (primary units) randomly chosen from a lot, or if from a bulk lot, 48 1-pound subsamples.

(3) Composites shall be analyzed in duplicate using 50-gram portions from the lot sample by the methods of the Association of Official Analytical Chemists (AOAC), as described in "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed., Chapter 26, Secs. 26.015–26.020.[1]

(4) A lot does not comply with the tolerance established in paragraph (a) of this section when:

(i) The average value of the two analyses of the composite of randomly chosen subsamples is greater than 15 ppb total aflatoxins; and

(ii) The identity of aflatoxins in the analytical sample is confirmed by chemical derivative formation (AOAC, Official Methods of Analysis, 11th Ed., Chapter 26, Secs. 26.054–26.055).

Interested persons may, on or before March 6, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: November 29, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–28408 Filed 12–5–74;8:45 am]

[1] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

federal register

FRIDAY, DECEMBER 6, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 236

PART III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Low Rent Public Housing

■

HOUSING ASSISTANCE PAYMENTS PROGRAM—STATE HOUSING FINANCE AND DEVELOPMENT AGENCIES

Proposed Rules

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Low Rent Public Housing

[24 CFR Part 1278]

[Docket No. R-74-309]

HOUSING ASSISTANCE PAYMENTS PROGRAM—STATE HOUSING FINANCE AND DEVELOPMENT AGENCIES

Notice of Proposed Rulemaking

Notice was given on March 19, 1974, at 39 FR 10262 that the Department of Housing and Urban Development ("HUD") was proposing to amend Title 24 of the Code of Federal Regulations by adding a new Part 1278 to Chapter VIII. The proposed regulations set forth the policies and procedures applicable to State housing finance and development agencies participating in the Housing Assistance Payments Program under section 23 of the United States Housing Act of 1937 ("USHAct"). Those policies and procedures adapted for State agency use the policies and procedures applicable to the regular Housing Assistance Payments Program—New Construction, Existing Housing and Substantial Rehabilitation—under section 23.

Interested parties were invited to submit comments on the proposed regulations and several comments were received. HUD was in the process of considering these and other comments and formulating the final regulations when on August 22, 1974, the President of the United States signed the Housing and Community Development Act of 1974 ("HUD").

Section 201 of the HCD Act makes significant modifications in the USHAct, including supplanting section 23 by enacting a new section 8. Accordingly, HUD has determined that no final regulations regarding State housing finance and development agencies will be published under section 23, but that new proposed regulations under section 8 should be published for comment.

The proposed regulations pursuant to section 8 are self-contained. The regulations set forth the essential elements of the section 8 Housing Assistance Payments Program—State Housing Finance and Development Agencies, and they include, among other things, (1) the standards of eligibility and method of application for a State agency set-aside; (2) definitions and basic policies, which closely parallel those for the other proposed section 8 programs (see 24 CFR, Parts 1273, 1275, and 1277); (3) the roles and responsibilities of Housing Finance Agencies (HFAs), HUD, rehabilitators, developers, owners, and eligible families; (4) the basis for determining the amount of housing assistance payments; and (5) the prescribed forms and procedures.

Subpart C applies to both the new construction and substantial rehabilitation programs. However, this Subpart applies only to projects for which (1) an HFA provides permanent financing (defined to include mortgage insurance) without federal mortgage insurance, and (2) the HFA set-aside is utilized. Because HFAs assume the risk of default and foreclosure for projects developed under this Subpart, this Subpart provides that HFAs establish their own procedures for obtaining and selecting proposals and are not subject to the general regulations for the section 8 Housing Assistance Payments Program—New Construction and Substantial Rehabilitation, 24 CFR, Parts 1273 and 1277, respectively.

Subpart D applies to the Existing Housing Program but is being reserved.

Although these proposed regulations are being published for comment, HFAs may submit applications (as set forth in Appendix I) to HUD pursuant to § 1278.305 in light of the substantial interest in this program and the need to expedite processing of applications and projects of qualified HFA's. However, HFAs submitting such applications are advised that the regulations are subject to modifications following the comment period and that HUD will require that all applications and proposals conform to the final regulations. This may require the modification or resubmission by HFAs of their applications.

Interested parties are invited to submit written comments, suggestions and objections regarding the proposed regulations by December 21, 1974, addressed to the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, D.C. 20410. All relevant material will be considered before adoption of the final regulations. A copy of each communication will be available for public inspection during regular business hours at the above address.

In order to allow time for consideration of comments and issuance of final regulations by January 1, 1975, the Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner has determined that the public interest would best be served by allowing for a 15-day comment period.

It is therefore proposed that 24 CFR, Part 1278, read as follows:

Subpart A—Applicability and Scope

Sec.
1278.101 Purpose.
1278.102 Eligibility of State and Local Agencies Under Housing Assistance Payments Programs.
1278.103 Request for Participation.
1278.104 Set-Asides.
1278.105 State and Local Cooperation.

Subpart B—Definitions and Basic Policies

1278.201 Applicability of Subpart B.
1278.202 Definitions.
1278.203 Basic Policies.

Subpart C—Program Development—New Construction and Substantial Rehabilitation

1278.301 Applicability of Subpart C.
1278.302 Responsibilities of the HFA.
1278.303 Compliance with Federal Requirements.
1278.304 Limitations on Use of Newly Constructed or Substantially Rehabilitated Housing.
1278.305 Submission of Application.
1278.306 HUD Review and Approval of Application.
1278.307 Obtaining Proposals.
1278.308 HFA Preparation of Proposals for Submission to HUD.
1278.309 HFA Submission of Proposals.
1278.310 HUD Evaluation of Proposals.
1278.311 Notification of Acceptability of Proposal.
1278.312 HFA's Acceptance of Notification and Submission of HFA's Certification.
1278.313 Annual Contributions Contract and Agreement.
1278.314 Submission of Estimates of Required Annual Contributions.
1278.315 Construction Period.
1278.316 Project Completion.
1278.317 Execution of Housing Assistance Payments Contract.
1278.318 Project Operation.
1278.319 HUD Review of Contract Compliance.
1278.320 HFA Reporting Requirements. [Reserved]

Subpart D—Program Development—Existing Housing [Reserved]

APPENDICES

NOTE: Various prescribed forms which relate to internal HUD processing procedures are not included herein, but will appear in the HUD State Housing Finance and Development Agencies Handbook.

I. Application for Assignment of Portion of Set-Aside to Specific Project.
II. Notification of Application Approval.
III. Annual Contributions Contract. [The Annual Contributions Contract will conform to the provisions of Subparts A, B, and C and Appendices IV and V of these regulations].
IV. Agreement to Enter into Housing Assistance Payments Contract.
V. Housing Assistance Payments Contract.

AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sec. 5(b) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(b)); sec. 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f).

Subpart A—Applicability and Scope

§ 1278.101 Purpose.

Various states have established statewide housing finance or development agencies to encourage the provision of housing for low and moderate income persons and families. To enable these agencies to effectively develop programs to meet statewide housing needs, set-asides under the Housing Assistance Payments Program may be provided under the provisions of this Subpart. Some State agencies also finance the construction and rehabilitation of housing and assume the risks of default and foreclosure on developments they finance. To allow these agencies flexibility in developing programs to meet statewide housing needs, special policies and procedures are provided.

§ 1278.102 Eligibility of State and local agencies under Housing Assistance Payments Programs.

(a) *Eligibility for set-asides and modified procedures.* State agencies with responsibility for housing finance or development, and qualified to act as "public housing agencies" as defined in the U.S. Housing Act of 1937 ("Act"), are eligible to receive set-asides under a Housing Assistance Payments Program. If the

agency also provides permanent financing for housing projects without Federal mortgage insurance, it may utilize the special procedures set forth in Subparts C and D of this part. Those agencies which either do not provide permanent financing or do require Federal mortgage insurance may not use the special procedures. For purposes of this part, the term "State agency" shall also include local housing finance and development agencies which participated in the State and local non-insured section 236 program and which are qualified to act as "public housing agencies" as defined in the Act.

(b) *"Provide permanent financing."* For purposes of this part, an agency is deemed to "provide permanent financing" in the following cases: (1) The agency provides permanent financing from its own funds, including the sale of bonds; (2) permanent financing for projects developed or administered by the State agency is provided by the State or local government or by an agency or instrumentality thereof; or (3) the permanent financing (by a public or private entity) is backed by the commitment of the State agency to assume the risks of loss on default or foreclosure of the loan.

§ 1278.103 Request for participation.

In order to qualify for a set-aside, or for a set-aside and the special procedures set forth in this Part, a State agency must submit a letter requesting participation to the Assistant Secretary for Housing Production and Mortgage Credit, U.S. Department of Housing and Urban Development ("HUD"), Washington, D.C. 20410. Enclosed with the letter shall be two copies of: (a) The relevant enabling legislation, (b) any rules and regulations adopted or to be adopted by the agency to govern its operations, and (c) an opinion from the agency counsel that the agency is legally qualified and authorized to participate in the Housing Assistance Payments Program. This opinion shall include an explanation of the basis and extent of the agency's legal authority, if any, for housing development or administration in the areas of operation of any existing PHAs (see § 1278.202(u)). After prompt review, the State agency shall be notified whether or not, and in what respects, it is qualified to participate. Copies of the notification shall be provided to the HUD Regional Office and appropriate field office(s). Agencies so notified that they are qualified to participate are referred to herein as "participating agencies."

§ 1278.104 Set-asides.

(a) *Notification of availability of set-asides.* HUD shall set aside for use by participating agencies a portion of any allocation of contract authority for Housing Assistance Payments Programs. Promptly after receipt of such allocation of contract authority, HUD shall notify participating agencies that set-asides will be available if the agency submits a request for such set-asides in accordance with paragraph (b) of this section.

(b) *Applying for set-asides.* In order to receive a set-aside, a participating agency must submit a letter requesting a set-aside to the appropriate HUD field office director(s) with copies to the HUD Regional Administrator and the Assistant Secretary for Housing Production and Mortgage Credit. Such letter shall include information sufficient to enable a determination of the amount of the set-aside based upon the criteria outlined in paragraph (d) of this section. The letter shall indicate any changes in the scope of the agency's legal authority to participate.

(c) *HUD allocation of set-asides.* Promptly after submission of the letter specified in paragraph (b) by a participating agency, HUD shall notify that agency by letter as to the amount of its set-aside. The letter of notification to each agency shall (1) direct its attention to its obligations under § 1278.203 (1)(2), (2) indicate the portion of the set-aside to be used in metropolitan and non-metropolitan areas, and (3) indicate the portion of the set-aside to be used for dwelling units of three or more bedrooms.

(d) *Determination of amount of set-aside.* The amount of the set-aside shall be determined on the basis of the following criteria:

(1) The extent to which the agency's program complements the allocation systems of the HUD field office.

(2) The extent to which statewide or local housing needs have been evaluated, a program has been developed to provide housing in those areas with the most critical needs, and the participating agency is prepared to use the set-aside to implement that program (in determining relative housing needs, the agency should consider factors such as those specified in section 213(d) of the Housing and Community Development Act of 1974);

(3) The agency's ability and willingness to serve inner city and rural nonfarm housing needs;

(4) The agency's ability and willingness to provide permanent financing without Federal mortgage insurance;

(5) The agency's ability and willingness to limit the number of units leased by assisted families to 20 percent or less of the units in projects of more than 50 units and not designed for use primarily by the elderly and the handicapped; and its ability and willingness to provide dwelling units of three or more bedrooms, where the need for such units is shown, taking into account the responsibility of the HUD field office to achieve the goal of providing a number of large dwelling units equal to at least 20 percent of all the assisted units approved under the section 8 Housing Assistance Payments Program.

(6) The degree of the agency's expertise in connection with the development of housing.

(e) *Additional set-aside authority.* It is expected that, wherever possible, participating agencies will limit the percentage of subsidized families in a project. If this percentage is 20 percent or less in newly constructed or substantially rehabilitated projects, the participating agency will receive an additional set-aside out of subsequent allocations to the field offices. This additional set-aside shall be determined as follows: HUD will authorize a set-aside of one additional unit for every four units which were committed for leasing by assisted families in accordance with the 20 percent guideline prior to the time such subsequent allocation is made; however, a unit may be counted only once in determining the amount of the additional set-aside. For purposes of this paragraph, a unit shall be deemed committed if an agreement to enter into housing assistance payments contract has been executed with respect to such unit. For example, if a participating agency has entered into an agreement to enter into housing assistance payments contract with a developer for a structure of 100 units, of which 20 units are to be leased by assisted families, the set-aside for the next fiscal year will include an additional five units.

(f) *Termination of set-asides.* Set-asides not committed to projects on or before the 45th day prior to the end of each Federal fiscal year are automatically terminated as of that date, unless the Assistant Secretary for Housing Production and Mortgage Credit shall agree in writing to extend the date. For purposes of this paragraph set-aside authority is deemed committed on the date the field office issues a notification of application approval for a specific number of units and a specific amount of annual contributions for new construction or substantial rehabilitation projects or, in the case of existing housing programs, when an annual contributions contract list is approved by HUD. However, with respect to any new construction or substantial rehabilitation project, unless an agreement to enter into housing assistance payments contract is executed within six months of the date of notification of application approval, the notification shall expire and the units not covered by such agreement(s) shall automatically be cancelled, unless the Assistant Secretary for Housing Production and Mortgage Credit agrees in writing to extend the date.

(g) *Transfer of set-asides.* Where a specific portion of an agency's set-aside is committed to a particular project (as defined in paragraph (f) of this section) and it is subsequently determined that the portion so committed cannot be used for that project, the agency may retain use of that portion only by proceeding in the following manner:

(1) *Project terminated or reduced on or before the 45th day prior to the end of the Federal fiscal year.* If the determination to terminate or reduce the number of assisted units in a particular project is made on or before the 45th day prior to the end of the fiscal year in which the set-aside was assigned to that project, the agency should notify the HUD field office of that determination. The portion of the set-aside for the

particular project will be cancelled or reduced accordingly and the portion thereby released shall be available for commitment to another project through the 45th day prior to the end of the same fiscal year.

(2) *Project termination or reduction after the 45th day prior to the end of the Federal fiscal year.* If the determination to terminate or reduce the number of assisted units in a particular project is made after the 45th day prior to the end of the fiscal year in which an assignment was made to that project, the agency may transfer the released portion of the set-aside to another project or projects provided each of the following conditions is satisfied:

(i) The agency notifies the HUD field office promptly after the determination is made and provides full and complete information concerning the proposed transfer, including names and locations of the projects involved, the specific amount of set-aside to be transferred, and a written statement of assurance that an agreement will be executed within six months;

(ii) The proposed transfer is in fact made to a specific project in a specific location and is subject to the condition that an agreement shall be executed within six months of the date of the transfer; if the appropriate agreement is not executed within six months, the transferred set-aside shall automatically terminate and the agency's total set-aside for the current fiscal year shall not be increased, unless the Assistant Secretary for Housing Production and Mortgage Credit agrees in writing to extend such date.

§ 1278.105 State and local cooperation.

An objective of the program is to encourage cooperation between State and local entities. Accordingly, formal or informal agreements of cooperation between such entities, for eample, between a State housing finance agency and a PHA, are encouraged. However, such agreements shall not diminish or relieve a participating agency of its obligations and responsibilities to HUD under the ACC and this part.

Subpart B—Definitions and Basic Policies

§ 1278.201 Applicability of Subpart B.

The provisions of this Subpart are applicable to newly constructed and substantially rehabilitated housing developed under Subpart C of this part pursuant to section 8 of the Act. Existing housing administered by participating agencies shall be subject to the policies and procedures of the regulations to be issued for the Housing Assistance Payments Program—Existing Housing under section 8 of the Act, except as modified in Subpart D of this part.

§ 1278.202 Definitions.

(a) *Agreement to enter into housing assistance payments contract ("agreement").* A written agreement between the owner and the HFA, approved by HUD, that, upon satisfactory completion of the housing in accordance with the HUD-approved proposal, the HFA will enter into a housing assistance payments contract with the owner. (See Appendix IV.)

(b) *Allowance for utilities and other services ("allowance").* An amount determined by the HFA to be a reasonable allowance for the cost of utilities (except telephone) and charges for other services payable directly by the family. In the case of a proposal under which the families must pay directly for one or more utilities or services, the amount of the allowance is deducted from the gross rent in determining the contract rent and is included in the gross family contribution.

(c) *Annual contributions contract ("ACC").* A written agreement between HUD and the HFA to provide annual contributions to the HFA with respect to the project. (See Appendix III.)

(d) *Contract rent.* The rent payable to the owner under his contract including the portion of the rent payable by the family. In the case of a cooperative, the term "contract rent" means charges under the occupancy agreements between the members and the cooperative.

(e) *Decent, safe, and sanitary.* Housing is decent, safe, and sanitary at project completion if the HFA certifies that the dwelling units and related facilities meet the requirements of the agreement (see § 1278.316). Housing continues to be decent, safe, and sanitary if it is being maintained in a condition substantially the same as that on completion, in all pertinent respects, including the following:

(1) Condition of the exterior (including the grounds) and the interior of the structure of the housing unit;

(2) Operating condition of sanitary facilities and of solid and liquid waste disposal facilities;

(3) Operating condition of kitchen facilities including range and refrigerator, sink, and space for storage of food and for storage of utensils and dishes;

(4) Operating condition of heating, lighting and ventilating equipment and/or other facilities; and

(5) Size, number of rooms, and furnishability in relation to the size and type of family in accordance with any applicable State or local codes.

(f) *Eligible family ("family").* A family which qualifies as a lower-income family and which meets the other requirements of the Act and this part. The term family includes an elderly, handicapped or displaced person and the remaining member of a tenant family, all as defined in section 3(2) of the Act. A family's housing assistance payments may continue until its gross family contribution equals the gross rent for the dwelling unit it occupies, but the termination of housing assistance payments at such point shall not affect the family's other rights under its lease nor shall such termination preclude resumption of payments as a result of subsequent changes in income or other relevant circumstances during the term of the Contract.

(g) *Fair market rent.* (1) The rent, including utilities (except telephone), ranges and refrigerators, parking, and all maintenance, management and other services, which as determined at least annually by HUD, would be required to be paid in order to obtain privately developed and owned, newly constructed rental housing of modest (non-luxury) nature with suitable amenities and sound architectural design meeting the objectives of the HUD minimum property standards.

(2) Separate fair market rents will be established for dwelling units by various sizes (number of bedrooms) and types (e.g., elevator, row, detached, mobile homes; housing designed for the elderly or handicapped shall be a separate type for this purpose).

(3) The fair market rents will be published in the FEDERAL REGISTER, and, in order to allow for the period of construction, computation of the published fair market rents will include HUD's estimate of ancipated rent increases during an appropriate future period as stated in the publication. Accordingly, for any given project for which the scheduled construction time will be less than such future period, an appropriate reduction will be made in determining the approvable contract rent.

(4) The fair market rent, minus the amount of any applicable allowance for utilities and other services payable directly by the family, shall be the maximum amount that can be approved as the contract rent, except that the maximum approvable amount may be lower as stated in paragraph (g)(3) of this section and may be higher or lower as provided in § 1278.203(c).

(h) *Gross family contribution.* The portion of the gross rent payable by an eligible family, i.e., the difference between the amount of the housing assistance payment payable on behalf of the family and the gross rent.

(i) *Gross Rent.* The contract rent plus any allowance for utilities and other services.

(j) *HCD Act.* The Housing and Community Development Act of 1974.

(k) *Housing assistance payments contract ("contract").* A written contract between the owner and the HFA, approved by HUD, for the purpose of providing housing assistance payments to the owner on behalf of eligible families. (See Appendix V.)

(l) *Housing Finance Agency ("HFA").* A participating agency which provides permanent financing (as defined in §1278.102(b)) for newly constructed or substantially rehabilitated housing.

(m) *Housing assistance payments on behalf of eligible family.* The amount of housing assistance payment on behalf of an eligible family determined in accordance with schedules and criteria established by HUD. (See §1278.203(m).)

(n) *Income.* Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

(o) *Lease.* A written agreement between an owner and an eligible family

for the leasing of a decent, safe, and sanitary dwelling unit in accordance with the applicable contract, which agreement is in compliance with the provisions of this part.

(p) *Local housing assistance plan.* A housing assistance plan submitted by a unit of general local government and approved by HUD under section 104 of the HCD Act or, in the case of a unit of general local government not participating under Title I of the HCD Act, a housing plan approved by the Secretary as meeting the requirements of section 213 of that Act.

(q) *Lower-income family.* A family whose income does not exceed 80 percent of the median income for the area as determined by HUD with adjustments for smaller or larger families, except that HUD may establish income limits higher or lower than 80 percent on the basis of its findings that such variations are necessary because of the prevailing levels of construction costs, unusually high or low incomes, or other factors.

(r) *New communities.* New community developments approved under Title IV of the Housing and Urban Development Act of 1968 and Title VII of the Housing and Urban Development Act of 1970.

(s) *Owner.* Any private person or entity, including a cooperative, or a PHA, having the legal right to lease or sublease newly constructed dwelling units.

(t) *Proposal.* A proposal to provide newly constructed or substantially rehabilitated housing submitted by the HFA to HUD after HUD notification of application approval.

(u) *Public Housing Agency ("PHA").* Any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of housing for low-income families.

(v) *Secretary.* The Secretary of Housing and Urban Development.

(w) *Substantial rehabilitation.* (1) The improvement of a property to decent, safe, and sanitary condition and in accord with HUD requirements from a condition requiring more than routine or minor repairs or improvements of such extent as to necessitate execution of an agreement prior to the performance of the work. Substantial rehabilitation may vary in degree from gutting and extensive reconstruction to cosmetic improvements coupled with cure of substantial accumulation of deferred maintenance. Cosmetic improvements alone do not qualify as substantial rehabilitation under this definition.

(2) Substantial rehabilitation also includes renovation, alteration or remodeling for the conversion or adaptation of structurally sound property to the design and condition required for use under this part (e.g., conversion of a hotel to housing for the elderly).

(x) *Very low-income family.* A family whose income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller or larger families.

§ 1278.203 Basic policies.

(a) *Annual contributions.* (1) The maximum total annual contributions that may be contracted for in the ACC for a project shall be the total of the gross rents for all the contract units in the project.

(2) A project account will be established and maintained, in an amount as determined by the Secretary consistent with his responsibilities under section 8(c)(6) of the Act, out of amounts by which the maximum annual ACC commitment exceeds amounts otherwise payable under the ACC for any year. This account shall be established and maintained by HUD as a specifically identified and segregated account, and payment shall be made therefrom only for the following purposes:

(i) Increases in housing assistance payments; and

(ii) Other costs specifically authorized or approved by the Secretary.

Any balance in this account after payment of the last annual contribution for the project shall be applied by HUD as a receipt under section 10(b) of the Act.

(b) *Housing assistance payments to owners.* (1) *General.* Housing assistance payments shall be paid to owners for units under lease by eligible families, in accordance with the contract and as provided in this paragraph (b). The housing assistance payment will pay the owner the difference between the contract rent and that portion of said rent payable by the family as determined in accordance with the HUD-established schedules and criteria.

(2) *Vacancies during rent-up.* If a contract unit is not leased as of the effective date of the contract, the owner shall be entitled to housing assistance payments in the amount of 70 percent of the contract rent for the unit for a vacancy period not exceeding 60 days from the effective date of the contract, provided that the owner (i) has commenced marketing and otherwise complied with § 1278.315, (ii) has taken and continues to take all feasible actions to fill the vacancy, including, but not limited to, contacting applicants on his waiting list, requesting the HFA and other appropriate sources to refer eligible applicants, and advertising the availability of the unit, and (iii) has not rejected any eligible applicant, except for good cause acceptable to the HFA.

(3) *Vacancies after rent-up.* (i) If an eligible family vacates its unit (other than as a result of action by the owner which is in violation of the lease or the contract or any applicable law), the owner shall receive housing assistance payments in the amount of 70 percent of the contract rent for a vacancy period not exceeding 60 days; provided, however, that if the owner collects any of the family's share of the rent for this period in an amount which, when added to the 70 percent payments, results in more than the contract rent, such excess shall be payable to HUD or as HUD may direct. (See also § 1278.203(k).) The owner shall not be entitled to any payment under this paragraph (b)(3)(i) unless he: (A) Immediately upon learning of the vacancy, has notified the HFA of the vacancy or prospective vacancy and the reasons for the vacancy, and (B) has taken and continues to take the actions specified in paragraphs (b)(2)(ii) and (b)(2)(iii) of this section.

(ii) If the owner proposes to evict an eligible family, he shall not be entitled to any payment under paragraph (b)(3)(i) of this section unless the request for such payment is supported by a certification that (A) he has given such family a written notice of the proposed eviction, stating the grounds and advising the family that it has 10 days within which to present its objections to the owner in writing or in person and (B) the proposed eviction is not in violation of the lease or the contract or any applicable law.

(4) The owner shall not be entitled to housing assistance payments with respect to vacant units under this paragraph (b) to the extent he is entitled to payments from other sources (for example, payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the HCD Act or payments under § 1278.203 (k)).

(c) *Initial maximum rents to owners.* (1) The sum of the initial contract rents and any allowances for utilities and other services shall not exceed the fair market rents for rental housing, except that such fair market rents may be exceeded (i) by up to 10 percent if the HUD field office director determines that such higher rents meet the test of reasonableness in paragraph (c)(2) of this section, or (ii) by up to 20 percent, where the Assistant Secretary for Housing Production and Mortgage Credit determines that special circumstances warrant such higher rents or determines that such higher rents are necessary to the implementation of a local housing assistance plan.

(2) In addition, the contract rents as proposed must be reasonable in relation to the quality, location, amenities, method and terms of financing, and management and maintenance services of the project. The HFA shall certify that the contract rents are reasonable under the above requirements. Further, where the HFA uses tax-exempt financing to finance the project, the lower rate of interest on such financing is largely attributable to the exemption from Federal income taxation of the interest on its obligations. There is a corresponding loss of Federal tax revenue. The contract rents must be reasonable in relation to the lower costs of such financing. In addition to the required certification, the HFA shall submit a specific explanation of how the contract rents are reasonably (by reason of increased amenities and/or lower contract rents) in relation to the reduced costs of use of tax-exempt financing.

(d) *Term of housing assistance payments contract.* (1) A contract may be for an initial term of not more than

five years, with an option in the owner and the HFA to renew for additional terms of not more than five years each. Since the contract under which housing assistance payments are made concerns a project financed by a loan or loan guarantee from a State or local agency, the total contract term may be up to but not more than 40 years for any dwelling unit.

(2) In the case of mobile homes, the initial contract for any mobile home shall be for not more than five years, subject to renewal for additional terms of not more than five years each, as may be mutually agreed upon by the owner and the HFA with the approval of HUD; provided that the total contract term for any mobile home shall not exceed 20 years. For purposes of this paragraph (d)(2), the term "mobile home" means the original mobile home and any replacement(s), combined.

(3) Notwithstanding the maximum total allowable term per unit stated in this paragraph (d), a shorter term shall be determined by HUD where appropriate, taking into account the nature and extent of required rehabilitation (if applicable), the amount of the capital expenditures reasonably required for the project, the reasonable period and rate of amortization for the financing, and the approved rents for the owner.

(4) If the project is accepted in stages, the dates for the initial and the renewal terms shall be separately related to the units in each stage; provided, however, that the total contract term for the units in all the stages, counting from the effective date of the contract with respect to the first stage, may not exceed the overall maximum term allowable for any one unit, plus two years.

(e) *Rent adjustments.* (1) *Funding of adjustments.* Housing assistance payments will be made in increased amounts commensurate with contract rent adjustments under this paragraph, up to the maximum total annual housing assistance payments committed under the contract. The provisions of the ACC are designed (by providing for maximum total annual commitments in excess of the amounts required at the time of the initial rental of dwelling units and by setting aside such excess amounts in a project reserve) to assure that housing assistance payments will be increased on a timely basis to cover increases in contract rents or decreases in family incomes. In addition, the ACC will provide that HUD will take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance, including (as provided in that section) "the reservation of annual contributions authority for the purpose of amending housing assistance contracts or the allocation of a portion of new authorization for the purposes of amending housing assistance contracts."

(2) *Automatic annual adjustments.* (i) Automatic annual adjustment factors will be determined by HUD at least annually; interim revisions may be made as market conditions warrant. Such factors and the basis for their determination will be published in the FEDERAL REGISTER. These published factors will be reduced appropriately by HUD where utilities are paid directly by families.

(ii) On each anniversary date of the contract, the contract rents shall be adjusted by applying the applicable automatic annual adjustment factor most recently published by HUD. Contract rents may be adjusted upward or downward, as may be appropriate; however, in no case shall the adjusted rents be less than the contract rents on the effective date of the contract.

(3) *Special additional adjustments.* Special additional adjustments may be granted, when approved by HUD, to reflect increases in the actual and necessary expenses of owning and maintaining the contract units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., costs for which the price or rate is established by or subject to regulation by a public body or entity), but only if and to the extent that the owner clearly demonstrates that such general increases have caused increases in the owner's operating costs which are not adequately compensated for by automatic annual adjustments. The owner shall submit to HUD financial statements which clearly support the increase.

(4) *Overall limitation.* Notwithstanding any other provisions of this part, adjustments as provided in this paragraph (e) shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by HUD.

(f) *Types of housing and property standards—new construction.* (1) Newly constructed single-family homes, mobile homes or multifamily structures may be utilized in this program. Congregate housing may be developed for elderly or handicapped families and individuals. Single room occupant housing planned specifically as a relocation resource for eligible single persons may also be developed. High-rise elevator projects for families with children may not be utilized unless HUD determines there is no practical alternative. Generally, housing to be developed for use in this program should correspond to the predominant housing patterns of the locality in terms of structure and density.

(2) No section 8 assistance may be provided for any unit occupied by an owner; however, cooperatives are considered rental housing for this purpose.

(3) Participation in this program requires compliance with (i) HUD minimum property standards, (ii) in the case of mobile homes, the American National Standards Institute Standard No. A-119.1 as amended and adopted by HUD under Title I of the National Housing Act ("AN SI"), (iii) in the case of congregate or single room occupant housing, the appropriate HUD guidelines and standards, (iv) HUD requirements pursuant to section 209 of the HCD Act for projects for the elderly or the handicapped, (v) HUD requirements pertaining to noise abatement and control, and (vi) applicable State and local laws, codes, ordinances, and regulations.

(g) *Types of housing and property standards—substantial rehabilitation.* (1) Existing structures of various types may be appropriate for this program including apartment hotels, single-family houses, or multifamily structures. Hotels or office buildings may be suitable for conversion under this program to housing designed for elderly or handicapped families and individuals, including congregate housing. Single room occupant housing planned specifically as a relocation resource for eligible single persons may also be developed. Units in high-rise elevator buildings may not be used for Families with children unless HUD determines there is no practical alternative. Mobile homes may not be utilized in this program.

(2) No section 8 assistance may be provided for any unit occupied by an owner; however, cooperatives are considered rental housing for this purpose.

(3) Participation in this program requires compliance with (i) HUD minimum design standards for rehabilitation for residential properties, (ii) in the case of congregate or single room occupant housing, the appropriate HUD guidelines and standards, (iii) HUD requirements pursuant to section 209 of the HCD Act for projects for the elderly or the handicapped, (iv) HUD requirementes pertaining to noise abatement and control, (v) HUD regulations issued pursuant to the Lead Base Paint Poisoning Prevention Act, 42 U.S.C. 4801, and (vi) applicable State and local laws, codes, ordinances, and regulations.

(h) *Site and neighborhood standards.* Proposed sites must meet the following standards:

(1) Adequate utilities (water, sewer, gas, and electricity) and streets shall be available to service the site.

(2) The site and neighborhood shall be suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, and HUD regulations issued pursuant thereto.

(3) The site shall promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of lower-income persons.

(4) The site shall be free from serious adverse environmental conditions, or there shall be evidence that any such conditions will be corrected by the time the housing is completed. (For new construction projects, see paragraph (h)(12) of this section.)

(5) The site shall comply with any applicable conditions in any HUD-approved Local Housing Assistance Plan, if applicable under the provisions of § 1278.304(a).

(6) The housing shall be accessible to social, recreational, educational, commercial, and health facilities and services, and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unsubsidized, standard housing of similar market rents.

(7) Travel time and cost via public transportation or private automobile, from the neighborhood to places of employment providing a range of jobs for lower-income workers, shall not be excessive. (While it is important that elderly housing not be totally isolated from employment opportunities, this requirement need not be adhered to rigidly for such projects.)

(8) The project may not be built on a site which has occupants unless the relocation requirements referred to in § 1278.203(i) are met.

(9) The project may not be built in an area that has been identified by HUD as having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, unless the project is covered by flood insurance as required by the Flood Disaster Protection Act of 1973, and it meets any relevant HUD standards and local requirements.

(10) For new construction projects, the site shall be adequate in size, exposure and contour to accommodate the number and type of units proposed.

(11) For new construction projects, the site shall not be located in:

(i) An area of minority concentration unless (A) sufficient, comparable opportunities exist for housing for minority families, in the income range to be served by the proposed project, outside areas of minority concentration, or (B) the project is necessary to meet overriding housing needs which cannot otherwise feasibly be met in that housing market area. (An "overriding need" may not serve as the basis for determining that a site is acceptable if the only reason the need cannot otherwise feasibly be met is that discrimination on the basis of race, color, religion, creed, sex, or national origin renders sites outside areas of minority concentration unavailable.)

(ii) A racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area.

(12) For new construction projects, the site shall be free from adverse environmental conditions, natural or man-made, such as instability, flooding, septic tank back-ups, sewage hazards, or mudslides; harmful air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; rodent or vermin infestation; or fire hazards. The neighborhood must not be one which is seriously detrimental to family life or in which substandard dwellings or other undesirable elements predominate, unless there is actively in progress a concerted program to remedy the undesirable conditions.

(i) *Relocation.* (1) In the evaluation or selection of proposals, consideration shall be given to whether there are site occupants who would have to be displaced, whether there is a feasible plan for relocation of site occupants, the degree of hardship which displacement might cause, and the availability of funding for relocation payments. Greater weight shall be given to proposals which do not require displacement, or where displacement is required, which will involve the least amount of hardship.

(2) In the case of a project owned by a PHA, no agreement shall be executed for a project for which the work will require the displacement of site occupants unless the agreement provides (i) the PHA undertakes liability for and provides the funding of all relocation payments under sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, or (ii) other commitments, satisfactory to HUD, have been made for the funding of such payments, such as funding pursuant to Title I of the HCD Act. (In the case of a privately owned project, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is inapplicable.)

(j) *Use of contract as security for financing.* An owner may pledge, or offer as security for any loan or obligation, a contract entered into pursuant to this part; provided, however, that such security is in connection with a project constructed pursuant to this part, and the terms of the financing or any refinancing have been approved by HUD. Where the financing is by tax-exempt bonds or other tax-exempt obligations, annual contributions cannot be used as a guarantee for such financing.

(k) *Security and utility deposits.* (1) The owner shall not require families to pay security deposits. In lieu thereof, the owner may claim reimbursement for unpaid rent by a departing family and/or cost of repairs for damage caused by such family not to exceed a total reimbursement in an amount equal to one month's contract rent.

(2) Families shall be expected to obtain the funds to pay utility deposits, if required, from their own resources and/or other private or public sources.

(l) *Establishment of income limit schedules; 30 percent occupancy by very low-income families.* (1) HUD will establish schedules of income limits for defining lower-income families and very low-income families.

(2) At least 30 percent of all contract units developed under each annual set-aside of an HFA shall, in the initial rent-up, be leased to very low-income families, and thereafter best efforts shall be exercised to maintain at least 30 percent occupancy of contract units by very low-income families. The HFA shall incorporate suitable provisions in each contract to assure achievement of these results.

(m) *Establishment of amount of housing assistance payments.* The amount of housing assistance payment on behalf of an eligible family, to be determined in accordance with schedules and criteria established by HUD, will equal the difference between (1) not less than 15 percent nor more than 25 percent of the family's gross income and (2) the gross rent, taking into consideration the income of the family, the number of minor children in the household, and the extent of medical or other unusual expenses incurred by the family, except that, in the case of a large (4 or more minors) very low-income family or a very large (6 or more minors) lower-income family or a family with exceptional medical or other expenses, the amount of the housing assistance payment shall be the difference between 15 percent of the family's gross income and the gross rent.

(n) *Responsibilities of the owner.* The owner shall be responsible (subject to post-review or audit by HUD or the HFA) for management and maintenance of the project. These responsibilities shall include but not be limited to:

(1) Payment for utilities and services (unless paid directly by the family), insurance and taxes;

(2) Performance of all ordinary and extraordinary maintenance;

(3) Performance of all management functions including the taking of applications, selection of families including verification of income and other pertinent requirements, and determination of eligibility and amount of family contribution in accordance with HUD-established schedules and criteria;

(4) Collection of family rents;

(5) Termination of tenancies, including evictions;

(6) Preparation and furnishing of information required under the contract;

(7) Reexaminations of family income, composition, and extent of exceptional medical or other unusual expenses, and redeterminations, as appropriate, of the amount of family contribution and amount of housing assistance payment in accordance with HUD-established schedules and criteria;

(8) Redeterminations of amount of family contribution and amount of housing assistance payment as a result of an adjustment by HUD of any applicable allowance for utilities and other services in accordance with HUD-established schedules and criteria; and

(9) Compliance with equal opportunity requirements.

Subject to HUD approval, any private owner may contract with any private or public entity to perform such services for a prescribed fee, provided that such contract shall not shift any of the owner's responsibilities or obligations. However, no entity which is responsible for administration of the contract may contract to perform management and maintenance of the project.

(o) *Separate project requirement.* A project may not include any other type of section 8 assistance, shall be processed with a separate ACC List and ACC Part I and shall be assigned a separate project number. All units to be placed under a single contract shall comprise a separate project. However, the field office director may, with the concurrence of the HFA, designate as a single project the

units to be covered by two or more such Contracts (provided that new construction and substantial rehabilitation units are not combined in the same project) where:

(1) The units are placed under ACC on the same date; and

(2) Such consolidation is necessary in the interest of administrative efficiency.

Subpart C—Program Development—New Construction and Substantial Rehabilitation Programs

§ 1278.301 Applicability of Subpart C.

(a) *Projects to which Subpart C applies.* The provisions of this Subpart apply only to newly constructed or substantially rehabilitated projects for which (1) an HFA provides permanent financing without federal mortgage insurance, and (2) the HFA set-aside is utilized. Such projects shall not be subject to the provisions of the regulations for the section 8 Housing Assistance Payments Program—New Construction, 24 CFR, Part 1273 (herein referred to as the "new construction regulations") or to the section 8 Housing Assistance Payments Program—Substantial Rehabilitation, 24 CFR, Part 1277 (herein referred to as the "substantial rehabilitation regulations").

(b) *HFA projects utilizing Federal mortgage insurance.* The provisions of this subpart shall not apply to those projects for which an HFA provides permanent financing but relies on Federal mortgage insurance. Such projects are subject to the policies and procedures set forth in the new construction or substantial rehabilitation regulations.

(c) *Projects not using the HFA set-aside.* The provisions of this subpart shall not apply to projects not using the HFA set-aside. However, HFAs may finance privately owned or PHA owned projects under the provisions of the new construction or substantial rehabilitation regulations.

(d) *Projects owned by HFA.* The provisions of this subpart shall not apply to projects owned by an HFA. Such projects are subject to the policies and procedures set forth in the new construction or substantial rehabilitation regulations.

§ 1278.302 Responsibilities of the HFA.

(a) *General responsibilities.* Subject to HUD reviews to ensure compliance with federal requirements and objectives, HFAs shall assume responsibility for project development and for supervision of the development, management and maintenance function of owners.

(b) *Certifications of HFAs.* Generally, in reviewing certifications by HFAs required by this supart, HUD shall accept the certifications as correct. However, if HUD has substantial reason to question the correctness of any element, HUD shall promptly bring the matter to the attention of the HFA and ask that the HFA review its findings. After such review, HUD may act in accordance with the judgement or evaluation of the HFA unless HUD determines that the certification is not supported by the evidence.

(c) *Responsibility for administration of contract.* The HFA shall be primarily responsible for administration of the contract. However, since any HFA participating under this subpart provides the permanent financing as defined in § 1278.102(b):

(1) HUD shall have the right to make independent audits, reviews, and determinations as to compliance by the owner with any or all of his obligations under the contract; and

(2) In the event HUD determines that the owner is in default with respect to any or all of his obligations, HUD shall have the right to take direct action (as if HUD were the party to the contract primarily responsible for its administration) to enforce any or all available remedies, including, but not limited to, abatement of housing assistance payments, collection of payments previously made in violation of the contract, and termination of the contract in whole or in part.

§ 1278.303 Compliance with Federal requirements.

(a) *Equal opportunity.* All participants under this part shall comply with (1) Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Orders 11063 and 11246, section 3 of the Housing and Urban Development Act of 1968, and (2) all rules, regulations, and requirements issued pursuant thereto.

(b) *National Environmental Policy Act.* All participants under this part must comply with the National Environmental Policy Act and all rules, regulations, and requirements issued pursuant thereto.

(c) *Clean Air Act and Federal Water Pollution Control Act.* Participation in this program requires compliance with the Clean Air Act and the Federal Water Pollution Control Act and all rules, regulations, and requirements issued pursuant thereto.

(d) *Davis-Bacon wage rates.* Not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (49 Stat. 1011), shall be paid to all laborers and mechanics employed in the development of any project of nine or more assisted units.

§ 1278.304 Limitations on use of newly constructed or substantially rehabilitated housing.

(a) An application for housing to be newly constructed or substantially rehabilitated under this subpart is exempt from the provisions of section 213(a) of the HCD Act unless the unit of general local government in which the assistance is to be provided objects in its housing assistance plan to the exemption. In the latter case, no application for housing may be approved by HUD unless HUD requirements implementing the provisions of section 213(a) of the HCD Act regarding review by the unit of general local government have been satisfied.

(b) New construction or substantial rehabilitation projects shall be permitted only where (1) there is not and there is not likely soon to be an adequate supply of existing housing which, with the aid of housing assistance payments provided under the section 8 Housing Assistance Payments Program—Existing Housing, can meet the needs of eligible families, or (2) the proposed project is specifically approved by HUD in accordance with priorities established from time to time by the Secretary including priorities for new communities.

§ 1278.305 Submission of application.

A separate application for each project shall be submitted by the HFA to the HUD field office. This application shall utilize the prescribed HUD form (shown as Appendix I) and shall:

(a) Indicate the proposed type of housing (e.g., row, walk-up, semidetached, detached) and the proposed bedroom distribution (i.e., number of one bedroom units, two bedroom units, etc.) and the number of units (if any) to be designed specifically for elderly or handicapped occupancy;

(b) Provide estimates of the gross rent for each unit size;

(c) If the project is for more than 50 units not designed for use primarily by the elderly and the handicapped, indicate whether the HFA intends to limit assistance to 20 percent or less of the units in the project;

(d) Indicate the market area and, insofar as possible, the location where the project will be situated.

(e) Be accompanied by certifications, based upon the HFA's housing needs study, that there is need for housing assistance for the number and size of units applied for and that one of the necessary conditions prescribed in § 1278.304(b) is satisfied.

§ 1278.306 HUD review and approval of application.

(a) *Review of application.* Based on the policies set forth in § 1278.302, HUD shall review an application submitted by an HFA to determine whether or not the application contains a complete and accurate presentation of all the elements required in § 1278.305, and is consistent with the HFA's statewide housing needs plan and with appropriate Local Housing Assistance Plans. HUD shall take such action as is necessary to satisfy the requirements of section 213 of the HCD Act, where applicable (see § 1278.304(a)). Where HUD finds that the HFA is not complying with any equal opportunity requirements, appropriate corrective action, as directed by HUD, shall be taken by the HFA before the application is approved.

(b) *Selection of application for approval.* Applications from HFAs may be processed as received and are not subject to the selection and ranking procedures contained in the new construction or substantial rehabilitation regulations.

(c) *Notification to HFA.* Promptly after completion of the action necessary to satisfy the requirements of section 213 of the HCD Act and completion of the HUD review, the HUD field office shall notify the HFA by letter that:

(1) The application is approved (if the application is approved, the HUD field office shall send the HFA a notification of application approval utilizing the prescribed form (shown as Appendix II));

(2) The application is disapproved (if the application is disapproved, the letter shall indicate the reasons in detail for disapproval); or

(3) The HUD field office has substantial reason to question a determination of the FHA. If the determinations of the HFA are questioned, the leter shall specify the reasons. Promptly after receipt of the HFA's response to the HUD letter, the HUD field office shall notify the HFA of approval or disapproval of the application.

§ 1278.307 Obtaining proposals.

Because HFAs will be assuming the risks of default and foreclosure, HFAs shall establish their own procedures for obtaining and selecting Proposals (whether by published invitation, negotiation or otherwise).

§ 1278.308 HFA determinations on proposals to be submitted to HUD.

In connection with any proposal to be submitted to HUD, the HFA shall determine that in its judgment each of the following requirements will be met:

(a) That the developer, builder, and owner are acceptable for purposes of meeting all the obligations of the Agreement.

(b) That the owner and management agent, if any, are acceptable for purposes of meeting all the obligations of the contract.

(c) That the initial contract rent satisfy the requirements of § 1278.203(c).

(d) That the design and quality of the construction or rehabilitation will satisfy program standards set forth in § 1278.203 (f) or (g), as appropriate.

(e) That there is compliance with (1) the requirements set forth in § 1278.303, and (2) the requirements that persons, businesses or those otherwise listed on the HUD debarment list will not participate in the development.

(f) That the site and neighborhood standards set forth in § 1278.203(h) are satisfied.

§ 1278.309 HFA submission of proposals.

(a) *Submission to HUD.* Once a proposal has been prepared by the HFA, it shall submit the proposal to HUD with a statement that the HFA has made the determinations specified in § 1278.-308, and with the certifications required by paragraph (d) of this section.

(b) *Previous participation and A-95 clearance.* (1) The HFA and the HUD field office may develop procedures by which the previous participation review and the A-95 clearance are initiated prior to proposal submission. No proposal may be approved until HUD has completed its previous participation review and the results made known to the HFA and until the HUD field office has received a copy of the response from the appropriate A-95 clearinghouse.

(2) If the HFA initiates the A-95 review a, copy of its letter of transmittal to the appropriate A-95 clearinghouse shall be included together with its proposal submission to HUD. The letter to the clearinghouse shall request that copies of the response from the clearinghouse be forwarded to the HUD field office.

(3) If special procedures as described in paragraph (b)(1) and (b)(2) of this section are not adopted, the HUD field office shall conduct its previous participation review and/or initiate A-95 clearance in conformance with its normal procedures after the proposal has been submitted.

(c) *Proposal contents.* Each proposal shall contain the following:

(1) The identity of the developer, builder, owner and management agent.

(2) A copy of the description of the proposed housing (and for substantial rehabilitation projects, a description of the proposed rehabilitation) agreed to by the HFA and the Owner (including appropriate sketches or schematic drawings).

(3) A neighborhood map showing the location(s) of the site(s) and the racial composition of the neighborhood.

(4) The anticipated date for completion of construction. If the project is to be completed in stages, identification of the units comprising each stage and the estimated dates for commencement and completion of each stage.

(5) The contract rents required by unit size and structure type; which utilities and services are to be included in the contract rent; which utilities and services, if any, are to be paid directly by the families; the amount of the allowance for utilities and other services; and a list of the equipment to be included in the contract rent.

(6) A statement as to whether the proposed project is expected to displace site occupants and the number of families, individuals and business concerns to be displaced. In the case of a project owned by a PHA, a statement that (i) the PHA will undertake liability for and provide the funding of all relocation payments under sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, or (ii) other commitments, which the owner believes to be satisfactory to HUD, have been made for the funding of such payments. (In the case of a privately owned project, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is inapplicable.)

(7) Submission of an affirmative fair housing marketing plan (if the proposal is for five or more units), a signed assurance of compliance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, and certifications required pursuant to Executive Order 11246.

(8) Submissions as requnired by HUD regulations and other requirements pursuant to section 3 of the Housing and Urban Development Act of 1968.

(9) The proposed term of the contract, including all renewals, and justification for such term in accordance with § 1278.203(d).

(d) *HFA certifications.* The HFA shall submit, with the proposal, the following certifications:

(1) That the proposed site(s) meets the standards specified in §§ 1278.203 (h) (1), (4), (6), (7), (10) and (12).

(2) That the rents as justified in accordance with § 1278.203(c)(2) are reasonable in relation to the quality, location, amenities, methods and terms of financing, and management and maintenance services.

(3) That evidence acceptable to the HFA has been submitted to show that the owner or his management agent has the necessary experience and/or qualifications to carry out the required management and maintenance activities.

§ 1278.310 HUD evaluation of proposals.

HUD's evaluation of proposals submitted by HFAs shall be limited to determining whether the following requirements are satisfied:

(a) The proposal and the HFA certifications contain all elements required in § 1278.309.

(b) The proposed contract rents plus any allowances for utilities and other services do not exceed the HUD-established fair market rents except as provided in § 1278.203(c).

(c) The proposed site meets the site and neighborhood requirements of § 1278.203(h) (2), (3), (5), (8), (9) and (11).

(d) The proposal satisfied the requirements of the National Environmental Policy Act. In determining whether this requirement is met, HUD shall complete all appropriate environmental reviews as required pursuant to HUD regulations.

(e) The proposal complies with the relocation requirements set forth in § 1278.203(i).

(f) The proposal complies with equal opportunity requirements, set forth in § 1278.303(a).

(g) The proposal complies with such other specific requirements as the Secretary may from time to time prescribe.

§ 1278.311 Notification of acceptability of proposal.

(a) *Clarification or modifications.* HUD may request clarification of individual items, additional information, or modifications of the proposal.

(b) *HUD determination.* HUD shall notify the HFA and the owner as to whether the proposal is:

(1) Approved.

(2) Approvable only if specified deficiencies are corrected and that HUD will approve the proposal if it receives within a specified time evidence of such necessary corrections.

(3) Not approved. If a proposal is not approved, the notification shall indicate the reasons for disapproval.

(c) *A-95 notification.* The appropriate A-95 clearinghouse shall be notified by HUD of its final action.

§ 1278.312 HFA's acceptance of notification and submission of HFA's certification.

(a) *HFA's acceptance.* Upon receipt by the HFA of the notification of approval of the proposal, the HFA shall return to HUD a copy indicating its acceptance within the time prescribed in such notification. If the HFA does not accept the notification by the date specified, HUD may rescind the notification.

(b) *Certificate of design and construction quality.* (1) Before HUD may enter into an ACC, the HFA shall submit to HUD a certification by the HFA, based upon an analysis and report by the design architect or an architect employed or engaged by the HFA, that (i) the working drawings and specifications are consistent with the approved Proposal, and (ii) the proposed construction or rehabilitation in accordance with these plans and specifications is permissible under the applicable zoning, building, housing, and other codes, ordinances or regulations, as modified by any waivers obtained from the appropriate officials. This certification shall also cover compliance with the appropriate HUD minimum property standards (or the HUD minimum design standards for rehabilitation for residential properties, in substantial rehabilitation cases) and other standards, guidelines and criteria applicable under this part, except that in the case of mobile homes the manufacturer shall certify that the mobile homes will comply with the American National Standards Institute Standard No. A-119.1, as amended and adopted by HUD under Title I of the National Housing Act.

(2) One copy of the certified working drawings and specifications shall be submitted with the HFA's certification to HUD, which shall retain it and any changes approved by HUD for at least three years from the date of acceptance of the project; provided, however, that receipt and retention by HUD of these working drawings and specifications shall not denote or constitute HUD review or approval of such drawings or specifications.

(3) If the HFA fails to submit the certification by the date specified in the notification, HUD shall rescind the notification.

§ 1278.313 Annual contributions contract and agreement.

(a) *Preparation of ACC.* After receipt of the certifications specified in § 1278.312(b) together with the working drawings and specifications, the HUD field office shall prepare the ACC. The ACC shall be transmitted to the HFA for execution and returned to HUD. This transmittal shall advise the HFA that it must submit for HUD approval its first Estimate of Required Annual Contributions.

(b) *Preparation of agreement.* The agreement shall be prepared by the HUD field office at the time the ACC is prepared and shall conform to the prescribed form. The agreement shall include all required information and required attachments.

(c) *Execution of ACC and agreement.* After receipt of the HFA-executed ACC, accompanied by the estimate of required annual contributions, HUD shall review the estimate and, if approved, execute the ACC. HUD shall then transmit a fully executed copy of the ACC to the HFA, together with four copies of the unexecuted Agreement. After execution of the agreement by the HFA and the owner, all copies shall be returned by the HFA to HUD for approval. HUD shall return three copies to the HFA, retaining one for its records.

§ 1278.314 Submission of estimates of required annual contributions.

(a) *First fiscal year submission.* No earlier than 150 and not later than 90 days prior to the estimated date of the beginning of the first fiscal year, the HFA shall submit an estimate of required annual contributions covering the estimated amount required for the first fiscal year.

(b) *Subsequent fiscal year submissions.* Not earlier than 150 and not later than 90 days prior to the beginning of each subsequent fiscal year, the HFA shall submit an estimate of required annual contributions, with supporting documentation, for any requested changes in the amount of housing assistance payments.

(c) *Revisions of estimates.* Any of the above estimates may be revised to reflect changes in circumstances and available data.

(d) *HUD approval.* All estimates of required annual contributions and any revisions thereto submitted by the HFA shall be subject to HUD approval.

§ 1278.315 Construction or rehabilitation period.

(a) *Timely performance of work.* After execution of the agreement the owner shall promptly proceed with construction or rehabilitation as provided in the agreement. In the event work is not so commenced, diligently continued, and/or completed, the HFA may rescind the agreement, or take other appropriate action.

(b) *Delays.* Although extensions of time may be granted for the reasons specified in the agreement, no increases in contract rents may be granted on that account.

(c) *Changes.* The owner shall submit for HFA approval any changes from the approved proposal which will materially reduce or alter his obligations or any changes which alter the design or materially reduce the quality or amenities of the project. Approval of such changes may be conditioned on a reduction of contract rents. If such changes are made without prior approval by the HFA, the owner may be required to reduce the contract rents or remedy the defects or deficiencies as a condition for acceptance of the project. Contract rents may not be increased by reason of any changes or modifications. If such changes are approved by the HFA, the HFA is required to submit to HUD a statement specifying the changes approved and either (1) a certification by the HFA that such changes do not justify a reduction of contract rents, or (2) a statement of the amounts by which contract rents were reduced and a certification that such reduction is appropriate and adequate in light of the changes approved.

(d) *Equal opportunity review.* Equal opportunity review may be conducted at any time deemed advisable by HUD.

(e) *Commencement of marketing.* The owner shall commence and diligently continue marketing as soon as possible, but in any event no later than 90 days (or 60 days in the case of substantial rehabilitation) prior to the estimated completion date. The owner shall notify the HFA of the date of commencement of marketing. The owner shall also comply with all reporting requirements under the affirmative fair housing marketing regulations. Not later than 30 days prior to the estimated completion date and periodically thereafter, the owner shall notify the HFA of any units which he anticipates will be vacant on the effective date of the contract. At the time the contract is executed, the owner will be required to submit a list of the dwelling units leased as of the effective date of the contract and a list of the units not so leased, if any. The owner will be entitled to housing assistance payments for any unleased units, pursuant to § 1278.203(b)(2), only if he has fully complied with the requirements of that section and of this paragraph.

§ 1278.316 Project completion.

(a) *Certifications upon completion.* Upon completion of the project, the HFA shall submit to the HUD field office the following certifications:

(1) A certification by the HFA that:

(i) All work has been completed in accordance with the requirements of the agreement;

(ii) The project is in good and tenantable condition;

(iii) There are no defects or deficiencies in the project other than punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified);

(iv) There has been no change in evidence of management capability or in the proposed management program (if one was required) specified in the proposal, other than changes approved in writing by the HFA in accordance with the agreement; and

(v) There has been compliance with the provisions of the agreement relating to the payment of not less than prevailing wage rates and that to the best of the HFA's knowledge and belief there

are no claims of underpayment in alleged violation of said provisions of the agreement. In the event there are any such pending claims to the knowledge of the owner, HUD, or the HFA, the HFA certification shall include a statement that the owner has placed a sufficient amount in escrow, as determined by HUD, to assure such payments.

(2) A certification by the owner that:

(i) All work has been completed in accordance with the requirements of the agreement;

(ii) The project is in good and tenantable condition;

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified);

(iv) There has been no change in evidence of management capability or in the proposed management program (if one was required) specified in the proposal, other than changes approved in writing by the HFA in accordance with the agreement; and

(v) He has complied with the provisions of the agreement relating to the payment of not less than prevailing wage rates and to the best of his knowledge and belief there are no claims of underpayment in alleged violation of said provisions of the agreement. In the event there are any such pending claims to the knowledge of the owner, HUD, or the HFA, the owner's certification shall include a statement that he has placed a sufficient amount in escrow, as determined by HUD, to assure such payments.

(3) In the case of substantial rehabilitation projects, a certification (i) from the authorized local government official or a qualified laboratory that exposed interior and exterior surfaces are free of lead based paint hazards, or (ii) by the owner that these surfaces have been adequately treated or covered, all in accordance with these applicable HUD regulations issued pursuant to the Lead Base Paint Poisoning Prevention Act, 42 U.S.C. 4801.

(4) If the HUD field office determines that the certifications are in conformance with the requirements of this section, it will authorize execution of the Contract.

(b) *Additional work to be completed.* If the HFA certification states that the project is complete except for ordinary punchlist items or incomplete work awaiting seasonal opportunity, the project may be accepted and the contract executed. However, after such items have been completed, the HFA must submit to HUD an additional certification that, based upon its inspection, the remaining items have been completed. If the HFA fails to submit the additional certification to HUD within a reasonable time, HUD may, upon 30 days notice, terminate or require termination of the contract or exercise its other rights under the contract.

(c) *Completion in stages.* If the project is to be completed in stages, the procedures of this section shall apply to each stage.

§ 1278.317 Execution of housing assistance payments contract.

(a) Upon HUD's acceptance of the certifications required by § 1278.316, the contract shall be executed first by the owner and the HFA and then approved by HUD.

(b) At the time of execution of the contract, the HFA shall examine the lists of dwelling units leased and not leased, referred to in § 1278.315(e), and shall determine whether or not the owner has met his obligations under that section with respect to any unleased units. The HFA shall state in writing its determination with respect to the unleased units and for which of those units it will make housing assistance payments. The owner shall indicate in writing his concurrence with this determination or his disagreement, reserving his rights to claim housing assistance payments for the unleased units pursuant to the contract, without prejudice by reason of his signing the contract. Copies of all documents referred to in this paragraph shall be furnished HUD.

§ 1278.318 Project operation.

(a) *Compliance with equal opportunity requirements.* Marketing of units and selection of families by the owner shall be in accordance with the owner's HUD-approved affirmative fair housing Marketing Plan, if required, and with all regulations relating to fair housing advertising including use of the equal opportunity logotype, statement, and slogan in all advertising. Projects shall be managed and operated without regard to race, color, creed, religion, sex, or national origin.

(b) *Eligibility, selection and admission of families.* (1) The owner shall be responsible for determination of eligibility of applicants, selection of families from among those determined to be eligible, and computation of the amount of housing assistance payments on behalf of each selected family, in acordance with schedules and criteria established by HUD.

(2) For every family that wishes to apply for admission, the owner and the applicant shall complete and sign the form of application prescribed by HUD, except that if there are no vacant units and the owner's waiting list is such that there would be an unreasonable length of time before the applicant could be admitted, the owner may advise the applicant that the owner is not accepting applications for that reason. The owner shall retain copies of all completed applications together with any related correspondence for three years. For each family selected for admission, the owner shall submit one copy of the completed and signed application to the HUD field office and to the HFA. Housing assistance payments will not be made on behalf of an admitted family until after this copy has been received by the HUD field office.

(3) If the owner determines that the applicant is eligible on the basis of income and family composition and is otherwise acceptable but the owner does not have a suitable unit to offer, the owner shall place such family on his waiting list and so advise the family.

(4) If the owner determines that the applicant is eligible on the basis of income and family composition and is otherwise acceptable and if the owner has a suitable unit, the owner and the family shall enter into a lease. Such lease shall be on the form of lease included in the owner's approved proposal and shall otherwise be in conformity with the provisions of this part.

(5) Records on applicant families and approved families shall be maintained by the owner so as to provide HUD with racial, ethnic and gender data and shall be retained by the owner for three years.

(6) In the case of a project owned by a PHA, (i) if the PHA places a family on its waiting list, it shall notify the family of the approximate date of availability of a suitable unit insofar as such date can be reasonably determined, and (ii) if the PHA determines that an applicant is ineligible on the basis of income or family composition, or that the PHA is not selecting the applicant for other reasons, the PHA shall send the applicant a letter notifying him of the determination and the reasons and that the applicant has the right within a reasonable time (specified in the letter) to request an informal hearing. If, after conducting such an informal hearing, the PHA determines that the applicant shall not be admitted, the PHA shall so notify the applicant in writing and such notice shall inform the applicant that he has the right to request a review by HUD of the PHA's determination. The procedures of this subparagraph do not preclude the applicant from exercising his other rights if he believes he is being discriminated against on the basis of race, color, creed, religion, sex, or national origin. The PHA shall retain for three years a copy of the application, the letter, the applicant's response if any, the record of any informal hearing, and a statement of final disposition.

(c) *Lease requirements.* The lease shall contain all required provisions specified in paragraph (c)(2) of this section and none of the prohibited provisions listed in paragraph (c)(3) of this section and shall otherwise conform to the form of lease included with the owner's approved proposal.

(1) *Term of lease.* The term of the lease shall be generally for not less than one year. The lease may (or, in the case of a lease for a term of more than one year, shall) contain a provision permitting termination upon 30 days advance written notice by either party.

(2) *Required provisions.* The lease between the owner (lessor) and the family (lessee) shall contain the following provisions:

---------- (Lessor) and ----------

The following additional lease provisions are incorporated in full in the lease between

---------- (Lesser) and ---------- (Lessee) for the following dwelling unit: ---------- In case of any conflict between these and any other provisions of the lease, these provisions shall prevail.

a. The total rent shall be $---------- per month.

b. Of the total rent, $---------- shall be payable by or at the direction of the Department of Housing and Urban Development ("HUD") as housing assistance payments on behalf of the Lessee and $---------- shall be payable by the Lessee. These amounts shall be subject to change by reason of changes in the Lessee's family income, family composition, or extent of exceptional medical or other unusual expenses, or by reason of adjustment by HUD of any applicable Allowance for Utilities and Other Services. Any such change shall be determined in accordance with HUD-established schedules and criteria and shall be effective as of the date stated in a notification to the Lessee.

c. The Lessor shall not discriminate against the Lessee in the provision of services, or in any other manner, on the grounds of race, color, creed, religion, sex, or national origin.

d. The Lessor shall provide the following services and maintenance:

Lessor ----------
By ----------
Date ----------
Lessee ----------
Date ----------

(3) *Prohibited provisions.* Lease clauses which fall within the classifications listed below shall not be included in any lease.

(i) *Confession of judgment.* Prior consent by tenant to any lawsuit the landlord may bring against him in connection with the lease and to a judgment in favor of the landlord.

(ii) *Distraint for rent or other charges.* Authorization to the landlord to take property of the tenant and hold it as a pledge until the tenant performs any obligation which the landlord has determined the tenant has failed to perform.

(iii) *Exculpatory clause.* Agreement by tenant not to hold the landlord or landlord's agents liable for any acts or omissions whether intentional or negligent on the part of the landlord or the landlord's authorized representative or agents.

(iv) *Waiver of legal notice by tenant prior to actions for eviction or money judgments.* Agreement by tenant that the landlord may institute suit without any notice to the tenant that the suit has been filed.

(v) *Waiver of legal proceedings.* Authorization to the landlord to evict the tenant or hold or sell the tenant's possessions whenever the landlord determines that a breach or default has occurred, without notice to the tenant or any determination by a court of the rights and liabilities of the parties.

(vi) *Waiver of jury trial.* Authorization to the landlord's lawyer to appear in court for the tenant and to waive the tenant's right to a trial by jury.

(vii) *Waiver of right to appeal judicial error in legal proceedings.* Authorization to the landlord's lawyer to waive the tenant's right to appeal on the ground of judicial error in any suit or the tenant's right to file a suit in equity to prevent the execution of a judgment.

(viii) *Tenant chargeable with costs of legal actions regardless of outcome.* Agreement by the tenant to pay attorney's fees or other legal costs whenever the landlord decides to take action against the tenant even though the court finds in favor of the tenant. (Omission of such clause does not mean that the tenant as a party to a lawsuit may not be obligated to pay attorney's fees or other costs if he loses the suit.)

(d) *Termination of tenancy.* The owner shall be responsible for termination of tenancies, including evictions. However, conditions for payment of housing assistance payments for any resulting vacancies shall be as set forth in § 1278.203(b)(3)(ii).

(e) *Maintenance, operation and Inspections.* (1) *Maintenance and operation.* The owner shall maintain and operate the project so as to provide decent, safe, and sanitary housing and he shall provide all the services, maintenance and utilities which he agrees to provide under the contract, subject to abatement of housing assistance payments or other applicable remedies if he fails to meet these obligations.

(2) *Inspection.* Prior to occupancy of any unit by a family, the owner and the family shall inspect the unit and both shall certify, on the form prescribed by HUD, that they have inspected the unit and have determined it to be decent, safe, and sanitary in accordance with the criteria provided in the prescribed form. The HFA shall inspect or cause to be inspected each contract unit and related facilities at least annually and at such other times (including prior to initial occupancy of any unit) as the HFA may determine to be necessary to assure that the owner is meeting his obligation to maintain the units in decent, safe, and sanitary condition and to provide the agreed upon utilities and other services. The HFA shall take into account complaints by occupants and any other information coming to its attention in scheduling inspections.

(f) *Units not decent, safe, and sanitary.* If the HFA notifies the owner that he has failed to maintain a dwelling unit in decent, safe, and sanitary condition and the owner fails to take corrective action within the time prescribed in the notice, the HFA may exercise any of its rights or remedies under the contract, including the abatement of housing assistance payments, even if the family continues to occupy the unit. If, however, the family wishes to be rehoused in another dwelling unit with section 8 assistance and the HFA does not have other section 8 funds for such purposes, the HFA may use the abated housing assistance payments for the purposes of rehousing the family in another dwelling unit. Where this is done, the owner shall be notified that he will be entitled to resumption of housing assistance payments for the vacated dwelling unit if:

(1) The unit is restored to decent, safe, and sanitary condition;

(2) The family is willing to and does move back to the restored dwelling unit; and

(3) A deduction is made for the expenses incurred by the family for both moves.

(g) *Reexamination of family income, composition, and extent of exceptional medical or other unusual expenses.* Reexamination of family income, composition, and the extent of medical or other unusual expenses incurred by the family shall be made by the owner at least annually (except that such reviews may be made at intervals no longer than two years in the case of elderly families), and appropriate redeterminations shall be made by the owner of the amount of the family contribution and the amount of the housing assistance payment, all in accordance with schedules and criteria established by HUD.

(h) *Overcrowded and underoccupied units.* If the HFA determines that a dwelling unit assisted under this part is not decent, safe, and sanitary by reason of overcrowding, or that a dwelling unit is larger than appropriate for the size of the family in occupancy, housing assistance payments with respect to such unit will not be abated, unless the owner fails to offer the family a suitable unit as soon as one becomes vacant and ready for occupancy. In the case of an overcrowded unit, if the owner does not have any suitable units or if no vacancy of a suitable unit occurs within a reasonable time, the FHA will assist the family in finding a suitable dwelling unit and require the family to move to such a unit as soon as possible. The owner may receive housing assistance payments for the vacated unit if he complies with the requirements of § 1278.203(b)(3)(i).

(i) *Adjustment of allowance for utilities and other services.* The HFA shall determine, as part of its annual inspection and at such other times as it deems appropriate, whether an adjustment is required in the allowance for utilities and other services applicable to the dwelling units in the project, on grounds of changes in utility rates or other change of general applicability to all units in the project. If the HFA determines that an adjustment should be made, the HFA shall prescribe the amount of the adjustment and direct the owner to make promptly a corresponding adjustment in the amount of rent to be paid by the affected families and the amount of housing assistance payment.

(j) *Continued family participation.* A family must continue to occupy its approved unit to remain eligible for participation in the Housing Assistance Payments Program except that if the Family (1) wishes to vacate its unit at the end of the lease term (or prior thereto but in accordance with the provisions of the lease), or (2) is required to move for reasons other than violation of the lease on the part of the family, and if the family wishes to receive the benefit of housing assistance payments in another approvable unit, the family should give reasonable notice of the circumstances to the HFA so that the

HFA may have the opportunity to consider the family's request.

(k) *Inapplicability of low-rent public housing model lease and grievance procedures.* Model lease and grievance procedures established by HUD for PHA-owned low-rent public housing are applicable only to PHA-owned projects under the section 8 Housing Assistance Payments Program.

(l) *Reduction of number of contract units for failure to lease to eligible families.* (1) If at any time, beginning six months after the effective date of the contract, the owner fails for a continuous period of six months to have at least 80 percent of the contract units leased or available for leasing by eligible families, the HFA, with the approval of HUD, may on 30 days notice reduce the number of units under lease or available for leasing by eligible families, plus 10 percent of such number, if that number is 10 or more, rounded to the next highest number.

(2) At the end of the initial term of the contract and of each renewal term, the HFA, with the approval of HUD, may, by notice to the owner, reduce the number of contract units to not less than (i) the number of units under lease or available for leasing by eligible families at that time, or (ii) the average number of units so leased or available for leasing during the last year, whichever is the greater number, plus 10 percent of such number, if the number is 10 or more, rounded to the next highest number.

§ 1278.319 HUD review of contract compliance.

HUD will review project operations at such intervals as it deems necessary to ensure that the owner is in full compliance with the terms and conditions of the contract. Equal opportunity review may be conducted with the scheduled HUD review or at any time deemed appropriate by HUD.

§ 1278.320 HFA reporting requirements. [Reserved]

Subpart D—Program Development—Existing Housing [Reserved]

APPENDIX I

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Application for Assignment of Portion of Set-Aside to Specific Project

---

Name of Housing Finance Agency ("HFA")
Address ----------

The HFA hereby requests assignment of $--------, representing the following number of units ----, from its set-aside for use in the project described as follows:

A. Type of Project:
- ☐ New Construction
- ☐ Substantial Rehabilitation
- ☐ Existing

B. Metropolitan/Non-Metropolitan:
- ☐ Metropolitan
- ☐ Non-Metropolitan

C. Location of Proposed Project:

Municipality (city, town, etc.)	County	Congressional district	Number of dwelling units

D. Number of units and assisted units:
Total number of units in project ---------
Number of units for elderly [1] ----------
Number of units for family ----------
Total number of assisted units ----------
Number of assisted units for elderly [1] ---
Number of assisted units for family ----

[1] Units designed for use primarily by the elderly and the handicapped.

E. Limitation on percentage of assisted families in project. If the project is for more than 50 units not designed for use primarily by the elderly and the handicapped, the number of assisted families will be limited to 20 percent or less of the units in the project.
☐ Yes ☐ No

F. Schedule of buildings and dwelling units:

Building [1] types	Number of stories	Number of buildings	Number of DU's by bedroom count [2]							Number of units
			Number of bedrooms							
			Efficiency	1	2	3	4	5	6	

[1] AE—elevator apartments, R—row; D—detached single family; SD—semidetached; AW—walkup apartments.
[2] Show, first, total units for each building type; and second, in parentheses, those units to be designed for elderly and handicapped.

G. Average gross rent anticipated:

	Average monthly rent per unit						
	Number of bedrooms						
	Efficiency	1	2	3	4	5	6
Average gross rent							

H. Attach Certifications. 1. That, based upon the HFA's statewide housing needs study or upon a study conducted by the HFA of this market area, there is need for housing assistance for the number and size of units applied for; and

2. That there exists one of the necessary conditions prescribed in § 1278.-304(b), specifying that condition.

Signature of Officer Authorized to Sign for HFA

Name—Type or Print

Official Title

Date

FOR HUD AREA OFFICE ONLY

Remarks:

HUD AREA OFFICE RECOMMENDATIONS

Recommendation	*Signature*	*Date*
	Director, Equal Opportunity Division.	
	Area Counsel.	
	Area Economist.	
	Director, Housing Management.	
	Director, Relocation and Planning Branch.	
	Assistant Director, Technical Services Branch.	
	Multi-Family Housing Representative.	
	Program Manager.	

Approved:

Director, Operations Division. Date

APPENDIX II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Notification of Application Approval—Housing Finance Agencies

[This Appendix sets forth the format and content to be used in transmitting a notification of application approval to a participating State housing finance agency, with respect to a non-federally insured development. The field office should prepare a separate notification for each project.]

Project Number----------
HUD Office----------

To:

The Department of Housing and Urban Development (HUD) hereby notifies the (name of Housing Finance Agency) that: (1) its application (Revised Application) dated ---------- for [newly constructed] [substantially rehabilitated] housing to be assisted by housing assistance payments made pursuant to the provisions of section 8 of the United States Housing Act of 1937, is approved; (2) the number and size of dwelling units and the annual contributions contracting authority specified herein have been reserved; and (3) the above named housing finance agency (HFA) is authorized to select an owner willing to provide such housing, and to submit to HUD a Proposal in accordance with the provisions of § 1278.-209 of the section 8 Housing Assistance Payments Program—State Housing Finance and Development Agencies Regulations.

This notice does not constitute a legal obligation but is a declaration of intent by HUD, subject to fulfillment of all administrative and statutory requirements, to enter into an annual contributions contract covering the number of units reserved herein. This notice shall expire at the end of six months from the date hereof unless an agreement to enter into housing assistance payments contract is executed by the owner and the housing finance agency.

The bedroom distribution approved is as follows:

Number of units [1]	Efficiency	Number of bedrooms per unit				
		1	2	3	4	5

The applicable fair market rents are the following:

Structure type	Efficiency	Number of bedrooms				
		1	2	3	4	5

[1] Insert total number of units in each size category with number of units to be designed specifically for the elderly or handicapped in parentheses after the total.

Number of units	Previous notice	Increase (decrease)	Current notice
Nonelderly			
Elderly			
Total			
Annual contributions	$	$	$

Recommended by:

Director, Operations Division/Chief Underwriter

(Date)

Approved by:

Area Office Director/Insuring Office Director

(Date)

APPENDIX III

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Annual Contributions Contract, New Construction and Substantial Rehabilitation—Housing Finance Agencies

[The Annual Contributions Contract will conform to the provisions of Subparts A, B, and C and Appendices IV and V of these regulations.]

APPENDIX IV

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Agreement to Enter into Housing Assistance Payments Contract, New Construction and Substantial Rehabilitation—Housing Finance Agencies

PART I

This Agreement to enter into housing assistance payments contract ("Agreement") is made and entered into by and between the ---------- ("HFA"), which is a public housing agency as defined in the United States Housing Act of 1937, 42 U.S.C. 1437, et seq. ("Act"), at section 1437a(6), and ---------- ("Owner").

Whereas, the Owner proposes to complete a housing project consisting of [improvements and land] [the substantial rehabilitation of certain property] as described in the approved proposal; and

Whereas, the Owner and the HFA propose to enter into a Housing Assistance Payments Contract ("Contract") upon the completion of said project for the purpose of making housing assistance payments to enable eligible lower-income families ("Families") to occupy units in said project; and

Whereas, the HFA has entered into an Annual Contributions Contract dated ----------, 19--, with the United States of America acting through the Department of Housing and Urban Development ("Government") with respect to Project No. ---------- ("ACC"), under which the Government will provide financial assistance to the HFA pursuant to section 8 of the Act for the purpose of making housing assistance payments; and

Whereas, the Owner is also the developer or rehabilitator, or if the developer or rehabilitator is other than the Owner, the developer's or rehabilitator's name is ----------.

Now, Therefore, the parties hereto agree as follows:

1.1 *Contents of agreement.* This Agreement consists of Part I, Part II, and the following exhibits:

Exhibit A: The approved proposal including, among other things, the HFA's certification, the Affirmative Fair Housing Marketing Plan (if required), and evidence of management capability;

Exhibit B: The Housing Assistance Payments Contract ("Contract") to be executed upon acceptable completion of the project;

Exhibit C: The Annual Contributions Contract ("ACC");

Exhibit D: The schedule of completion in stages, if applicable;

Exhibit E: The schedule of minimum rates of wages, if applicable; and

Additional exhibits: [Specify additional exhibits, if any. If none, insert "None."]

This Agreement, including said exhibits, comprises the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein. Nothing contained in this Agreement shall create or affect any relationship between the HFA and any contractors or subcontractors employed by the Owner in the completion of the project.

1.2 *Schedule of completion.* a. *Time for Completion.* The project shall be completed in accordance with section 1.4 no later than ---- calendar days after the effective date of this Agreement, or in stages as provided for in Exhibit D which identifies the units comprising each stage and the date of commencement and time for completion of each stage. Where completion in stages is provided for, all references to project completion shall be deemed to refer to project completion and/or completion of any stage, as appropriate.

b. *Timely Performance of Work.* The Owner agrees that no later than ----------, 19--, the work will be commenced and diligently continued. In the event the work is not commenced, diligently continued, and/or completed as aforesaid, the HFA reserves the right, subject to Government approval, to rescind this Agreement or take other appropriate action. The Owner shall report to the HFA the date work was commenced and shall thereafter furnish the HFA with periodic progress reports (quarterly or as otherwise required by the HFA).

c. *Delays.* In the event there is delay in the completion due to strikes, lockouts, labor union disputes, fire, unusual delays in transportation, unavoidable casualties, weather, acts of God, or any other causes beyond the Owner's control, or by delay authorized by the HFA, the time for completion shall be extended to the extent that completion is delayed due to one or more of these causes. No increases in the rents set forth in Exhibit B ("Contract Rents") may be granted on account of any such delays.

1.3 *Construction or rehabilitation period.* a. *Changes.* The Owner shall submit for HFA

approval any changes from Exhibit A which will materially reduce or alter his obligations or any changes which alter the design or materially reduce the quality or amenities of the project. Approval of such changes may be conditioned on a reduction of Contract Rents. If such changes are made without prior approval by the HFA, the Owner may be required to reduce the Contract Rents or remedy the defects or deficiencies as a condition for acceptance of the project. Contract Rents may not be increased by reason of any changes or modifications. If such changes are approved by the HFA, the HFA is required to submit to the Government a statement specifying the changes approved and either (1) a certification by the HFA that such changes do not justify a reduction of Contract Rents, or (2) a statement of the amounts by which Contract Rents were reduced and a certification that such reduction is appropriate and adequate in light of the changes approved.

b. *Commencement of Marketing.* The Owner shall commence and diligently continue marketing as soon as possible, but in any event no later than 90 days (or 60 days in the case of substantial rehabilitation), prior to the estimated completion date. The Owner shall notify the HFA of the date of commencement of marketing. The Owner shall also comply with all reporting requirements under the Affirmative Fair Housing Marketing Regulations. Not later than 30 days prior to the estimated completion date and periodically thereafter, the Owner shall notify the HFA of any units which he anticipates will be vacant on the effective date of the Contract. At the time the Contract is executed, the Owner shall submit a list of the dwelling units leased as of the effective date of the Contract and a list of the units not so leased, if any. The Owner will be entitled to housing assistance payments for any unleased units pursuant to section 1.7b of the Contract only if he has fully complied with the requirements of this paragraph and the provisions of that Section.

1.4 *Project completion.* a. *Certifications Upon Completion.* Upon completion of the project, the HFA shall submit to the Government the following certifications:

(1) A certification by the HFA that: (i) All work has been completed in accordance with the requirements of the Agreement;

(ii) The project is in good and tenantable condition;

(iii) There are no defects or deficiencies in the project other than punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified);

(iv) There has been no change in evidence of management capability or in the proposed management program (if one was required) specified in the Proposal, other than changes approved in writing by the HFA in accordance with the Agreement; and

(v) There has been compliance with the provisions of the agreement relating to the payment of not less than prevailing wage rates and that to the best of the HFA's knowledge and belief there are no claims of underpayment in alleged violation of said provisions of the agreement. In the event there are any such pending claims to the knowledge of the owner, the government, or the HFA, the HFA certification shall include a statement that the Owner has placed a sufficient amount in escrow, as determined by the Government, to assure such payments.

(2) A certification by the Owner that: (i) All work has been completed in accordance with the requirements of the Agreement;

(ii) The project is in good and tenantable condition;

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified);

(iv) There has been no change in evidence of management capability or in the proposed management program (if one was required) specified in the Proposal, other than changes approved in writing by the HFA in accordance with the Agreement; and

(v) He has complied with the provisions of the Agreement relating to the payment of not less than prevailing wage rates and to the best of his knowledge and belief there are no claims of underpayment in alleged violation of said provisions of the Agreement. In the event there are any such pending claims to the knowledge of the Owner, the Government, or the HFA, the Owner's certification shall include a statement that he has placed a sufficient amount in escrow, as determined by the Government to assure such payments.

(3) In the case of substantial rehabilitation projects, a certification (i) from the authorized local government official or a qualified laboratory that exposed interior and exterior surfaces are free of lead based paint hazards, or (ii) by the Owner that these surfaces have been adequately treated or covered, all in accordance with these applicable Government regulations issued pursuant to the Lead Base Paint Poisoning Prevention Act, 42 U.S.C. 4801.

b. *Additional work to be completed.* If the HFA certification states that the project is complete except for ordinary punchlist items or incomplete work awaiting seasonal opportunity, the project may be accepted and the Contract executed. However, after such items have been completed, the HFA must submit to the Government an additional certification that, based upon its inspection, the remaining items have been completed. If the HFA fails to submit the additional certification to the Government within a reasonable time, the Government may, upon 30 days notice, terminate or require termination of the Contract or exercise its other rights under the Contract.

c. *Completion in stages.* If the project is to be completed in stages, the procedures of this Section shall apply to each stage.

1.5. *Housing assistance payments contract.* a. *Time of execution.* If the Government determines that the certifications of completion comply with the requirements of section 1.4 of this Agreement, the Government shall authorize execution of the Contract. Upon receipt of this authorization, the Contract shall be executed first by the Owner and the HFA and then approved by the Government.

b. *Completion in stages.* If completion is in stages, pursuant to section 1.4, the Contract shall be executed upon completion of the first stage, and the number and types of completed units and their Contract rents shall be shown in Schedule A–1 of the Contract. Thereafter, upon completion of each successive stage, the signature block provided in the Contract for that stage shall be executed by the Owner and the HFA and approved by the Government, and Schedule A–2, A–3, etc., covering the additional units, shall become part of the Contract.

c. *Unleased units at time of execution.* At the time of execution of the Contract, the HFA shall examine the lists of dwelling units leased and not leased, referred to in section 1.3b, and shall determine whether or not the Owner has met his obligations under that Section with respect to any unleased units. The HFA shall state in writing its determination with respect to the unleased units and for which of those units it will make housing assistance payments pursuant to the Contract. The Owner shall indicate in writing his concurrence with this determination or his disagreement, reserving his rights to claim housing assistance payments for the unleased units pursuant to the Contract, without prejudice by reason of his signing the Contract. Copies of all documents referred to in this paragraph shall be furnished to the Government.

d. *Contract rents.* The rents to the Owner, by unit size, amounts of housing assistance payments, and all other applicable terms and conditions shall be as specified in the proposed Housing Assistance Payments Contract.

e. *No changes in contract.* Each party has read or is presumed to have read the proposed Contract. It is expressly agreed that there shall be no change in the terms and conditions of the Contract other than in accordance with section 1.3.

1.6 *Government assurance to owner.* a. The approval of this agreement by the government signifies that the Government has executed the ACC and that the ACC has been properly authorized; that the faith of the United States is solemnly pledged to the payment of annual contributions pursuant to said ACC; and that funds have been obligated by the government for such payments to assist the HFA in the performance of its obligations under the Contract. The Government and the HFA shall not, without the consent of the Owner, amend or modify the ACC in any manner which would reduce the amount of annual contributions payable thereunder for housing assistance payments except as authorized in the ACC and the contract.

b. The ACC states that the ACC provisions quoted below in this paragraph are made for the benefit of the Owner, or his assignees who will have been specifically approved by the government prior to such assignment, and that to enforce the performance of these provisions, the Owner and such assignees shall have the right to proceed against the Government by suit at law or in equity. Upon the determination by the Government that a default by the HFA has occurred, the following provisions of the ACC (which are hereby made a part of this agreement), shall be applicable:

(a) *Failure or inability of HFA to comply with agreement.* In the event the Government determines that the HFA is in default of its obligation under the Agreement with the Owner, or if such Agreement is held to be void, voidable or ultra vires, or if the power or right of the HFA to enter into such Agreement is drawn into question in any legal proceeding, or if the HFA asserts or claims that such Agreement is not binding upon the HFA for any such reason, the Government may, after reasonable notice to the HFA, determine that the occurrence of any such event, if the Owner is not in default, constitutes a Substantial Default hereunder as to the project. In such case, the Government will assume the HFA's rights and obligations under the Agreement and carry out the obligations of the HFA under the Agreement, including the obligation to enter into the Contract.

(d) *Return of Rights and Obligations to HFA.* All rights and obligations of the HFA assumed by the Government pursuant to this Section 2.17 will be returned as constituted at the time of such return (1) when the Government is satisfied that all defaults have been cured and that the project will thereafter be administered in accordance with all applicable requirements or (2) when the Housing Assistance Payments Contract is at an end, whichever occurs sooner."

1.7 *Relocation requirements for PHA owned projects.*[1] [Alternative provisions—in-

[1] Strike this Section unless the project is owned by a PHA.

corporate alternative 1 or 2, as applicable.]

Alternative 1—For projects which were without site occupants as of the date indicated in this alternative. The Owner hereby certifies that the site of the project was without occupants as of the date the HFA makes a commitment to provide the permanent financing for the project or the date the HFA submits the Proposal to HUD, whichever is earlier.

Alternative 2—For projects which do not qualify for alternative 1. a. *Owner Compliance with Relocation Act.* The Owner agrees to comply with the provisions of sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and applicable Government regulations and requirements issued pursuant thereto.

b. *Relocation Payments Other than by Owner.* The Government has determined that satisfactory commitments have been made for the funding of relocation payments required by sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (e.g., funding pursuant to Title I of the Housing and Community Development Act of 1974) as follows:

---

c. *Relocation payments by owner.* If paragraph b is inapplicable, the following shall apply:

(1) The maximum potential amount of all relocation payments as estimated by the Government is $_____

(2) The Owner has deposited this amount in an escrow account under the terms of which payments may be made only upon presentation of written authorization by the Government for the purpose of meeting relocation payments.

(3) The Owner hereby voluntarily undertakes liability for all relocation payments and agrees that if the funds in the escrow account shall prove to be insufficient to meet all such relocation payments he will deposit such additional amounts as the Government determines to be necessary for such purpose.

(4) When the Government determines that there is no longer any potential liability for relocation payments, any balance in the escrow account shall be paid to the Owner.

(5) The Owner agrees to hold harmless and to indemnify the Government for any costs incurred under sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 in connection with the relocation of site occupants, and the Owner further agrees that the Government shall have the right to be reimbursed for any such costs by withholding from housing assistance payments payable to the Owner.

1.8 *Authority of the HFA.* The HFA warrants that it is a "public housing agency" as defined in section 3(6) of the Act and that it is in fact and in law authorized to execute this Agreement.

Effective date. This Agreement shall be effective as of the date of execution by the Government.

In witness whereof, the parties hereto have executed this Agreement in four original counterparts.

WARNING: 18 U.S.C. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

Approved: United States of America Secretary of Housing and Urban Development.

By _____

_____

(Official Title)

Date _____, 19__

HFA _____

By _____

_____

(Official Title)

Date _____, 19__

Owner _____

By _____

_____

(Official Title)

Date _____, 19__

APPENDIX IV

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Agreement to Enter Into Housing Assistance Payments Contract—New Construction and Substantial Rehabilitation—Housing Finance Agencies

PART II

2.1 *Training, employment, and contracting opportunities for businesses and lower-income persons.*[2] a. The project assisted under this Agreement is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

b. Notwithstanding any other provision of this Agreement, the Owner shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR, Part 135 (published in 38 FR 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this Agreement. The requirements of said regulations include, but are not limited to, development and implementation of an affirmative action plan for utilizing business concerns located within, or owned in substantial part by persons residing in, the area of the project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by §135.20(b) of the regulations and paragraph d of this section in all contracts for work in connection with the project. The Owner certifies and agrees that he is under no contractual or other disability which would prevent him from complying with these requirements.

c. Compliance with the provisions of section 3, the regulations set forth in 24 CFR, Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approved by the Government of the application for this Agreement, shall be a condition of the Federal financial assistance provided to the project, binding upon the Owner, his successors and assigns. Failure to fulfill these requirements shall subject the Owner, his contractors and subcontractors, his successors, and assigns to the sanction specified by this Agreement, and to such sanctions as are specified by 24 CFR 135.135.

d. The Owner shall incorporate or cause to be incorporated into any contract or subcontract for work pursuant to this Agreement in excess of $50,000 cost, the following clause:

Employment of project area residents and contractors. A. The work to be performed under this Agreement is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area, and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

B. The parties to this agreement will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this Agreement. The parties to this Agreement certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR, Part 135, and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR, Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the Agreement, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.135.

[2] Strike this section if the contract rents under the proposed housing assistance payments contract, over the maximum term of said contract, are $500,000 or less.

e. The Owner agrees that he will be bound by the above Employment of Project Area Residents and Contractors clause with respect to his own employment practices when he participates in federally assisted work.

2.2 *Equal employment opportunity.*[3] a. The Owner shall incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR, Chapter 60, which is to be performed pursuant to this Agreement, the following Equal Opportunity clause:

Equal employment opportunity.

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, creed, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising, lay-off or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by or at the direction of the Government setting forth the provisions of this Equal Opportunity clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, creed, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by or at the direction of the Government advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by HUD and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the Equal Opportunity clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions as may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor or as otherwise provided by law.

(7) The contractor will include the portion of the sentence immediately preceding Paragraph (1) and the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Government may direct as a means of enforcing such provisions including sanctions for noncompliance; Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Government, the contractor may request the United States to enter into such litigation to protect the interest of the United States."

b. The Owner agrees that he will be bound by the above Equal Opportunity clause with respect to his own employment practices when he participates in federally assisted construction work.

c. The Owner agrees that he will assist and cooperate actively with HUD and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the Equal Opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that he will furnish HUD and the Secretary of Labor such information as they may require for the supervision of such compliance, and that he will otherwise assist HUD in the discharge of HUD's primary responsibility for securing compliance.

d. The Owner further agrees that he will refrain from entering into any contract or contract modification subject to Executive Order No. 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the Equal Opportunity clause as may be imposed upon contractors and subcontractors by the Government or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

2.3 *Cooperation in equal opportunity compliance reviews.* The HFA and the Owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.4 *Flood Insurance.* If the project is located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and if the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, the Owner agrees that the project will be covered, during its anticipated economic or useful life, by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.

2.5 *Clean Air Act and Federal Water Pollution Control Act.*[4] In compliance with regulations issued by the Environmental Protection Agency ("EPA"), 40 CFR, Part 15, 39 F.R. 11099, pursuant to the Clean Air Act, as amended ("Air Act"), 42 U.S.C. 1857, et seq., the Federal Water Pollution Control Act, as amended ("Water Act"), 33 U.S.C. 1251, et seq., and Executive Order 11738, the Owner agrees that:

a. Any facility to be utilized in the performance of this Agreement or any subcontract shall not be a facility listed on the EPA List of Violating Facilities pursuant to § 15.20 of said regulations;

b. He will promptly notify the HFA of the receipt of any communication from the EPA indicating that a facility to be utilized for the Agreement is under consideration to be listed on the EPA List of Violating Facilities;

c. He will comply with all the requirements of section 114 of the Air Act and section 308 of the Water Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder; and

d. He will include or cause to be included the provisions of this Section in every nonexempt subcontract, and that he will take such action as the Government may direct as a means of enforcing such provisions.

2.6 *Prevailing wage rates.*[5] a. Attached hereto and incorporated herein as Exhibit D is a schedule of minimum rates of wages applicable to this Agreement.

b. All laborers and mechanics employed in the construction of the project shall be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by the regulations issued by the Secretary of Labor under the Copeland Act (29 CFR, Part 3)), the full amounts due at the time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor of the United States, which is incorporated herein, regardless of any contractual relationship which may be alleged to exist between the Owner or any subcontractor and such laborers and mechanics; and the wage determination decision and the Department of Labor Wage Rate Information Poster shall be posted by the Owner at the site of the work in a prominent place where it can be easily seen by the workers. For the purpose of this clause, contributions made or costs reasonably anticipated under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics subject to the provisions of paragraph c of this Section. Also for the purpose of this clause, regular contributions made or costs incurred for more than a weekly period under plans, funds, or programs, but covering the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

c. The Owner may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, or any bona fide fringe benefits not expressly listed in section 1(b)(2) of the Davis-Bacon Act or otherwise not listed in

[3] As used in Section 2.2, "HUD" means the United States of America acting through the Department of Housing and Urban Development.

[4] Strike this section if the contract rents under the proposed housing assistance payments contract, over the maximum term of said contract, are $100,000 or less.

[5] As used in Sections 2.6 through 2.11, "HUD" means the United States of America acting through the Department of Housing and Urban Development. Strike Sections 2.6 through 2.11 if the project involves less than nine Contract units.

the wage determination decision of the Secretary of Labor which is included in this Agreement, only when the Secretary of Labor has found, upon the written request of the Owner, that the applicable standards of the Davis-Bacon Act have been met. Whenever practicable, the Owner should request the Secretary of Labor to make such findings before the making of the Agreement. In the case of unfunded plans and programs, the Secretary of Labor may require the Owner to set aside in a separate account assets for the meeting of obligations under the plan or program.

d. The Owner shall comply with the Copeland (Anti-Kickback) Regulations (29 CFR, Part 3) of the Secretary of Labor which are herein incorporated by reference.

e. Any class of laborers or mechanics (including apprentices and trainees) which is not listed in the wage determination and which is to be employed under the Agreement shall be classified or reclassified conformably to the wage determination. In the event that agreement cannot be reached on the proper classification or reclassification of a particular class of laborers and mechanics (including apprentices and trainees) to be used, the question will be referred by HUD to the Secretary of Labor for final determination.

f. Whenever the minimum wage rate prescribed in the Agreement for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly wage rate and the Owner is obligated to pay a cash equivalent of such a fringe benefit, an hourly cash equivalent thereof shall be established. In the event that agreement cannot be reached upon a cash equivalent of the fringe benefit, the question will be referred by HUD to the Secretary of Labor for final determination.

g. (1) (i) Apprentices will be permitted to work as such only when they are registered individually under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, U.S. Department of Labor; or, if no such recognized agency exists in a State, under a program registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the Owner as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in subsection (b) immediately following or is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The Owner will be required to furnish to the other party to this Agreement written evidence of the registration of his program and apprentices, as well as of the appropriate ratios and wage rates for the area of construction prior to using any apprentices on the contract work.

(ii) Trainees will be permitted to work as such when they are bona fide trainees employed pursuant to a program approved by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, and where subsection (c) immediately following is applicable, in accordance with the provisions of paragraph g(2) of this section.

(iii) On contracts in excess of $10,000 the employment of all laborers and mechanics, including apprentices and trainees, as defined in 29 CFR Section 5.2(c) shall also be subject to the provisions of paragraph g(2) of this section. Apprentices and trainees shall be hired in accordance with the provisions of paragraph g(2).

(2) The Owner agrees that: (i) He will make a diligent effort to hire for the performance of the Agreement a number of apprentices or trainees, or both, in each occupation, which bears to the average number of the journeymen in that occupation to be employed in the performance of the Agreement the applicable ratio as determined by the Secretary of Labor;

(ii) He will assure that 25 percent of such apprentices or trainees in such occupation are in their first year of training, where feasible. Feasibility here involves a consideration of (A) the availability of training opportunities for first year apprentices, (B) the hazardous nature of the work for beginning workers, (C) excessive unemployment of apprentices in their second and subsequent years of training;

(iii) During the performance of the Agreement he will, to the greatest extent possible, employ the number of apprentices or trainees necessary to meet currently the requirements of (i) and (ii) immediately preceding;

(iv) He will maintain records of employment by trade of the number of apprentices and trainees, apprentices and trainees by first year of training, and of journeymen, and the wages paid and hours of work of such apprentices, trainees and journeymen; and he will make these records available for inspection upon request of the Department of Labor and HUD;

(v) If he claims compliance based on the criterion stated in 29 CFR 5a.4(b), he will maintain records of employment, as described in the immediately preceding paragraph, on non-Federal and nonfederally assisted construction work done during the performance of the contract in the same labor market area; and he will make these records available for inspection upon request of the Department of Labor and HUD;

(vi) He will supply one copy of the written notices required in accordance with 29 CFR 5a.4(c) at the request of Government compliance officers, and will supply at three-month intervals during the performance of the Agreement and after completion of Agreement performance a statement describing steps taken toward making a diligent effort and containing a breakdown by craft, of hours worked and wages paid for first year apprentices and trainees, other apprentices and trainees, and journeymen. One copy of the statement will be sent to HUD and one to the Secretary of Labor.

2.7 *Submittal of payrolls and related reports.* a. Payrolls and basic records relating thereto shall be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics employed in the construction of the project. Such records shall contain the name and address of each such employee, his correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section 1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made, and actual wages paid. Whenever the Secretary of Labor has found under Section 2.6c that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the Owner shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

b. The owner shall submit weekly to the other party to this agreement such copies and summaries of all his payrolls and those of each of his subcontractors as such other party may require. Each payroll and summary shall be accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor, and that the classifications set forth for each laborer or mechanic conform with the work he performed. A submission of a "Weekly Statement of Compliance," which is required under this Agreement and the Copeland Regulations of the Secretary of Labor (29 CFR, Part 3), and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor under Section 2.6c shall satisfy this requirement. The Owner shall make the records required under the labor standards clauses of this Agreement available for inspection by authorized representatives of HUD and the Department of Labor, and will permit such representatives to interview employees during working hours on the job.

c. The Owner shall also furnish to the other parties to this Agreement any other information or certifications relating to employees in such form as such other party may request.

2.8 *Disputes concerning wage rates and classifications of labor.* a. All disputes concerning prevailing wage rates or classifications arising under this Agreement involving (1) significant sums of money, (2) large groups of employees, or (3) novel or unusual situations shall be promptly reported to HUD for decision or, at the option of HUD, referral to the Secretary of Labor of the United States. The decision of HUD or the Secretary of Labor, as the case may be, shall be final.

b. All questions arising under this Agreement relating to the application or interpretation of the Copeland (Anti-Kickback) Act shall be referred to the Secretary of Labor of the United States for ruling or interpretation, and such ruling or interpretation shall be final.

2.9 *Wage claims and adjustments.* In cases of underpayment of salaries or wages to any laborers or mechanics (including apprentices and trainees) by the Owner (or any of his subcontractors), the Owner shall be required to place an amount in escrow, as determined by HUD, sufficient to pay persons employed on the work covered by the Agreement the difference between the salaries or wages actually paid such employees for the total number of hours worked, and the amounts withheld may be disbursed by HUD for and on account of the Owner or the subcontractor to the respective employees to whom they are due.

2.10 *Contract Work Hours and Safety Standards Act—overtime compensation.* a. Neither the Owner nor any subcontractor contracting for any part of the work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in any such workweek, as the case may be.

b. In the event of any violation of the clause set forth in paragraph a of this section, the Owner and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Owner and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed, with respect to each individual laborer or mechanic employed in violation of the clause set forth in paragraph a of this Section, in the sum of $10 for each calendar

day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard worweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph a.

c. The owner shall deposit in escrow such amounts determined by HUD to be necessary to satisfy any liability of the Owner or any subcontractor for liquidated damages as provided in paragraph b of this Section.

2.11 *Termination; debarment; subcontracts.* a. A breach of the provisions of the foregoing Sections 2.6, 2.7, 2.8, 2.9, and 2.10 may be grounds for termination of this Agreement and for debarment as provided in 29 CFR Section 5.6.

b. The Owner shall insert in any subcontracts Sections 2.6 (and with respect to section 2.6g(2), copies of 29 CFR Sections 5a.4, 5a.5, 5a.6 and 5a.7 shall be attached), 2.7, 2.8, 2.9, 2.10, and 2.11a, and also a clause requiring the subcontractors to include these Sections in any lower tier subcontract which they may enter into, together with a clause requiring this insertion in any further subcontracts that may in turn be made.

2.12 *Disputes.* a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this Agreement which is not disposed of by agreement of the HFA and the Owner may be submitted by either party to the Department of Housing and Urban Development field office director who shall make a decision and shall mail or otherwise furnish a written copy thereof to the Owner and the HFA.

b. The decision of the field office director shall be final and conclusive unless, within 30 days from the date of receipt of such copy, either party mails or otherwise furnishes to the Government a written appeal addressed to the Secretary of Housing and Urban Development. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this Section, the appellant shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, both parties shall proceed diligently with the performance of the Agreement and in accordance with the decision of the field office director.

c. This Section does not preclude consideration of questions of law in connection with decisions rendered under paragraphs a and b of this section; Provided, however, that nothing herein shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

2.13 *Interest of members, officers, or employees of HFA, members of state or local governing body, or other public officials.* No member, officer, or employee of the HFA, no member of the governing body of the State or locality (city and county) in which the project is situated or in which the PHA was activated in the case of a project owned by a PHA and no other public official of such State or locality who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this Agreement or in any proceeds or benefits arising therefrom.

2.14 *Interest of member of or delegate to Congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this Agreement or to any benefits which may arise therefrom.

2.15 *Nonassignability.* a. The Owner agrees that he has not made and will not make any sale, assignment, or conveyance or transfer in any other form, of this Agreement or the project or any part thereof or any of his interest therein, without the prior consent of the HFA and the Government; Provided, however, that in the case of an assignment as security for the purpose of obtaining financing of the project, the HFA and the Government shall consent in writing if the terms of the financing have been approved by the Government. An assignment by the Owner to a limited partnership of which the Owner is the sole general partner shall not be considered an assignment herein.

b. The Owner agrees that he will not change to a different developer or rehabilitator from the one named in the preamble of this Agreement, except with the prior consent of the HFA and the Government.

c. The Owner agrees that the approved developer or rehabilitator has not made, and will not make, except with the prior consent of the HFA and the Government, any assignment or transfer in any form of the developer's or rehabilitator's contract to construct or rehabilitate the project, or any part thereof, or any of the developer's or rehabilitator's interests therein.

d. The Owner agrees to notify the HFA and the Government promptly of any proposed action covered by paragraph a or b or c of this Section. The Owner further agrees to request the written consent of the HFA and the Government in regard thereto, except in the case of an assignment as security as provided in paragraph a of this Section.

e. For the purpose of this Section, a transfer of stock in the Owner, developer or rehabilitator in whole or in part, by a party holding ten percent or more of the stock of said Owner, developer or rehabilitated or a transfer by more than one stockholder or the owner of 10 percent or more of the stock of said Owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the Owner, developer or rehabilitator or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this Agreement, the project or the construction or rehabilitation contract. With respect to this provision, the Owner, and the party signing this Agreement on behalf of said Owner, represent that they have the authority of all of the existing stockholders of the Owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

APPENDIX V

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Housing Assistance Payments Contract New Construction and Substantial Rehabilitation Housing Finance Agencies

PART I

This Housing Assistance Payments Contract ("Contract") is entered into by and between the _____ ("HFA") which is a public housing agency as defined in the United States Housing Act of 1937, 42 U.S.C. 1437, *et seq.* ("Act"), at section 1437a(6), and _____ ("Owner"), and approved by the United States of America acting through the Department of Housing and Urban Development ("Government"), pursuant to the Act and the Department of Housing and Urban Development Act, 42 U.S.C. 3531, *et seq.*

The parties hereto agree as follows:

1.1 *Contents of contract.* This Contract consists of Part I, Part II, and the following exhibits:

Exhibit A: The schedule showing the number of units by size ("Contract Units") and their applicable rents ("Contract Rents");

Exhibit B: The Project Description;

Exhibit C: The statement of services, maintenance and utilities to be provided by Owner;

Exhibit D: The Affirmative Fair Housing Marketing Plan, if applicable; and

Additional exhibits: [Specify additional exhibits, if any. If none, insert "None."]

This Contract, including said exhibits, comprises the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein.

1.2 *Owner's warranties.* a. *Legal Capacity.* The Owner warrants that he has the legal right to execute this Contract and to lease dwelling units covered by this Contract.

b. *Completion of Work.* The Owner warrants that the project as described in Exhibit B is in good and tenantable condition and that all work has been completed in accordance with the terms and conditions of the Agreement to Enter into Housing Assistance Payments Contract ("Agreement") or will be completed in accordance with the terms on which the project was accepted. The Owner further warrants that he will remedy any defects or omissions covered by this warranty if called to his attention within 12 months of the effective date of this Contract.

1.3 *Families to be housed; HFA assistance.* a. *Families To Be Housed.* The Contract Units are to be leased by the Owner to eligible lower-income families ("Families") for use and occupancy by such Families solely as private dwellings.

b. *HFA Assistance.* The HFA hereby agrees to make housing assistance payments on behalf of Families for the Contract Units, to enable such Families to lease Decent, Safe, and Sanitary housing pursuant to section 8 of the Act. Such housing assistance payments shall equal the difference between the Contract Rents for units leased by Families and the portion of such rents payable by Families as determined by the Owner in accordance with schedules and criteria established by the Government.

1.4 *Term of contract; fiscal year.* a. *Term of Contract.* [Alternative provisions—incorporate alternative 1 or 2 as applicable.]

Alternative 1—for all projects except mobile homes:

The initial term of this Contract shall be ____ years (not to exceed five years) beginning with the effective date of this Contract and ending _____, 19__. This Contract may be renewed for ____ additional term(s) of ____ years each (not to exceed five years each), provided that the total Contract term for any unit, including renewals, shall not exceed ____ years. [Insert number as specifically authorized by the Government pursuant to 24 CFR Section 1278.203(d), but in no event more than 40.] Renewals shall be automatic unless (1) either party notifies the other in writing no later than 60 days prior to the expiration of the current term, of his desire not to renew, and (2) the other party agrees in writing that there shall be no renewal. If the project is accepted in stages, the dates for the initial term and renewal terms shall be

separately related to the units in each stage: Provided, however, that the total Contract term for the units in all the stages, counting from the effective date of the Contract with respect to the first stage, shall not exceed the total Contract term specified in the second sentence of this paragraph a, plus two years.

Alternative 2—For mobile homes project: In the case of mobile homes, the initial term of this Contract for each mobile home shall be ____ years (not to exceed five years) beginning with the effective date of this Contract and ending _____, 19____. This Contract may be renewed for ____ additional term(s) for any mobile home of ____ years each (not to exceed five years each), provided that the total Contract term for any mobile home, including renewals, shall not exceed ____ years. [Insert number as specifically authorized by the Government pursuant to 24 CFR Section 1278.203(d), but in no event more than 20.] Renewals shall become effective only if either party gives written notice, with a copy to the Government, no later than 60 days prior to the expiration of the current term, of his desire to renew, and the other party and the Government give their written concurrence and approval, respectively, before the expiration of the current term. If the project is completed in stages, the dates for the initial term and renewal terms shall be separately related to the mobile homes in each stage; Provided, however, that the total Contract term for the mobile homes in all the stages, counting from the effective date of the Contract with respect to the first stage, shall not exceed the total Contract term specified in the second sentence of this paragraph a, plus two years. For purposes of this paragraph a, the term "mobile home" means the original mobile home and any replacement(s), combined

b. *Fiscal Year.* The Fiscal Year for the project shall be the 12-month period ending on _____ [insert March 31, June 30, September 30, or December 31, as determined by the Government] of each calendar year; Provided, however, that the first Fiscal Year for the project shall be the period beginning with the effective date of the Contract and ending on the last day of said established Fiscal Year which is not less than 12 months after such effective date. If the first Fiscal Year exceeds 12 months, the maximum total annual housing assistance payment in Section 1.6a may be adjusted by the addition of the pro rata amount applicable to the period of operation in excess of 12 months.

1.5 *Annual contributions contract.* a. *Identification of Annual Contributions Contract.* The HFA has entered into an Annual Contributions Contract dated _____, 19__, with the Government, with respect to Project No. _____("ACC"), under which the Government will provide financial assistance to the HFA pursuant to section 8 of the Act, for the purpose of making housing assistance payments. A copy of the ACC shall be provided upon request.

b. *HFA Pledge of Certain ACC Payments.* The HFA hereby pledges to the payment of housing assistance payments pursuant to this Contract the portion of annual contributions payable under the ACC for such housing assistance payments. The HFA shall not, without the consent of the Owner, amend or modify the ACC in any manner which would reduce the amount of such annual contributions, except as authorized in the ACC and this Contract.

c. *Government Approval of Housing Assistance Payments Contract.* The approval of this Contract by the Government signifies that the Government has executed the ACC and that the ACC has been properly authorized; that the faith of the United States is solemnly pledged to the payment of annual contributions pursuant to said ACC; and that funds have been obligated by the Government for such payments to assist the HFA in the performance of its obligations under the Contract.

1.6 *Maximum housing assistance commitment; project reserve.* a. *Maximum Housing Assistance Commitment.* Notwithstanding any other provisions of this Contract (other than paragraph b of this Section) or any provisions of any other contract between the HFA and the Owner, the HFA shall not be obligated to make and shall not make any housing assistance payments under this Contract in excess of $_____ per annum (the amount specified in the ACC for such housing assistance payments); Provided, however, that this amount shall be reduced commensurate with any reduction in the number of units under this Contract.

b. *Project Reserve.* As provided in the ACC, a project account shall be established and maintained, in an amount as determined by the Government consistent with its responsibilities under section 8(c)(6) of the Act, out of amounts by which the maximum annual ACC commitment exceeds amounts paid under the ACC for any Fiscal Year. This account shall be established and maintained by the Government as a specifically identified and segregated account. To the extent funds are available in said account, the maximum total annual housing assistance payments for any Fiscal Year may exceed the maximum amount stated in paragraph a of this Section to cover increases in Contract Rents or decreases in Family incomes (see Section 1.9). Any amount remaining in said account after payment of the last housing assistance payment with respect to the project shall be applied by the Government as a receipt in accordance with section 10(b) of the Act.

1.7 *Housing assistance payments to owners.* a. *General.* Housing assistance payments shall be paid to the Owner for units under lease by Families in accordance with the Contract. The housing assistance payment will pay the Owner the difference between the Contract Rent and that portion of said rent payable by the Family as determined in accordance with the Government-established schedules and criteria. The amount of housing assistance payment payable on behalf of a Family and the amount of rent payable by such Family shall be subject to change by reason of changes in Family income, Family composition, extent of exceptional medical or other unusual expenses, or by reason of adjustment by the Government of any applicable Allowance for Utilities and Other Services. Any such change shall be determined in accordance with the Government-established schedules and criteria, and shall be effective as of the date stated in a notification of such change to the Family.

b. *Vacancies During Rent-Up.* If a Contract Unit is not leased as of the effective date of the Contract, the Owner shall be entitled to housing assistance payments in the amount of 70 percent of the Contract Rent for the unit for a vacancy period not exceeding 60 days from the effective date of the Contract, provided that the Owner (1) commenced marketing and otherwise complied with Section 1.3b of the Agreement, (2) has taken and continues to take all feasible actions to fill the vacancy, including, but not limited to, contacting applicants on his waiting list, requesting the HFA and other appropriate sources to refer eligible applicants, and advertising the availability of the unit, and (3) has not rejected any eligible applicant, except for good cause acceptable to the HFA.

c. *Vacancies After Rent-up.* (1) If a Family vacates its unit (other than as a result of action by the Owner which is in violation of the Lease or the Contract or any applicable law), the Owner shall receive housing assistance payments in the amount of 70 percent of the Contract Rent for a vacancy period not exceeding 60 days; Provided, however, that if the Owner collects any of the Family's share of the rent for this period in an amount which, when added to the 70 percent payments, results in more than the Contract Rent, such excess shall be payable to the Government or as the Government may direct. (See also Section 1.10b.) The Owner shall not be entitled to any payment under this subparagraph unless he: (i) immediately upon learning of the vacancy, has notified the HFA of the vacancy or prospective vacancy and the reasons for the vacancy, and (ii) has taken and continues to take the actions specified in paragraphs b(2) and (b)(3) of this Section.

(2) If the Owner proposes to evict a Family, he shall not be entitled to any payment under paragraph c(1) of this Section unless the request for such payment is supported by a certification that (i) he has given such Family a written notice of the proposed eviction, stating the grounds and advising the Family that it has 10 days within which to present its objections to the Owner in writing or in person and (ii) the proposed eviction is not in violation of the Lease or the Contract or any applicable law.

d. *Limitation on Payments for Vacant Units.* The Owner shall not be entitled to housing assistance payments with respect to vacant units under this Section to the extent he is entitled to payments from other sources (e.g., payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the Housing and Community Development Act of 1974 or payments under Section 1.10b of this Contract).

e. *HFA Not Obligated for Family Rent.* The HFA has not assumed any obligation for the amount of rent payable by any Family or the satisfaction of any claim by the Owner against any Family other than in accordance with Section 1.10b of this Contract.

f. *Owner's Monthly Requests for Payments.* (1) The Owner shall submit monthly requests to the HFA or as directed by the HFA for housing assistance payments. Each such request shall set forth: (i) the name of each Family and the address and/or number of the unit leased by the Family; (ii) the address and/or the number of units, if any, not leased to Families for which the Owner is claiming payments; (iii) the Contract Rent as set forth in Exhibit A for each unit for which the Owner is claiming payments; (iv) the amount of rent payable by the Family leasing the unit; and (v) the total amount of housing assistance payments requested by the Owner.

(2) Each of the Owner's monthly requests shall contain a certification by him that to the best of his knowledge and belief (i) the dwelling unit is in Decent, Safe, and Sanitary condition, (ii) all the other facts and data on which the request for funds is based are true and correct, (iii) the amount requested has been caluculated in accordance with the provisions of this Contract and is payable under the Contract, and (iv) none of the amount claimed has been previously claimed or paid.

(3) If the Owner has received an excessive payment, the HFA or the Government, in addition to any other rights to recovery, may deduct the amount from any subsequent payment or payments.

(4) The satement set forth in each of the Owner's monthly requests for housing assistance payments shall be made subject to

penalty under 18 U.S.C. 1001, which provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

1.8 *Maintenance, operation and inspection.* a. *Maintenance and Operation.* The Owner agrees (1) to maintain and operate the Contract Units and related facilities so as to provide Decent, Safe, and Sanitary housing, and (2) to provide all the services, maintenance and utilities set forth in Exhibit C. If the HFA determines that the Owner is not meeting any of these obligations, the HFA shall have the right, in addition to its other rights and remedies under this Contract to abate housing assistance payments in whole or in part.

b. *Inspection.* (1) Prior to occupancy of any unit by a Family, the Owner and the Family shall inspect the unit and both shall certify, on the form prescribed by the Government, that they have inspected the unit and have determined it to be Decent, Safe, and Sanitary in accordance with the criteria provided in the prescribed form.

(2) The HFA shall inspect or cause to be inspected each Contract Unit and related facilities at least annually and at such other times (including prior to initial occupancy of any unit) as the HFA may determine to be necessary to assure that the Owner is meeting his obligation to maintain the units in Decent, Safe, and Sanitary condition and to provide the agreed upon utilities and other services. The HFA shall take into account complaints by occupants and any other information coming up to its attention in scheduling inspections.

c. *Units Not Decent, Safe, and Sanitary.* If the HFA notifies the Owner that he has failed to maintain a dwelling unit in Decent, Safe, and Sanitary condition and the Owner fails to take corrective action within the time prescribed in the notice, the HFA may exercise any of its rights or remedies under the Contract, including abatement of housing assistance payments, even if the Family continues to occupy the unit. If, however, the Family wishes to be rehoused in another dwelling unit with Section 8 assistance and the HFA does not have other Section 8 funds for such purposes, the HFA may use the abated housing assistance payments for the purpose of rehousing the Family in another dwelling unit. Where this is done, the Owner shall be notified that he will be entitled to resumption of housing assistance payments for the vacated dwelling unit if (1) the unit is restored to Decent, Safe, and Sanitary condition, (2) the Family is willing to and does move back into the restored unit, and (3) a deduction is made for the expenses incurred by the Family for both moves.

d. *Notification of Abatement.* Any abatement of housing assistance payments shall be effective as provided in written notification to the Owner. The HFA shall promptly notify the Family of any such abatement.

e. *Overcrowded and Underoccupied Units.* If the HFA determines that a Contract unit is not Decent, Safe, and Sanitary by reason of overcrowding, or that a Contract unit is larger than appropriate for the size of the Family in occupancy, housing assistance payments with respect to such unit will not be abated, unless the Owner fails to offer the Family a suitable unit as soon as one becomes vacant and ready for occupancy. In the case of an overcrowded unit, if the Owner does not have any suitable units or if no vacancy of a suitable unit occurs within a reasonable time, the HFA will assist the Family in finding a suitable dwelling unit and require the Family to move to such a unit as soon as possible. The Owner may receive housing assistance payments for the vacated unit if he complies with the requirements of Section 1.7c(1).

1.9 *Rent adjustments.* a. *Funding of Adjustments.* Housing assistance payments will be made in increased amounts commensurate with Contract Rent adjustments under this Section up to the maximum total annual housing assistance payments committed under Section 1.6a of this Contract. The provisions of the ACC which are referred to in Section 1.6b of this Contract are designed (by providing for maximum total annual commitments in excess of the amounts required at the time of the initial rental of dwelling units and by setting aside such excess amounts in a project reserve) to assure that housing assistance payments will be increased on a timely basis to cover increases in Contract Rents or decreases in Family incomes. The ACC further provides that the Government will take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance, including (as provided in that section) "the reservation of annual contributions authority for the purpose of amending housing assistance contracts or the allocation of a portion of new authorizations for the purpose of amending housing assistance contracts."

b. *Automatic Annual Adjustments.* (1) Automatic Annual Adjustment Factors will be determined by the Government at least annually; interim revisions may be made as market conditions warrant. Such Factors and the basis for their determination will be published in the Federal Register. These published Factors will be reduced appropriately by the Government where utilities are paid directly by the Families.

(2) On each anniversary date of the Contract, the Contract Rents shall be adjusted by applying the applicable Automatic Annual Adjustment Factor most recently published by the Government. Contract Rents may be adjusted upward or downward, as may be appropriate; however, in no case shall the adjusted Contract Rents be less than the Contract Rents on the effective date of the Contract.

c. *Special Additional Adjustments.* Special additional adjustments may be granted, when approved by the Government, to reflect increases in the actual and necessary expenses of owning and maintaining the Contract Units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., costs for which the price or rate is established by or subject to regulation by a public body or entity), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by automatic annual adjustments. The Owner shall submit to the Government financial statements which clearly support the increase.

any other provisions of this Contract, ad-

d. *Overall Limitation.* Notwithstanding any other provisions of this Contract, adjustments as provided in this Section shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by the Government.

e. *Incorporation of Rent Adjustment.* Any adjustment in Contract Rents shall be incorporated into Exhibit A by a dated addendum to the exhibit.

1.10 *Marketing and leasing of units.* a. *Compliance with Equal Opportunity.* Marketing of units and selection of Families by the Owner shall be in accordance with the Owner's Government-approved Affirmative Fair Housing Marketing Plan, shown as Exhibit D, and with all regulations relating to fair housing advertising.

b. *Security Deposits.* The Owner shall not require Families to pay security deposits. In lieu thereof, the Owner may claim reimbursement from the HFA under this Contract for unpaid rent by a departing Family and/or cost of repairs for damage caused by such Family not to exceed a total reimbursement in an amount equal to one month's Contract Rent.

c. *Eligibility, Selection and Admission of Families.* (1) The Owner shall be responsible for determination of eligibility of applicants, selection of families from among those determined to be eligible, and computation of the amount of housing assistance payments on behalf of each selected Family in accordance with schedules and criteria established by the Government. In the initial renting of the Contract Units, the Owner shall lease at least ____ percent [the percentage agreed to by the Owner and the HFA] to Very Low-Income Families (determined in accordance with the Government established schedules and criteria) and shall thereafter exercise his best efforts to maintain at least that percentage of occupancy of the Contract Units by Very Low-Income Families as determined in accordance with such schedules and criteria.

(2) The Lease entered into between the Owner and each selected Family shall be on the form of Lease approved by the Government.

(3) The Owner shall make a reexamination of Family income, composition, and the extent of medical or other unusual expenses incurred by the Family, at least annually (except that such reviews may be made at intervals of no longer than two years in the case of elderly Families), and appropriate redeterminations shall be made by the Owner of the amount of Family contribution and the amount of housing assistance payment, all in accordance with schedules and criteria established by the Government.

d. *Rent Redetermination after Adjustment in Allowance for Utilities and Other Services.* In the event that the Owner is notified of an HFA determination making an adjustment in the Allowance for Utilities and Other Services applicable to any of the Contract Units, the Owner shall promptly make a corresponding adjustment in the amount of rent to be paid by the affected Families and the amount of housing assistance payments.

e. *Processing of Applications and Complaints.* The Owner shall process applications for admission, notifications to applicants, and complaints by applicants in accordance with applicable Government requirements and shall maintain records and furnish such copies or other information as may be required by the Government.

f. *Review; Incorrect Payments.* In making housing assistance payments to Owners, the HFA or the Government will review the Owner's determinations under this Section. If as a result of this review, or other reviews, audits or information received by the HFA or the Government at any time, it is determined that the Owner has received improper or excessive housing assistance payments, the HFA or the Government shall have the right to deduct the amount of such overpayments from any amounts otherwise due the Owner, or otherwise effect recovery thereof.

1.11 *Termination of tenancy.* The Owner shall be responsible for termination of tenancies, including evictions. However, conditions for payment of housing assistance payments for any resulting vacancies shall be as set forth in Section 1.7c.

1.12 *Reduction of number of contract units for failure to lease to eligible families.* a. *Twelve Months after Effective Date of Contract.* If at any time, beginning six months after the effective date of this Contract, the Owner fails for a continuous period of six months to have at least 80 percent of the Contract Units leased or available for leasing by Families, the HFA, with Government approval, may on 30 days notice reduce the number of Contract Units to not less than the number of units under lease or available for leasing by Families, plus 10 percent of such number, if that number is 10 or more, rounded to the next highest number.

b. *At End of Initial and Each Renewal Term.* At the end of the initial term of the Contract and of each renewal term, the HFA, with Government approval, may, by notice to the Owner, reduce the number of Contract Units to not less than (1) the number of units under lease or available for leasing by Families at that time or (2) the average number of units so leased or available for leasing during the last year, whichever is the greater, plus 10 percent of such number, if the number is 10 or more, rounded to the next highest number.

1.13 *Responsibility for administration of contract.* The HFA shall be primarily responsible for administration of the Contract. However, since the HFA provides the permanent financing as defined in the applicable Government regulations:

a. The Government shall have the right to make independent audits, reviews, and determinations as to compliance by the Owner with any or all of his obligations under the Contract;

b. In the event the Government determines that the Owner is in default with respect to any or all of his obligations, the Government shall have the right to take direct action (as if the Government were the party to the Contract primarily responsible for its administration) to enforce any or all available remedies, including, but not limited to, abatement of housing assistance payments, collection of payments previously made in violation of the Contract, and termination of the Contract in whole or in part; and

c. The Owner hereby expressly agrees to recognize the rights of the Government in the event it takes any action under this Section in the same manner and to the same extent as if the action were taken by the HFA.

Effective date. The effective date of this Contract is _____, 19____, [Insert date which shall be no earlier than the date of approval by the Government.]

WARNING: 18 U.S.C. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

Approved: United States of America, Secretary of Housing, and Urban Development.

By _____
_____
(Official Title)
Date _____, 19__

Owner _____
By _____
(Official Title)
Date _____, 19__
HFA _____
By _____
(Official Title)
Date _____, 19__

[If the project is to be completed and accepted in stages, execution of the Contract with respect to the several stages appears on the following pages of this Contract.]

EXECUTION OF CONTRACT WITH RESPECT TO CONTRACT UNITS COMPLETED AND ACCEPTED IN STAGES

STAGE 1

This Contract is hereby executed with respect to the units described in Exhibit A-1.

Effective date. The effective date of this Contract with respect to the units described in Exhibit A-1 is _____, 19__. [Insert date which shall be no earlier than the date of approval by the Government.]

Approved: United States of America, Secretary of Housing, and Urban Development.

By _____
_____
(Official Title)
Date _____, 19__

Owner _____
By _____
(Official Title)
Date _____, 19__
HFA _____
By _____
(Official Title)
Date _____, 19__

STAGE 2

This Contract is hereby executed with respect to the units described in Exhibit A-2.

Effective date. The effective date of this Contract with respect to the units described in Exhibit A-2 is _____, 19__. [Insert date which shall be no earlier than the date of approval by the Government.]

Approved: United States of America, Secretary of Housing, and Urban Development.

By _____
_____
(Official Title)
Date _____, 19__

Owner _____
By _____
(Official Title)
Date _____, 19__
HFA _____
By _____
(Official Title)
Date _____, 19__

STAGE 3

This Contract is hereby executed with respect to the units described in Exhibit A-3.

Effective date. The effective date of this Contract with respect to the units described in Exhibit A-3 is _____, 19__. [Insert date which shall be no earlier than the date of approval by the Government.]

Approved: United States of America Secretary of Housing and Urban Development.

By _____

_____

(Official Title)

Date _____, 19__

Owner _____

By _____

(Official Title)

Date _____, 19__

HFA _____

By _____

(Official Title)

Date _____, 19__

APPENDIX V

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

HOUSING ASSISTANCE PAYMENTS CONTRACT

New Construction and Substantial Rehabilitation Housing Finance Agencies

PART II

2.1 *Nondiscrimination in housing.* a. The Owner shall not in the selection of Families, in the provision of services, or in any other manner, discriminate against any person on the grounds of race, color, creed, religion, sex, or national origin. No person shall be *automatically* excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program because of membership in a class such as unmarried mothers, recipients of public assistance, etc.

b. The Owner shall comply with all requirements imposed by Title VIII of the Civil Rights Act of 1968, and any rules and regulations pursuant thereto.

c. The Owner shall comply with all requirements imposed by Title VI of the Civil Rights Act of 1964, Public Law 88-352, 78 Stat. 241; the regulations of the Department of Housing and Urban Development issued thereunder, 24 CFR, Subtitle A, Part 1, § 1.1, *et seq.*; the requirements of said Department pursuant to said regulations; and Executive Order 11063 to the end that, in accordance with that Act, the regulations and requirements of said Department thereunder, and said Executive Order, no person in the United States shall, on the grounds of race, color, creed, religion or national origin, be excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program, or be otherwise subjected to discrimination. This provision is included pursuant to the regulations of the Department of Housing and Urban Development, 24 CFR, Subtitle A, Part 1, § 1.1, *et seq.*; issued under Title VI of the said Civil Rights Act of 1964, and the requirements of said Department pursuant to said regulations; and the obligation of the Owner to comply therewith inures to the benefit of the Government, the said Department, and the HFA any of which shall be entitled to invoke any remedies available by law to redress any breach thereof or to compel compliance therewith by the Owner.

2.2 *Training, employment, and contracting opportunities for businesses and lower-income persons.*[1] a. The project assisted under this Contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u, Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

b. Notwithstanding any other provision of this Contract, the Owner shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR, Part 135 (published in 38 F.R. 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this Contract. The requirements of said regulations include, but are not limited to, development and implementation of an affirmative action plan for utilizing business concerns located within, or owned in substantial part by persons residing in, the area of the project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by § 135.20(b) of the regulations and paragraph d of this section in all contracts for work in connection with the project. The Owner certifies and agrees that he is under no contractual or other disability which would prevent him from complying with these requirements.

c. Compliance with the provisions of section 3, the regulations set forth in 24 CFR, Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this Contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the Owner, his successors and assigns. Failure to fulfill these requirements shall subject the Owner, his contractors and subcontractors, his successors, and assigns to the sanction specified by this Contract, and to such sanctions as are specified by 24 CFR 135.135.

d. The owner shall incorporate or cause to be incorporated into any contract or subcontract for work pursuant to this Contract in excess of $50,000 cost, the following clause:

Employment of project area residents and contractors. A. The work to be performed under this Contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

B. The parties to this contract will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR, Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this Contract. The parties to this Contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontract is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR, Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR, Part 135, and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR, Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the Contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.135.

e. The Owner agrees that he will be bound by the above Employment of Project Area Residents and Contractors clause with respect to his own employment practices when he participates in federally assisted work.

2.3 *Cooperation in equal opportunity compliance reviews.* The HFA and the Owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.4 *Flood insurance.* If the project is located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and if the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, the Owner agrees that the project will be covered, during its anticipated economic or useful life, by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.

2.5 *Clean Air Act and Federal Water Pollution Control Act.*[2] In compliance with

[1] Strike this section if the Contract Rents on the effective date of this Contract, over the maximum term of this Contract, are $500,000 or less.

[2] Strike this section if the contract rents on the effective date of this Contract, over the maximum total term of this Contract, are $100,000 or less.

regulations issued by the Environmental Protection Agency ("EPA"), 40 CFR, Part 15, 39 F.R. 11099, pursuant to the Clean Air Act, as amended ("Air Act"), 42 U.S.C. 1857, *et seq.*, the Federal Water Pollution Control Act, as amended ("Water Act"), 33 U.S.C. 1251, *et seq.*, and Executive Order 11738, the Owner agrees that:

a. Any facility to be utilized in the performance of this Contract or any subcontract shall not be a facility listed on the EPA List of Violating Facilities pursuant to section 15.20 of said regulations;

b. He will promptly notify the HFA of the receipt of any communication from the EPA indicating that a facility to be utilized for the Contract is under consideration to be listed on the EPA List of Violating Facilities;

c. He will comply with all the requirements of section 114 of the Air Act and section 308 of the Water Act relating to inspection; monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder; and

d. He will include or cause to be included the provisions of this Section in every nonexempt subcontract, and that he will take such action as the Government may direct as a means of enforcing such provisions.

2.6 *Reports and access to premises and records.* a. The Owner shall furnish such information and reports pertinent to the Contract as reasonably may be required from time to time by the HFA or the government.

b. The Owner shall permit the HFA or the Government or any of their duly authorized representatives to have access to the premises and, for the purpose of audit and examination, to have access to any books, documents, papers and records of the Owner that are pertinent to compliance with this Contract, including the verification of information pertinent to the monthly requests for housing assistance payments.

2.7 *Default by the owner.* a. A default by the Owner under this contract shall result if:

(1) The Owner has violated or failed to comply with any provision of, or obligation under, this Contract or of any Lease; or

(2) The Owner has asserted or demonstrated an intention not to perform some or all of his obligations under this Contract or under any Lease.

b. Upon a determination by the HFA that a default has occurred, the HFA with approval of the Government shall notify the Owner of the nature of the default, of the actions required to be taken on account of the default (including the curing of the default by the Owner, the abatement of housing assistance payments in whole or in part, where appropriate, or any combination of actions), and of the time within which the Owner shall respond with a showing that he has taken all the actions required of him. If the Owner fails to respond or take action to the satisfaction of the HFA and the Government, the HFA shall take appropriate actions as directed or approved by the Government, to achieve compliance or to terminate the Contract in whole or in part.

2.8 *Default by the HFA.* The ACC states that the ACC provisions quoted in this Section are made with, and for the benefit of, the Owner or his assignees who will have been specifically approved by the Government prior to such assignment, and that to enforce the performance of these provisions, the Owner and such assignees shall have the right to proceed against the Government by suit at law or in equity. Upon the determination by the Government that a default by the HFA has occurred, the following provisions of the ACC (which are hereby made a part of this Contract), shall be applicable:

(b) *Failure or Inability of HFA to Comply with Contract.* In the event of failure of the HFA to comply with the Contract with the Owner, or if such Contract is held to be void, voidable or ultra vires, or if the power or right of the HFA to enter into such Contract is drawn into question in any legal proceeding, or if the HFA asserts or claims that such Contract is not binding upon the HFA for any such reason, the Government may, after reasonable notice to the HFA, determine that the occurrence of any such event, if the Owner is not in default, constitutes a Substantial Default hereunder. In such case, the Government will assume the HFA's rights and obligations under such Contract, and the Government shall, for the duration of such Contract, continue to pay Annual Contributions for the purpose of making housing assistance payments with respect to dwelling units under such Contract, shall perform the obligations and enforce the rights of the HFA, and shall exercise such other powers as the Government may have to cure the Default.

(d) *Return of Rights and Obligations to HFA.* All rights and obligations of the HFA assumed by the Government pursuant to this Section 2.17 will be returned as constituted at the time of such return (1) when the Government is satisfied that all defaults have been cured and that the Project will thereafter be administered in accordance with all applicable requirements or (2) when the Housing Assitance Payments Contract is at an end, whichever ocurs sooner."

2.9 *Remedies not exclusive and non-waiver of remedies.* The availability of any remedy under this Contract shall not preclude the exercise of any other remedy under this Contract or under any provisions of law, nor shall any action taken in the exercise of any remedy be deemed a waiver of any other rights or remedies. Failure to exercise any right or remedy shall not constitute a waiver of the right to exercise that or any other right or remedy at any time.

2.10 *Disputes.* a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this Contract which is not disposed of by agreement of the HFA and the Owner may be submitted by either party to the Department of Housing and Urban Development field office director who shall make a decision and shall mail or otherwise furnish a written copy thereof to the Owner and the HFA.

b. The decision of the field office director shall be final and conclusive unless, within 30 days from the date of receipt of such copy, either party mails or otherwise furnishes to the Government a written appeal addressed to the Secretary of Housing and Urban Development. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this Section, the appellant shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, both parties shall proceed diligently with the performance of the Contract and in accordance with the decision of the field office director.

c. This Section does not preclude consideration of questions of law in connection with the decisions rendered under paragraphs a and b of this Section; Provided, however, that nothing herein shall be construed as making final the decision of any administrative official, representative, or board, on a question of law.

2.11 *Interest of members, officers, or employees or HFA, members of local governing body or other public officials.* No member, officer, or employee of the HFA, no member of the governing body of the State or locality (city and county) in which the project is situated or in which the PHA was activated in the case of a project owned by a PHA, and no other public official or such State or locality who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this Contract or in any proceeds or benefits arising therefrom.

2.12 *Interest of member of or delegate to Congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this Contract or to any benefits which may arise therefrom.

2.13 *Nonassignability.* a. The Owner agrees that he has not made and will not make any sale, assignment, or conveyance or transfer in any other form, of this Contract or the project or any part thereof or any of his interest therein, without the prior consent of the HFA and the Government; Provided, however, that in the case of an assignment as security for the purpose of obtaining financing of the project, the HFA and the government shall consent in writing if the terms of the financing have been approved by the government. An assignment by the owner to a limited partnership of which the owner is the sole general partner shall not be considered an assignment herein.

b. The Owner agrees to notify the HFA and the Government promptly of any proposed action covered by paragraph a of this Section. The Owner further agrees to request the written consent of the HFA and the Government in regard thereto, except in the case of an assignment as security as provided in paragraph a of this Section.

c. For the purpose of this Section, a transfer of stock in the Owner in whole or in part, by a party holding ten percent or more of the stock of said Owner, or a transfer by more than one stockholder or the Owner of ten percent or more of the stock of said Owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the Owner or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this Contract on the project. With respect to this provision, the Owner and the party signing this Contract on behalf of said Owner, represent that they have the authority of all of the existing stockholders of the Owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

DAVID M. DEWILDE,
Acting Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner.

[FR Doc.74-28575 Filed 12-5-74;8:45 am]

federal register

FRIDAY, DECEMBER 6, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 236

PART IV

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions, Modifications, and Supersedeas Decisions; Index

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 C.F.R. 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the 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

New General Wage Determination Decision Nos. AR–4063 and AR–85 for the States of North Carolina and Oklahoma respectively.

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:	
AR–4015	Aug. 9, 1974
AR–4043	Oct. 4, 1974
California:	
AR–1037, AR–1038	Sept. 27, 1974
Georgia:	
AR–4029	Sept. 6, 1974
Illinois:	
AR–3064, AR–3069	Aug. 9, 1974
Louisiana:	
AR–78	Nov. 15, 1974
Mississippi:	
AR–4041	Sept. 27, 1974
Missouri:	
AR–79	Nov. 15, 1974
Montana:	
AR–1017	Aug. 16, 1974
AR–1039	Sept. 27, 1974
Nebraska:	
AR–77	Nov. 15, 1974
New Jersey:	
AR–2041, AR–2042	Sept. 13, 1974
AR–2043, AR–2044	Sept. 6, 1974
AR–2074, AR–2075, AR–2076, AR–2077, AR–2078	Nov. 15, 1974
Oklahoma:	
AR–35	Sept. 27, 1974
AR–81	Nov. 22, 1974
Tennessee:	
AR–4021, AR–4022	Aug. 30, 1974
AR–4036	Sept. 13, 1974
Texas:	
AR–54	Sept. 27, 1974
AR–72	Nov. 1, 1974
Wyoming:	
AR–1004	July 26, 1974

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded:

Alabama:	
AR–4020(AR–4060)	Aug. 23, 1974
Georgia:	
AQ–4069(AR–4064)	Feb. 15, 1974
Hawaii:	
AQ–1096(AR–1052)	Apr. 19, 1974
North Dakota:	
AQ–1000(AR–1053)	July 13, 1973
Tennessee:	
AR–4007(AR–4061)	July 5, 1974
AR–4035(AR–4062)	Sept. 13, 1974
Texas:	
AR–41(AR–84)	Sept. 20, 1974
Washington:	
AR–1031(AR–1051)	Sept. 27, 1974

Signed at Washington, D. C., this 29th day of November 1974.

RAY J. DOLAN,
Assistant Administrator
Wage and Hour Division.

NEW DECISION

STATE: Oklahoma COUNTY: Garfield
DECISION NO.: AR-85 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	$8.45	.30	.60		.02
BOILERMAKERS	7.80	.30	.76		.03
BRICKLAYERS-Stonemasons	6.35				
CARPENTERS:					
Carpenters	6.35				
Millwrights-piledrivermen	6.90				
ELECTRICIANS:					
Zone I	8.20	.30	1%+.20		1%
Zone II	8.45	.30	1%+.20		1%
Zone III	8.70	.30	1%+.20		1%
CABLE SPLICERS:					
Zone I	8.45	.30	1%+.20		1%
Zone II	8.70	.30	1%+.20		1%
Zone III	8.95	.30	1%+.20		1%

ELECTRICIANS-CABLE SPLICERS ZONE DEFINITION

Zone I - the area within the twelve mile radius of the main Post Office located in the City of Enid
Zone II - The area between the twelve mile zone 1 radius to thirty mile radius of the zone 1 Post Office, except where zone 2 intercepts another zone 1 area
Zone III - The area outside zone 1 and 2 within the local union area.

ELEVATOR CONSTRUCTORS	7.51	.395	.26	2½%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2½%+a+b	.02
ELEVATOR CONSTRUCTORS" HELPERS (Probationary)	50%JR				
IRONWORKERS	8.34	.30	.35		.08
LABORERS:					
Group I - Uskilled laborers	4.05	.25	.20		
Group II - Air tool operators; mason tenders; mortar mixers; pipelayers & plasterers tender	4.25	.25	.20		
Group III - Powderman (make-up); blasterers and wagon drill op.	4.90	.25	.20		
LINE CONSTRUCTION:					
Linemen	8.00		1%		½%
Cable splicers	8.48		1%		½%
Hole digger operator	7.26		1%		½%
Heavy equipment operators (or pole cat equivalent)	7.26		1%		½%
Line truck driver (winch operator)	6.57		1%		½%
Jack hammerman	5.99		1%		½%
Powdermen	7.26		1%		½%
Truck driver (flat bed, ton and half and under)	5.70		1%		½%

Page 2

DECISION NO. AR-85

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE SETTERS	$7.35		.20		
PAINTERS:					
Group I	5.00				
Group II	5.50				
Group III	6.50				
Group IV	6.00				
Group V	6.35				
Group VI	7.00				
Group VII	7.35				

CLASSIFICATION DEFINITION
PAINTERS

Group I - Brush and tapers
Group II - Sandblasters
Group III - Swinging stage or chair up to 40 feet; Structural steel; Tanks and towers 25 feet and up to 40 feet (brush paid from ground)
Group IV - Sandblasters, on work over 40 feet (paid from ground)
Group V - Spray painting
Group VI - Swinging stage or chair over 40 feet
Group VII - Spray painting, swinging stage or chair over 40 feet structural steel and over 40 feet paid from ground

PLUMBERS-Pipefitters	8.06		.75		
POWER EQUIPMENT OPERATORS:					
Group I	8.25	.35	.25		.12
Group II	8.00	.35	.25		.12
Group III	7.75	.35	.25		.12
Group IV	7.50	.35	.25		.12
Group V	7.00	.35	.25		.12
Group VI	7.10	.35	.25		.12
Group VII	6.80	.35	.25		.12
Group VIII	6.50	.35	.25		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION

Group I
All crane type equipment with 100' of boom or over (including jib), all tower cranes and all crane type of 3 cu. yd. or more
Group II
Heavy duty mechanic; welder; crane hook and overhead monorail; whirley; panel board batch plant operator; derrick; piledriver; engineer; dragline; shovel, clamshell; backhoe; sideboom; gradall; hydro crane; cherry picker; hoists while operating 2 or more drums

DECISION NO. AR-85 PAGE 3

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION (CONT'D)

Group III

Motor patrol (blade); dozer (engine h.p. 65 or over); Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; Tournapull, DW 10, 15, 16, 20, 21 and similar rubber-tired equipment; Euclid, TS-24 and similar; loader operator or hi-lift (engine h.p. 65 or over); power driven hole digger; trenching machine; concrete pump-boom type

Group IV

Locomotive engineer; boring machine, tug boat; mixer, 18 cu. ft. and over; sand barge; dredging machine; tugger; hoist when operating one drum; welding machine, 3 to 6; air compressor, 3 to 6, 500 cu. ft. and under; air compressor, over 500 cu. ft. (1); pumps; battery, 3 to 6; fork-lift; bobcat and similar equipment; generator plant engineer, Diesel electric; winch trucks with A-frame; rollers all types; outside elevator or building of personnel hoist; concrete buster or tamper; heater under jurisdiction of op.; engineers, fireman; boiler operator; crushing plants; oiler distributor; pulvimixer; farmer tractor with or without attachments; batch plant operator (portable); conveyor operator-duel, continuous or belt, bulk handling, screened operator; concrete pump; form grader; screening plant; well point pump operator; signal man on large whirleys when and if required, operator for rotary drilling machine when operated from console or machines

Group V

Permanant elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft.; air compressor 500 cu. ft. and under (1 or 2); welding machine (1 or 2); fuelman; conveyor operator-single continuous belt bulk handling

Group VI

Greaser, tilt top trailer operator

Group VII

Asphalt lay machine back end man helpers

Group VIII

Truck crane oiler driver or truck crane oiler

Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications.

Engineers or all classifications when working in caverns or tunnels shall receive 25¢ per hour above listed rates.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$7.00	.25	.25		.04
SHEET METAL WORKERS	8.00	.40	.40		.05
SOFT FLOOR LAYERS (RESILIENT FLOOR LAYERS & CARPET LAYERS)	7.20	.40			
SPRINKLER FITTERS	9.05	.50	.70		.08
TERRAZZO WORKERS	7.35		.20		
TERRAZZO WORKERS HELPER	5.95				
TERRAZZO WORKERS HELPER, FLOOR MACHINE OPERATOR	6.15				

Page 4

DECISION NO. AR-85

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TERRAZZO WORKERS HELPERS, BASE MACHINE OPERATOR	$6.45				
TILE LAYERS	7.35		.20		
TILE AND MARBLE HELPERS (EXPERIENCED HELPERS)	5.20				
TRUCK DRIVERS:					
Group I	5.32				
Group II	5.52				
Group III	5.22				

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

Group I - Truck drivers for heavy equipment such as lowboys, heavy winch and floats

Group II - Heavy earth moving equipment such as euclids, Mississippi wagons, 10 yards and tail dumps

Group III - Truck drivers and swampers, such as dump trucks, flat beds, stake bodies and 3/4 and 1/2 ton pick-up trucks

Welders - receive rate prescribed for craft to which welding is incidental

FOOTNOTES:

a - 1st 6 mos. to 5 yrs. 2%; over 5 yrs. 4% of basic hourly rate.

b - paid holidays, A through F

PAID HOLIDAYS:

A-New Years' Day, B-Memorial Day, C-Independence Day; D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

NEW DECISION

STATE: North Carolina
COUNTY: Wilkes
DECISION NO. AR-4063
DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

97-NC-1-G (1-1)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air conditioning mechanic	3.92				
Bricklayers	5.02				
Carpenters	3.57				
Electricians	3.50				
Laborers:					
Laborers	2.50				
Mason tenders	2.50				
Painters, brush	3.30				
Plasterers	4.50				
Plumbers & Pipefitters	3.91				
Roofers	3.11				
Sheet metal workers	2.90				
Truck drivers	3.25				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Front end loader	3.75				
Tractor operator	3.50				

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-4015 - Mod. #3 (39 FR 28772 - August 9, 1974) Colbert and Lauderdale Counties, Alabama					
Change:					
Sprinkler fitters	$8.75	.50	.70		.08
DECISION #AR-4043 - Mod. #2 (39 FR 35918 - October 4, 1974) Jefferson County, Alabama					
Change:					
Sprinkler fitters	8.75	.50	.70		.08
DECISION #AR-1037 - Mod. #4 (39 FR 34930 - September 27, 1974) Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Eldorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Plumas, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties, California					
Change:					
Bricklayers; Stonemasons:					
Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma and Trinity Cos.	$ 9.57	.85	.58	1.00	
Butte, Colusa, Eldorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo & Yuba Counties	9.75	.73	.72		.22
Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties	8.80	.55	.60	1.00	
Cement Masons:					
Cement Masons	8.46	.90	1.25	1.25	
Mastic; Magnesite; All Comp. Masons	8.71	.90	1.25	1.25	
Men Working from swinging or slip form scaffolds	8.71	.90	1.25	1.25	

MODIFICATIONS P. 2

DECISION NO. AR-1037 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Electricians:					
San Francisco County					
Electricians	$ 10.42	.705	1%+.50		.04
Cable Splicers	11.72	.705	1%+.50		.04
San Benito & Santa Clara Counties					
Electricians	10.40	.52	1%+.60		.02
Cable Splicers	11.70	.52	1%+.60		.02
Fresno, Kings, Madera and Tulare Counties					
Electricians	9.61	.50	1%+.60		.05
Cable Splicers	10.01	.50	1%+.60		.05
Del Norte and Humboldt Counties					
Electricians	9.50	.47	1%+.35		.01
Cable Splicers	10.26	.47	1%+.35		.01
Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity Counties					
Electricians	9.39	.55	1%+.40		.005
Cable Splicers	10.33	.55	1%+.40		.005
Monterey County					
Electricians	10.77	.55	1%		.01
Cable Splicers	11.90	.55	1%		.01
Elevator Constructors	10.70	.445	.29	2%+a	.02
Elevator Constructors' Helpers	70%JR	.445	.29	2%+a	.02
Ironworkers:					
Fence Erectors	8.89	.73	.975	.85	.02
Reinforcing	9.78	.73	.975	.85	.02
Ornamental; Structural	9.78	.73	.975	.85	.02
Sprinkler Fitters:					
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	12.585	.50	.70		.09
Sprinkler Fitters:					
Remaining Counties	11.85	.50	.70		.08

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-1038 - Mod. #3 (39 FR 34945-September 27, 1974) Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, Eldorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties, California					
Change:					
Bricklayers; Stonemasons:					
Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties	$ 9.57	.85	.58	1.00	
Eldorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Cos.	9.75	.73	.72		.22
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Cos.	8.80	.55	.60	1.00	
Cement Masons:					
Cement Masons	8.46	.90	1.25	1.25	
Mastic; Magnesite; All Comp. Masons	8.71	.90	1.25	1.25	
Men Working from swinging or slip form scaffolds	8.71	.90	1.25	1.25	
Electricians:					
San Francisco County					
Electricians	10.42	.705	1%+.50		.04
Cable Splicers	11.72	.705	1%+.50		.04
San Benito and Santa Clara Cos.					
Electricians	10.40	.52	1%+.60		.02
Cable Splicers	11.70	.52	1%+.60		.02

MODIFICATIONS P. 4

DECISION NO. AR-1038 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Electricians (Cont'd):					
Fresno County					
Electricians (Family residences, not to exceed 2 stories)	$ 7.53	.50	1%+.60		.05
Electricians (3-4 stories):					
Electricians	9.61	.50	1%+.60		.05
Cable Splicers	10.01	.50	1%+.60		.05
Del Norte and Humboldt Counties					
Electricians	9.50	.47	1%+.35		.01
Cable Splicers	10.26	.47	1%+.35		.01
Shasta and Tehama Counties					
Electricians (Family residences, limited to 3 stories)	6.88	.55	1%+.40		.005
Electricians (4 stories):					
Electricians	9.39	.55	1%+.40		.005
Cable Splicers	10.33	.55	1%+.40		.005
Monterey County					
Electricians	10.77	.55	1%		.01
Cable Splicers	11.90	.55	1%		.01
Elevator Constructors	10.70	.445	.29	2%+a	.02
Elevator Constructors' Helpers	70%JR	.445	.29	2%+a	.02
Ironworkers:					
Fence Erectors	8.89	.73	.975	.85	.02
Reinforcing	9.78	.73	.975	.85	.02
Ornamental; Structural	9.78	.73	.975	.85	.02
Sprinkler Fitters:					
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	12.585	.50	.70		.09
Sprinkler Fitters:					
Remaining Counties	11.85	.50	.70		.08
DECISION #AR-4029 - Mod. #3 (39 FR 32445 - Sept. 6. 1974) Fulton, Clayton, Cobb & De Kalb Counties, Georgia					
Add:					
Under Counties: Gwinnett					
Change:					
Bricklayers:					
Bricklayers and Stonemasons	7.70	.35	.40	.65	.05
Marble Masons, Terrazzo Workers and Tile Setters	8.15	.30	.40		
Plumbers and Steamfitters	8.95	.35	.50		.08

MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3064 - Mod. #1 (39 FR 28800 - August 9, 1974) Cook County, Illinois						
CHANGE:						
Ironworkers:						
Structural & Reinforcing	$10.38	.84	.98		.05	
Riggers & Machinery Movers	9.20	.40	1.025	.70	.10	
Marble Setters	9.97	.50		.60		
Pipefitters	10.35	.55	.70		.02	
Plumbers	10.32	.55	.55		.05	
Roofers:						
Slate & Tile	10.00	.65	.50		.02	
Terrazzo Workers	8.95	.30	.30			
Tile Setters' Helpers	8.10	e2.45	e3.40			
ADD:						
Under Footnotes:						
e-Per Day						
DECISION #AR-3069 - Mod. #1 (39 FR 28813 - August 9, 1974) Peoria & Tazewell Counties, Illinois						
OMIT:						
Under Bricklayers & Stonemasons:						
Green Valley, Manito, Pekin, Mackinaw & Tremont (Tazewell County)	5.20	.225	.30			
Peoria County & the Remainder of Tazewell County	8.92	.45	.40		.05	
ADD:						
Bricklayers & Stonemasons	8.92	.45	.40		.05	
CHANGE:						
Cement Masons	8.65	.40	.40		.05	
Electricians	9.17	.30	1%+.30		1%	
Glaziers	8.585	.40	.30		.005	
Ironworkers	9.025	.40	.475			
Marble-Tile & Terrazzo Workers	8.70	.45	.40			
Marble & Tile Helpers	8.00	.45				
Terrazzo Helpers & Floor Machine Op.	8.08	.45				
Base Machine Operator	8.33	.45				
Plasterers	9.05	.40	.40			
Sprinkler Fitters	9.40	.50	.70		.08	

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-78 - Mod. #1 (39 FR 40429 - November 15, 1974) Statewide Louisiana					
Change:					
Carpenters:					
Zone 4	$7.30	.20	.25		.04
Glaziers:					
Zone 1	6.05				
Piledrivermen:					
Zone 2	7.30	.20	.25		.04
DECISION #AR-4041 - Mod. #1 (39 FR 34996 - September 27, 1974) Harrison, Hancock, Jackson and Pearl River Counties, Mississippi					
Change:					
Asbestos Workers (Jackson, Hancock and Harrison)	$8.60	.395	.75		.02
Piledrivermen	8.00	.30	.30		

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-79 - Mod. #1 (39 FR 40449 - November 15, 1974) Description of Work and Locations: Heavy and Highway Construction, Missouri					
Change:					
Cement masons					
Zone 4	$9.155	.40	.50	.75	
Laborers					
Zone 3					
Group 1	5.28	.50	.50	.50	.10
Group 2	5.43	.50	.50	.50	.10
Group 3	5.58	.50	.50	.50	.10
Group 4	5.78	.50	.50	.50	.10
Group 5	6.03	.50	.50	.50	.10
Zone 8					
Group 1	7.30	.50	.50	.65	.10
Group 2	7.45	.50	.50	.65	.10
Group 3	7.60	.50	.50	.65	.10
Group 4	7.80	.50	.50	.65	.10
Group 5	8.10	.50	.50	.65	.10
Power Equipment Operators					
Zone 1					
Group 1	9.35	.50	.75	.75	.10
Group 2	9.10	.50	.75	.75	.10
Group 3	8.85	.50	.75	.75	.10
Group 4	8.10	.50	.75	.75	.10
Group 5	9.60	.50	.75	.75	.10
Group 6	9.85	.50	.75	.75	.10
Group 7	9.35	.50	.75	.75	.10
Zone 3					
Group 1	8.90	.35	.50	.40	.02
Group 2	8.70	.35	.50	.40	.02
Group 3	8.50	.35	.50	.40	.02
Group 4	7.90	.35	.50	.40	.02
Group 5	9.15	.35	.50	.40	.02
Group 6	9.40	.35	.50	.40	.02
Group 7	9.65	.35	.50	.40	.02

MODIFICATIONS P. 8

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DECISION NO. AR-79 - Cont'd

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Power Equipment Operators(contd.)					
Zone 4					
Group 1	$8.50	.35	.50	.40	.02
Group 2	8.15	.35	.50	.40	.02
Group 3	7.95	.35	.50	.40	.02
Group 4	7.10	.35	.50	.40	.02
Group 5	8.75	.35	.50	.40	.02
Group 6	9.00	.35	.50	.40	.02
Group 7	9.25	.35	.50	.40	.02
Zone 5					
Group 1	9.35	.50	.75	.75	.10
Group 2	9.15	.50	.75	.75	.10
Group 3	8.95	.50	.75	.75	.10
Group 4	8.10	.50	.75	.75	.10
Group 5	9.60	.50	.75	.75	.10
Group 6	9.85	.50	.75	.75	.10
Group 7	10.10	.50	.75	.75	.10
Group 8	8.60	.50	.75	.75	.10
Zone 6					
Group 1	8.40	.50	.50	.75	.10
Group 2	8.05	.50	.50	.75	.10
Group 3	7.85	.50	.50	.75	.10
Group 4	7.10	.50	.50	.75	.10
Group 5	8.65	.50	.50	.75	.10
Group 6	8.90	.50	.50	.75	.10
Group 7	9.15	.50	.50	.75	.10
Group 8	7.60	.50	.50	.75	.10
Zone 7					
Group 1	9.00	.40	.25		.02
Group 2	8.65	.40	.25		.02
Group 3	8.45	.40	.25		.02
Group 4	7.45	.40	.25		.02
Group 5	9.25	.40	.25		.02
Group 6	9.50	.40	.25		.02
Group 7	9.75	.40	.25		.02
Group 8	8.20	.40	.25		.02

MODIFICATIONS P. 9

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DECISION NO. AR-79 - Cont'd.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Power Equipment Operators(contd.)					
Zone 8					
Group 1	9.00	.40	.25		.02
Group 2	8.65	.40	.25		.02
Group 3	8.45	.40	.25		.02
Group 4	7.45	.40	.25		.02
Group 5	9.25	.40	.25		.02
Group 6	9.50	.40	.25		.02
Group 7	9.75	.40	.25		.02
Group 8	8.20	.40	.25		.02
Truck Drivers					
Zone 2					
Group 1	8.09	.50	.50	.75	
Group 2	8.29	.50	.50	.75	
Group 3	8.60	.50	.50	.75	
Group 4	8.75	.50	.50	.75	
Group 5	7.865	.50	.50	.75	
Add:					
Power Equipment Operators					
Zone 1					
Group 8	8.60	.50	.75	.75	.10

Classification Definitions
Power Equipment Operators Zone 1
Group 8 - Oiler driver, all types

MODIFICATIONS P. 10

DECISION #AR-1017 - Mod. #3
(39 FR 29853 - August 16, 1974)
Statewide, Montana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Sheet Metal Workers:					
Broadwater, Jefferson(including north ½ of the city of Boulder), Lewis and Clark and Meagher Counties	8.04	.32	.20		.04
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	8.01	.32	.20		.04
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Valley, Wheatland, Wibaux, Treasure and Yellowstone Counties	7.95	.37	.20		.04

MODIFICATIONS P. 11

DECISION #AR-1039 - Mod. #1
(39 FR 34999 - September 27, 1974)
Statewide, Montana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Sheet Metal Workers:					
Broadwater, Jefferson(including north ½ of the city of Boulder), Lewis and Clark and Meagher Counties	8.04	.32	.20		.04
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	8.01	.32	.20		.04
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Valley, Wheatland, Wibaux, Treasure and Yellowstone Counties	7.95	.37	.20		.04

MODIFICATIONS P. 12

DECISION NO. AR-77 - Mod. #1
(39 FR 40465 - November 15, 1974)
Douglas and Sarpy Counties, Nebraska

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Electricians	$10.08	.48	1%+.50		1/4%
Plumbers; Steamfitters	9.76	.35	.55		.10
LINE CONSTRUCTION:					
Linemen	8.09	.35	1%	d	1/2%
Cable splicers	8.49	.35	1%	d	1/2%
Truck driver	5.86	.35	1%	d	1/2%
Equipment operators	7.61	.35	1%	d	1/2%
Groundmen:					
(Inexperienced) 1st 6 months	2.75	.35	1%	d	1/2%
(Inexperienced) 2nd 6 months	4.02	.35	1%	d	1/2%
Thereafter	5.31	.35	1%	d	1/2%

ADD:
FOOTNOTE (d)
Paid Holidays - Memorial Day and Thanksgiving Day - Also employees who are on the employer's payroll on the scheduled work day immeidately preceding or following New Years Day; Fourth of July; Labor Day; and Christmas Day or days celebrated as such holidays, shall receive eight hours pay at straight-time rate.

MODIFICATIONS P. 13

DECISION #AR-2041 - Mod. #2	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
(39 FR 33172 - September 13, 1974)					
Morris County, New Jersey					
Change:					
Boilermakers	$9.48	8%	19%	10%	.01
Boilermakers' Helpers	8.95	8%	19%	10%	.01
Bricklayers, Stone Masons, Plasterers & Cement Masons: Stephensburg, Pleasant Grove, Middle Valley & Parker	9.69	.45	.45		.02
Ironworkers: Structural, Ornamental & Reinforcing: Perth Amboy	9.62	7%	23%	10%	1%
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	.65+1.10		
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 regular scheduled work days immediately preceding and following the holiday.					
Add:					
Tile Setters' Helpers	8.01	6%	7%		
Omit:					
FOOTNOTE - f					
Lathers - ALL Classifications and Wages					

MODIFICATIONS P. 14

DECISION #AR-2043 - Mod. #2	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
(39 FR 32456 - September 6, 1974)					
Somerset County, New Jersey					
Change:					
Asbestos Workers: 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: Remainder of County	9.80	.50	.50		
Electricians & Cable Splicers	10.83	4%	1%+.30		.02
Ironworkers: Structural, Ornamental & Reinforcing - nearest town as listed below:					
Easton, Pennsylvania	10.00	.64	1.06		
Trenton	9.74	.64	1.06	10%	.05
Perth Amboy	9.62	7%	23%	10%	1%
Roofers:					
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:					
Bernardsville, Basking Ridge, Mine Brook, Far Hills, Lyons, Mt. Bethel, Watchung, N. Plainfield, Martinville and Somerville	10.53	.50	.70		.07
Remainder of County	10.00	.50	.70		.08
Terrazzo Workers	8.71	.45+.62	1.19		
Tile Setters	8.20	.55	.65+1.10		
FOOTNOTES:					
e. 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 days immediately preceding and following the holiday.					
Add:					
Tile Setters' Helpers	8.01	6%	7%		
Omit:					
FOOTNOTE - f					
Lathers - ALL Classifications and Wages					

MODIFICATIONS P. 15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2042 - Mod. #3 (39 FR 33179 - September 13, 1974) Passaic County, New Jersey					
Omit: Lathers - ALL Classifications & Wages					
DECISION #AR-2044 - Mod. #3 (39 FR 32464 - September 6, 1974) Union County, New Jersey					
Omit: Lathers - ALL Classifications & Wages					
DECISION #AR-2074 - Mod. #1 (39 FR 40378 - November 15, 1974) Warren County, New Jersey					
Change: Bricklayers, Cement Masons, Plasterers, Stone Masons, Marble Masons, Terrazzo Workers & Tile Setters	$9.69	.45	.45		.02
DECISION #AR-2078 - Mod. #1 (39 FR 40473 - November 15, 1974) Bergen County, New Jersey					
Change:					
Pipefitters	$10.00	.60	.80	1.00	.25
Tile Setters	8.20	.55	1.75		
Add:					
Tile Setters' Helpers	8.01	6%	7%		
Omit: Lathers - ALL Classifications & Wages					

MODIFICATIONS P. 16

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2075 - Mod. #1 (39 FR 40386 - November 15, 1974) Sussex County, New Jersey					
Change:					
Bricklayers, Cement Masons, Plasterers & Stone Masons:					
Branchville, Flatbrookville, Swartswood, Halsey, Newton & Stillwater	$9.69	.45	.45		.02
Marble Setters:					
Branchville, Flatbrookville, Swartswood, Halsey, Newton & Stillwater	9.69	.45	.45		.02
Remainder of County	7.80	.78	.94		
Terrazzo Workers:					
Branchville, Flatbrookville, Swartswood, Halsey, Newton & Stillwater	9.69	.45	.45		.02
Remainder of County	8.71	.45+.62	1.19		
Tile Setters:					
Branchville, Flatbrookville, Swartswood, Halsey, Newton & Stillwater	9.69	.45	.45		.02
Remainder of County	8.20	.55	1.75		
Add:					
Tile Setters' Helpers	8.01	6%	7%		
Omit:					
Lathers - ALL Classifications & Wages					
Marble Setters' Helpers					
Terrazzo Workers' Helpers					

MODIFICATIONS P. 17

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2076 - Mod. #1					
(39 FR 40393 - November 15, 1974)					
Hunterdon County, New Jersey					
Change:					
Bricklayers, Cement Masons, Plasterers & Stone Masons:					
Remainder of County	$9.69	.45	.45		.02
Marble Masons:					
Wertsville, Reaville, Flemington, Hamden, Clinton, Penwell and cities east thereof to county line.	7.80	.78	.94		
Remainder of County	9.69	.45	.45		.02
Terrazzo Workers:					
Wertsville, Reaville, Flemington, Hamden, Clinton, Penwell and cities east thereof to county line.	8.71	.45+.62	1.19		
Remainder of County	9.69	.45	.45		.02
Tile Setters:					
Wertsville, Reaville, Flemington, Hamden, Clinton, Penwell and cities east thereof to county line.	8.20	.55	1.75		
Add:					
Tile Setters Helpers	8.01	6%	7%		
Omit:					
Lathers - All Classifications & Wages					
Marble Setters' Helpers					
Terrazzo Workers' Helpers					

MODIFICATIONS P. 18

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2077 - Mod. #1					
(39 FR 40467 - November 15, 1974)					
Atlantic & Cape May Counties					
Change:					
Asbestos Workers	$10.12	.50	.50		
Add:					
Tile Setters' Helpers	8.01	6%	7%		
Omit:					
Lathers - All Classifications & Wages					
DECISION NO. AR-35-Mod. #2					
(39 FR 35043 - September 27, 1974)					
Muskogee County, Oklahoma					
Add to Counties:					
Adair and Cherokee Counties					
Change:					
Sprinkler fitters	$9.05	.50	.70		.08
Painters, commercial brush and roller	5.35		.25	.20	
DECISION NO. AR-81-Mod. #1					
(39 FR 41160 - November 22, 1974)					
Oklahoma, Cleveland, Canadian, Lincoln, Pottawatomie, McClain and Seminole Counties, Oklahoma					
Change:					
PAINTERS:					
Brush	$6.95	.40	.35	.25	.03
Spray under 30 feet	7.45	.40	.35	.25	.03
Spray over 30 feet	7.95	.40	.35	.25	.03
SOFT FLOOR LAYERS:					
Resilient floor layers and carpet layers	7.45	.40			
Omit:					
Painters, sandblaster	7.30	.40	.35	.20	.02
ADD:					
PAINTERS:					
Sandblasting under 30 feet	7.45	.40	.35	.25	.03
Sandblasting over 30 feet	7.95	.40	.35	.25	.03
Hazardous work	7.45	.40	.35	.25	.03
Paperhanging	7.95	.40	.35	.25	.03
Tapers using machine tools	7.45	.40	.35	.25	.03

MODIFICATIONS P. 19

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-4021 - Mod. #2 (39 FR 31868 - August 30, 1974) Davidson County, Tennessee					
Change:					
Carpenters	$7.65	.15	.10		.01
Cement masons	6.04	.25			
Millwrights	7.80	.15	.10		.01
Sprinkler fitters	8.75	.50	.70		.08
DECISION #AR-4022 - Mod. #2 (39 FR 31869 - August 30, 1974) Knox County, Tennessee					
Change:					
Carpenters	7.09		.25		
Electricians & Line Construction:					
Electricians and Linemen	7.85	.30	1%		.5%
Cable splicers	8.25	.30	1%		.5%
Millwrights	7.61		.25		
Piledrivermen	7.34		.25		
Plasterers	7.75				
Roofers, composition	6.30		.25		
Roofers, slate & tile	6.35		.25		
Soft floor layers	7.09		.25		
Sprinkler fitters	8.75	.50	.70		.08
DECISION #AR-4036 - Mod. #4 (39 FR 33193 - September 13, 1974) Shelby County, Tennessee					
Change:					
Painters:					
Brush	7.90		.30		.05
Sandblasting; Spray; Steel	8.15		.30		.05
Sprinkler fitters	8.75	.50	.70		.08
Steamfitters, air conditioning mechanics and pipefitters	9.42	.30	.30		

MODIFICATIONS P. 20

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-54 - Mod. #2 (39 FR 35071 - September 27, 1974) Bell, Bosque, Coryell, Falls, Hill & McLennan Counties, Texas					
Add:					
Lathers	$7.05	.30		.50	.05
DECISION #AR-72 - Mod. #1 (39 FR 38799 - November 1, 1974) Taylor County, Texas					
Add:					
Line Construction:					
Lineman	6.45	.30	1%		1/4%
Cable splicers	6.70	.30	1%		1/4%
Groundman (over 1 year of experience)	4.84	.30	1%		1/4%
Groundman (under 1 year of experience)	3.87	.30	1%		1/4%
Equipment operator	5.29	.30	1%		1/4%
Flat bed truck driver	4.06	.30	1%		1/4%
DECISION #AR-1004 - Mod. #3 (39 FR 27415 - July 26, 1974) Converse, Goshen, Laramie, Natrona, Niobrara and Platte Counties, Wyoming					
Change:					
Electricians:					
Goshen, Laramie, Platte and Niobrara Counties					
Electricians	8.53	.42	1%		4/10%
Cable Splicers	8.78	.42	1%		4/10%

SUPERSEDEAS DECISION

STATE: Alabama COUNTY: Mobile
DECISION NUMBER: AR-4060 DATE: Date of Publication
Supersedes Decision No. AR-4020 dated August 23, 1974 in 39 FR 30671
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$8.60	.395	.75	a	.02
Boilermakers	7.50	.40	.90		.02
Bricklayers; Caulkers; Cleaners; Marble setters; Pointers; Stonemasons; Terrazzo workers; & Tile setters	8.42		.80		
Carpenters:					
Carpenters; & Soft floor layers	7.75	.30	.30		
Carpenters on creosote material; Power saw operator; Piledriver	8.00	.30	.30		
Millwright; & Piledriver on creosote material	8.25	.30	.30		
Cement masons	7.55	.30	.30		
Electricians:					
Electricians	8.75	.30	1%+.25	.125	1/10 of 1%
Cable splicers	9.00	.30	1%+.25	.125	1/10 of 1%
Elevator constructors	7.56	.395	.26	2½%+b+c	.02
Elevator constructors' helpers	70%JR	.395	.26	2½%+b+c	.02
Elevator constructors' helpers (Prob.)	50%JR				
Glaziers	6.25	.30	.15		
Ironworkers	8.13	.30	.30		
Lathers	7.13	.28	.25		.01
Line Construction:					
Linemen	8.75	.30	1%+.25	.125	1/10 of 1%
Cable splicers	9.00	.30	1%+.25	.125	1/10 of 1%
Painters:					
Brush	7.88	.30	.05	d	.01
Industrial	8.13	.30	.05	d	.01
Hazardous	8.38	.30	.05	d	.01
Spraying bituminous coatings	8.88	.30	.05	d	.01
Plasterers	8.21	.30	.30		
Plumbers; Steamfitters	9.45	.30	.45	e	.03
Roofers	6.93		.20	f	
Sheet metal workers	7.29	.40	.40	g	.01
Sprinkler fitters	8.75	.50	.70		.08
Welders: Rate for craft					

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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.

FOOTNOTES:

a. 2 Paid Holidays: D and Mardis Gras Day, provided the employee works at least one day out of the 3 work days prior to the paid holidays, and the first work day of the paid holiday.

b. 6 Paid Holidays: A through F.

c. Employer contributes 4% basic hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% basic hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

d. 1 Paid Holiday: F

e. 8 Paid Holidays: A, C, D, E, F, Day after Thanksgiving Day, Christmas Eve, and Mardi Gras

f. 40 hours' paid vacation after 1 year of employment; 2 paid holidays: A & C.

g. 5 Paid Holidays: A, C, D, E and F.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$4.40	.28	.25		
GROUP B	4.58	.28	.25		
GROUP C	4.80	.28	.25		
GROUP D	5.50	.28	.25		
GROUP E	5.72	.28	.25		
GROUP F	5.28	.28	.25		
GROUP G	5.09	.28	.25		
GROUP H	4.74	.28	.25		
GROUP I	4.85	.28	.25		
GROUP J	5.38	.28	.25		
GROUP K	4.87	.28	.25		
GROUP L	5.28	.28	.25		
GROUP M	4.85	.28	.25		

GROUP A: General Building Construction Laborers

GROUP B: Mortar makers (any method), hod carriers, paving breakers - breaking & chipping concrete (any method), air operating tools (elec. or gas), mason and plaster tenders, tile setter & terrazzo helpers, handling creosote or coppertox materials, glass wool and all types insulation, kettle man, asphalt raker & tamper, drills and vibrators, concrete dump bucketman, All concrete rollers, wheel barrows, Georgia buggies, pipe cleaners & pipe layers (of clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe for main & side sewers and drainage only), pipe wipers (inside and out)

GROUP C: Gunnite or pressure concrete workers, nozzleman, gunman, rodman, power driven buggy mobiles, height: all work performed 40 ft. on scaffolds, inside and out (except where scaffolds are solid from wall to wall inside)

GROUP D: Cofferdam or tunnel workers (underground)

GROUP E: Blasting (powderman)

GROUP F: Concrete sawman

GROUP G: Form setters; roadways, runways, highways

GROUP H: Track laborer

GROUP I: Brick washers (laborers)

GROUP J: Burners on dismantling (anything not to be reused)

GROUP K: Stack laborers

GROUP L: Stack laborers (over 40 ft.)

GROUP M: Tank cleaners (caustic chemicals)

AR-4060 P. 4

ALA - 3-PEO-1-2 J

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$8.16	.30	.30		
GROUP B	7.87	.30	.30		
GROUP C	7.31	.30	.30		
GROUP D	6.57	.30	.30		
GROUP E	6.27	.30	.30		

GROUP A: HEAVY EQUIPMENT:
Heavy duty mechanic, crane, shovel, derrick operator (2 or more drums), dragline pile driver operator, hoist operator (2 or more drums), cable ways, excavators, front end loader, backhoe, rubber tired backhoe, dredges, leverman, welders, mounted rotary drill machines, cherry pickers, side boom tractors, paving machines, motor patrol, pumpcrete machines, gradalls, johnson mixers, hydro-lift trucks, all batch plant and header house operators, panel board (ready-mix), hydro hammers on demolition work, concrete plants, asphalt plants, helicopter pilots and concrete paving trains, tugboats

GROUP B: MEDIUM EQUIPMENT: Dozer scraper, turnapull, one drum hoist, self-propelled rollers, construction elevators, locomotive engineer, elevating grader tractors with power control attachments, winch truck, mixers, asphalt spreaders, drilling machines, form graders, asphalt distributors, fork-lift, well-point & dewatering systems, subgraders, finishing machines, motorized compactors, wagonmobiles and push carts, riding trenching & ditching machines

GROUP C: LIGHT EQUIPMENT: Light plants, generators, welding machines, air compressors, pumps, conveyors, motor boats under 30 feet, tow tractors, and pile driver hammers (diesel, gas, air or electric)

GROUP D: Fuel truck oilers, fireman, brakeman, outboard motor boats, truck crane oilers and mechanic helpers

GROUP E: Oilers (crawler), deck hand

AR-4060 P. 5

ALA-49-TD-I

BUILDING CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$5.04	.28	.25		
GROUP B	5.51	.28	.25		
GROUP C	6.55	.28	.25		
GROUP D	7.12	.28	.25		
GROUP E	5.04	.28	.25		
GROUP F	4.41	.28	.25		

GROUP A: Up to but not including 1½ tons such as station wagons, jeeps, autos, pick-up trucks, motor cycles, bicycles, truck spotters, teamsters, team drivers

GROUP B: 1½ tons and up to but not including 5 tons such as dump trucks, flat beds, stake bodies, bus drivers, winch and "A" Frame trucks

GROUP C: 5 tons or 6 yards and over, including heavy equipment such as pole trucks, miss, or corning wagons, dumpsters, semi-drivers, agitators, ross carriers, dempsey dumps, euclid trucks, forklift truck in warehouse and similar equipment such as tractors, 10 wheelers, jeeps, or dump trucks or pickup trucks pulling 2 or 4 wheel trailers hauling equipment

GROUP D: Truck and auto mechanics

GROUP E: Truck drivers helpers, unloaders, unloading and handling creosote or coppertox material

GROUP F: Truck drivers helper

SUPERSEDEAS DECISION

STATE: Georgia COUNTY: Chatham
DECISION NUMBER: AR-4064 DATE: Date of Publication
Supersedes Decision No. AQ-4069 dated February 15, 1974 in 39 FR 5979
DESCRIPTION OF WORK: Building Construction

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	7.53	.30	.28		
Boilermakers	7.13	.40	.70		.01
Bricklayers:					
Bricklayers and Stonemasons	7.05	.20	.20		
Marble masons, terrazzo workers, and tile setters	5.00				
Carpenters:					
Carpenters and soft floor layer	6.90	.35			
Millwrights	7.40	.35			
Piledriverman	7.15	.35			
Cement masons	6.25				
Electricians:					
Electricians	7.55	.30	20 + 1%		.2%
Cable splicers	7.80	.30	20 + 1%		.2%
Elevator constructors	7.06	.395	.26	2%+a+b	.005
Elevator constructors' helpers	4.94	.395	.26	2%+a+b	.005
Elevator constructors' helpers (prob.)	3.53				
Glaziers	5.60				
Ironworkers:					
Structural and sheeter	7.75	.40	.50		.03
Ornamental and reinforcing	7.75	.40	.50		.03
Lathers	6.725				
Painters:					
Brush	5.90				
Rollers	5.90				
Steel, brush	6.40				
Tapers	6.15				
Stage work and window jack work	6.40				
Paperhangers	6.15				
Paint burners	6.15				
Spray painting and sandblasting	6.65				
Plasterers	4.875	.25			
Plumbers and Pipefitters	8.20	.35	.40		.02
Sheet metal workers	6.65				
Sprinkler fitters	8.20	.40	.60	.15	.07
Truck Drivers:					
Pick-up and all other trucks up to and indluding 2½ tons, tractor-farm type	4.20				
Trucks from 2½ tons up to and incldg. 5 tons. All low-boys and other trailers pulled by tractor with rating up to and including 5 tons (except farm type tractors) forklift	4.30				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck over 5 tons including all euclids up to and including 10 tons	4.55				
Euclids over 10 tons	4.60				
Welders - receive rate prescribed for craft performing operation to which welding is incidental					

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Laobr Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays, A through F.

b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacat-ion pay credit for employee who has worked in business less than 5 years.

AR-4064 P.3

25-LAB-1-C

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
GROUP A:					
General laborers	3.75	.15	.10		
GROUP B:					
Air tool vibrator operator, operators of jackhammer, tamp, paving breaker, chipper hammer, spade, chain saw, motorized buggies. Mason tenders, cement mason tenders, terrazzo helpers, railroad or track laborers, walk behind compactor or roller plasterer and carpenter tenders	3.90	.15	.10		
GROUP C:					
Mortar mixers, (hand or machine) pipelayers	4.00	.15	.10		
GROUP D:					
Burner (torch)on demolition work, track or wagon drills used in blasting	4.25	.15	.10		
GROUP E:					
Powderman or blaster	4.75	.15	.10		

AR-4064 P.4

GA-2-PEO-1-N

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I:					
Cranes, Derricks, Draglines, Sidebooms, Cherry Pickers, Mechanics, Piledrivers, Crawlers, Backhoe, (3/4 cy. & up), Concrete Pumps, Clam Shell, Drill Operators, Concrete Mixers Plant Locomotive, Two Drum Hoist, Shovels, Generators, (250 kw & up), and Hydraulic Cranes over 10 tons.	7.98	.45	.40		.02
GROUP II:					
Bulldozers, Hydraulic Boom Truck 10 tons and under, Scrapers, Endloaders, Fork Tractors, One Drum Hoist, Air Compressors 600 FM & over, Motor Graders, Tuggers, Rollers, Plain Tractors, Fireman, Rubber Tired Backhoe less than 3/4 cv., Push Dozer, Trenching Machine:	7.13	.45	.40		.02
GROUP III:					
Oiler, Pump Operator (over 4" Dia.) Small Backhoe, Air Compressors under 600 CFM:	6.62	.45	.40		.02
GROUP IV:					
Mechanics Helpers, Serving Welding Machines, Pumps up to 4" in Dia.	4.89	.45	.40		.02

SUPERSEDEAS DECISION

STATE: Hawaii COUNTIES: Statewide
DECISION NUMBER: AR-1052 DATE: Date of Publication
Supersedes Decision AQ-1096 dated April 19, 1974, in 39 FR 14124
DESCRIPTION OE WORK: Building (including single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction and Dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$7.10	.53	.80		.03
BOILERMAKERS	7.89	.28	.30		.03
BRICKLAYERS; Stonemasons	6.60	.45	.50		.05
CARPENTERS:					
Carpenters; Hardwood Floorlayers; Patent Scaffold Erectors; Pile-drivermen; Pneumatic Nailer; Shinglers	7.03	.44	.55		.06
Millwrights	7.28	.44	.55		.06
Power Saw Operator (2 HP & above)	7.18	.44	.55		.06
CEMENT MASONS:					
Cement Masons	6.30	.45	.50		.05
Trowel Machine Operators	6.40	.45	.50		.05
DRYWALL INSTALLERS	7.13	.44	.55		.06
ELECTRICIANS:					
Groundmen	6.19	.55	1%+1.00	11%	.18
Line Equipment Men	7.43	.55	1%+1.00	11%	.18
Electricians; Linemen	8.25	.55	1%+1.00	11%	.18
Technicians	8.50	.55	1%+1.00	11%	.18
Cable Splicers	9.08	.55	1%+1.00	11%	.18
ELEVATOR CONSTRUCTORS	8.55	.395	.26	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FENCE ERECTORS (Chain Link)	4.35	.20	.18	.09	.03
GLAZIERS	6.70	.53	.15	.43	.08
IRONWORKERS:					
Bridge; Ornamental; Reinforcing; Structural	7.75		.50	.10	.02
LATHERS	7.55	.24	.60		.01
MARBLE SETTERS	6.60	.45	.50		.05
PAINTERS:					
Brush	7.20	.38	.40		.04
Tapers	7.40	.38	.40		.04
Spray	7.70	.38	.40		.04
PLASTERERS	7.79	.45	.50		.15
PLASTERERS' HOD CARRIERS:					
Hod Carriers	5.91	.37	.46	.12	.08
Mortar Mixers	6.11	.37	.46	.12	.08
PLUMBERS; Steamfitters	8.70	.72	1.05	.91	.12
ROOFERS	7.05	.54	.30		.05
SHEET METAL WORKERS	8.15	.46	1.00	7.73%	.15
SOFT FLOOR LAYERS	6.25	.20		.10	.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SPRINKLER FITTERS	$9.30	.50	.70		.08
TERRAZZO WORKERS:					
Terrazzo Workers & Tile Setters	6.62	.45	.50		.05
Terrazzo Base Grinder	6.29	.45	.50		.05
Terrazzo Floor Grinder and Helper and Tile Setter's Helpers	5.45	.45	.50		.05
TRUCK DRIVERS:					
Flatbed	5.78	.56	.90	.40	.15
Dump, 8 yds. and under; Water truck (up to and incl. 1500 gallons)	6.05	.56	.90	.40	.15
Water truck (over 1500 gallons)	6.36	.56	.90	.40	.15
Tandem, Semi-trailer, or semi-dump	6.91	.56	.90	.40	.15
Slip-in or Pup	7.23	.56	.90	.40	.15
End dumps, unlicensed (Euclid, Mack, Caterpillar or similar); Tractor trailer (hauling equipment)	7.34	.56	.90	.40	.15

RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.
6 Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

AR-1052 P. 3

DREDGING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HYDRAULIC SUCTION DREDGES; CLAMSHELL DREDGES; BOAT OPERATORS; DERRICKS					
Leverman; Operators (Derricks, Pile Drivers and Cranes)	$ 8.04	.56	.90	.40	.15
Assistant Engineer (steam or electric)	7.74	.56	.90	.40	.15
Welder; Boat Operator	7.68	.56	.90	.40	.15
Deckmate; Barge Mate (Seagoing)	7.23	.56	.90	.40	.15
Levee Foreman; Winchman (stern winch on Dredge)	6.91	.56	.90	.40	.15
Fireman	6.05	.56	.90	.40	.15
Oiler; Deckhand (can operate anchor scow under direction of Deckmate); Boat Deckhand	5.78	.56	.90	.40	.15
Leveeman; Bargeman	5.61	.56	.90	.40	.15
Master Boat Operator	7.89	.56	.90	.40	.15
LABORERS					
GROUP 1:	$ 5.71	.44	.51	.18	.08
GROUP 1-a:	6.21	.44	.51	.18	.08
GROUP 1-b:	6.41	.44	.51	.18	.08
GROUP 1-c:	6.46	.44	.51	.18	.08
GROUP 1-d:	6.66	.44	.51	.18	.08
GROUP 2:	5.96	.44	.51	.18	.08
GROUP 3:	6.16	.44	.51	.18	.08

AR-1052 P. 4

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1:	5.50	.56	.90	.40	.15
GROUP 2:	5.61	.56	.90	.40	.15
GROUP 3:	5.78	.56	.90	.40	.15
GROUP 4:	6.05	.56	.90	.40	.15
GROUP 5:	6.36	.56	.90	.40	.15
GROUP 6:	6.91	.56	.90	.40	.15
GROUP 7:	7.23	.56	.90	.40	.15
GROUP 8:	7.34	.56	.90	.40	.15
GROUP 9:	7.45	.56	.90	.40	.15
GROUP 9-A:	7.68	.56	.90	.40	.15
GROUP 10:	7.74	.56	.90	.40	.15
GROUP 10-A:	7.89	.56	.90	.40	.15
GROUP 11:	8.04	.56	.90	.40	.15
GROUP 12:	8.40	.56	.90	.40	.15

LABORERS

Group 1: All clean-up work of debris, grounds and buildings; Bridge Laborers; Construction Laborers; Dumpman; Gardeners; Horticultural and Landscape Laborers; General Laborers; Limbers, Brush Loaders and Pilers; Maintenance, repair (track and roadbeds)

Group 1-a: Mason Tenders

Group 1-b: High Scaler

Group 1-c: Gunnite Operator

Group 1-d: Powderman

Group 2: Asphalt Shovelers; Cement Dumpers; Choke Setter and Rigger (clearing work); Concrete Chipping; Concrete Laborers (wet or dry) including Bucket Tender for concrete; Driller's Helper, Chuck Tender, Outside Nipper; Guinea Chaser (Stakeman); High Pressure Nozzleman-hudraulic monitor (over 100# pressure) excluding levee work; Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Mucker (under ground); Sloper; All pneumatic, gas and electric tools not listed in Group 1

Group 3: Asphalt Ironers and Rakers; Barko and similar type Tampers; Buggymobile; Chainsaw, Faller, Logloader and Bucker; Concrete and Magnesite Mixer under 1/2 yard; Concrete Grinder; Concrete Pan Work; Concrete Saw (walking or hand type); Crubbers; Cut Granite Curb Setter; Form Raisers; Header Board; Mortar Mixers (block-brick-masonry); Jack-hammer Operator; Jackson and similar type Compactors; Lagging, Sheeting, Whaling, Bracing, Trench-jacking, Hand-guided Lagging Hammer; Magnesite and Mastic Workers (wet or dry); Mechanical Drillers not covered elsewhere; Pavement Breakers; Pipelayers, Caulkers, Bander; Pipewrappers, Kettlemen, Potmen and men applying asphalt, Lay-Kold, Creosote and similar type materials; Post Hole Diggers (hand held-gas, air and electric); Riprap, Stonepaver and Rockslinger, including placing of sacked concrete (wet or dry); Rotary Scarifier; Roto-tiller; Sandblasters; Tank Cleaners; Tree Climbers; Vibra-screed (bull float in connection with laborers' work); Vibrator, Burning, Welding, Signaling, and Rigging in connection with laborers' work; Concrete Pump Machine; Joy Drill Model TWM-2A, Gardner, Denver DH-143 and similar type drills; Track Drillers, Diamond Core, Wagon Drillers and Davis Trencher T-66 or similar types

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Partsman (heavy duty shop parts room when needed); Repairman Helper

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 2: Compressor, electrically, diesel or gas powered etc.; Hydraulic Monitor; Material Loader and/or Conveyor Operator (handling building material); Mixer Box Operator (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

Group 3: Oiler; Fireman; Switchman; Brakeman; Deckhand; Tar Pot Fireman; Box Operator (bunker); Locomotive (up to and including 30 tons); Roller (5 tons and under); Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Tugger Hoist, single drum

Group 4: Boom Truck or Dual Purpose "A" Frame Truck; Fork Lift or Lumber Stacker (construction job site); Material Hoist (1 drum); Straddle Truck; Ross Carrier and similar (jobsite); Dinky Operator

Group 5: Concrete Mixer (up to 2 yards); Concrete Pumps or Pumpcrete Guns; Generators, gasoline or diesel driven (100 K.W.); Lubrication and Service Engineer (mobile and grease rack); Towermobile; Welding Machine (gasoline or diesel); Agri-cat (Mini Cat)

Group 6: Combination Loader and Backhoe including Hopto (up to and incl. 1/2 yard); Concrete Batch Plants (wet or dry); Concrete Saws and/or Grinder (self-propelled unit on streets, highways, airports and canals); Drilling Machinery (not to apply to waterliners, wagon drills or jack-hammers); Highline Cable-way Signalman; Loader (up to and including 2½ cu. yds.); Lull High Lift; Pavement Braker; Maginnis Internal Full Slab Vibrator (on airports, highways, canals, and warehouses); Mechanical Finishers (concrete)(large Clary, Johnson Bidwell Bridge Deck or similar types); Mobile Crane Driver; Portable Crushers; Power Jumbo Operator (setting slip forms, etc., in tunnels); Rollers (over 5 tons); Self-propelled Compactor (single engine); Small Rubber-tired Tractors; Trencher (up to and including 6'); Slip Form Pumps (power driven by hydraulic, electric, gas, etc., lifting device for concrete forms)

Group 7: Crusher Plant; Dual Drum Mixer; Gradesetter; Hoist (2 drums); Loader (over 2½ cu. yds. up to and including 5 cu. yds.); Mechanical Finishers or Spreader Machine, Asphalt (Barber Greene and similar) (Screedman required); Mine or Shaft Hoist; Pavement Breaker, Truck mounted, with Compressor Combination; Pavement Breaker with Compressor Combination (operates 1 or 2); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Pipe Bending Machine (pipe lines only); Self-propelled Elevating Grader Plane; Slusher Operator; Trencher (over 6'); Water Tanker (pulled by Euclids, T-Pulls, DW-10, 20, 21, or similar); Mixermobile (over 5 tons) Small Tractor (with boom D-6 or similar)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 8: Boring Machine; Cast-in-place Pipe Laying Machine; Concrete Batch Plant (multiple units); Combination Loader and Hydraulic Backhoe (over 1/2 yd. to and incl. 3/4 yd.); Conveyor (tunnel); Engineer, Locomotive (over 30 tons up to and incl. 100 tons); Finishing Machine Operator (airports and highways); Hydraulic Backhoe (over 1/2 yard to and including 3/4 yd.); Kolman Loader; Mechanic Trench Shield; Mucking Machine; No-joint Pipe Laying Machine; Portable Crushing and Screening Plants; Saurman type Dragline (under 5 yards); Self-propelled Boom type Lifting Device; Stationary Pipe Wrapping, Cleaning and Bending Machine; Surface Heater and Planer; Tunnel Badger; Tri-batch Paver

Group 9: Boom type Backfilling Machine; Combination Mixer and Compressor (gunite); Do-more Loader and Adams Elegrader; Lull Hi-lift (40' or over); Rubber-tired Earthmoving Equipment (up to 12 cu. yds.); Wheel Trencher (over 6')

Group 9-A: Dozers; Heavy Duty Repairman or Welder; Push Cats; Scrapers; Self-propelled Compactor with dozer; Sheep Foot; Tractors; Tractors(with boom, larger than D-6 and similar)

Group 10: Chicago Boom; Hoist (3 drums); Koehring Skooper; Loader (over 5 yards up to and including 12 yards); Locomotive (over 100 tons)(single or multiple units); Power Blade Operator; Rubber-tired Earthmoving Equipment (up to and including 35 cu. yds., Euclids, T-Pulls, DW-10, 20, 21 and similar); Saurman type Dragline (5 yards or over); Soil Stabilizer (P & H equal); Sub-grader (Gurries or other automatic type); Track-laying type Earthmoving Machine (single engine with tandem scraper); Tractor, Compressor, Drill Combination; Tractor (tandem scraper); Tractors (D-9 or equivalent)

Group 10-A: Cranes (not over 25 tons); Power Shovels, Clamshells, Draglines, Backhoes, Gradealls (up to and including 1 cu. yd.)

Group 11: Automatic Skip Form Paver (concrete or asphalt)(Gradesetter, Screedman required); Cranes (over 25 tons); DW-10, 20, etc. (Tandem); Earth-moving Machine (multiple propulsion power units and two or more scrapers)(up to and including 35 cu. yds. struck "MRC"); Highline Cableway; Lift Slab Machine; Loader (over 12 yds.); Power Shovels, Clamshells, Draglines, Backhoes, Gradealls (over 1 yd. and up to 7 yds.); Power Blade Operator (16 or over); Pre-stress Wire Wrapping Machine; Self-propelled Compactor (with multiple propulsion power units); Single Engine Rubber Tired Earth Moving Machine (with tandem scraper); Tandem Cats; Tower Cranes, Mobile; Trencher (pulling attached shield); Universal, Liebher, Linden and similar types of tower cranes; Wheel Excavator (up to and including 750 cu. yds. per hour)

Group 12: Band Wagon (in conjunction with wheel excavator); Derricks; Drill Rigs; Multi-propulsion Earth Moving Machines (2 or more scrapers) (over 35 cu. yds. "struck" mrc); Power Shovels and Draglines (7 cu. yds. and over); Rubber-tired Earthmoving Equipment (over 35 cu. yd. Euclids, T-Pulls, DW-10, 20, 21 and similar); Wheel Excavator (over 750 cu. yds.)

SUPERSEDEAS DECISION

STATE: North Dakota COUNTIES: Statewide
DECISION NUMBER: AR-1053 DATE: Date of Publication
Supersedes Decision Number AQ-1000 dated July 3, 1973, in 38 FR 18849
DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cement Masons	$4.00				
Electricians:					
Fargo (Cass County); Grand Forks (Grand Forks County)	7.95	.30	1%	6%	1½%
Bismark (Burleigh County); Minot (Ward County)	7.00	.20	1%	6%	1½%
Laborers:					
Group 1					
General Construction Laborer (Chip Spreader Leverman, Fine Grader, Form Grader, Landscape Worker, Pump Operator (prewater) Tunnel Worker, Sign Erector); Reinforced steel setter; Sack shaker (cement and mineral filler); Pipe handler; Drill runner helper; Salamander heater and blower tender	3.20				
Group 2					
Semi Skilled Laborer (Joint Filler Machine Operator, Chip Spreader Operator); Bulk cement handler; Conduit layer, telephone or electrical; Form setter (pavement); Gas, electric or pneumatic tool operator (chipping hammer, grinders and paving brakers (tamper (dirt) concrete vibrator operator); Chain saw operator; Concrete curing man (not water); Bituminous worker (shoveler, dumper, raker and floater); Kettleman (bituminous or lead); Concrete bucket signalman; Power buggy operator; Brick and mason tender; Multiplate pipe layer; Culvert pipe layer	3.30				
Group 3					
Caisson work; Bottom man, (sanitary sewer, storm sewer, water, and gas lines); Concrete mixer operator (one bag capacity); Mortar mixer	3.40				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers: (Cont'd)					
Group 4					
Pipe Layers (sanitary sewer, storm sewer, water and gas lines); Drill runner (including wagon churn or air track); Powderman, gunite and sandblast, nozzleman	$3.50				
Power Equipment Operators:					
Group 1					
Cableway Operator; Crane Operator with over 135' boom; Derrick (Guy and Stiff Leg), (power), (skids and stationary); Front end loader over 10 cu. yds.; Gantry crane operator; Mole operator, incl. power supply or tunnel mucking machine; Power shovel and/or other equipment with shovel type controls 3½ cu. yds.	6.95	.35	.25		
Group 2					
Concrete Mixer Stationary Plant Operator over 34E; Dredge operator or engineer, Dredge Operator (power) and engineer; Elevator grader operator; Locomotive, crane operator; Master mechanic; Mixer (paving) Concrete paving operator, road; Power shovel and/or other equipment with shovels and/or other equipment with shovel type controls up to 3½ cu. yds.; Scraper tandem; Tandem pusher quad 9 or similar; Tractor operator (pipeline); Side boom; Truck crane operator; Hydrocrane operator, 15 ton and over	6.80	.35	.25		

Power Equipment Operators: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 3					
Dope Machine Operator (pipeline); Drill rigs, heavy duty rotary or churn or cable drill; Front end loader operator, 6 cu. yds., and over; Locomotive, all types, Pipeline wrapping, cleaning and bending machine operator; Power actuated horizontal boring machine over 6" operator (pipeline); Pumpcrete operator; Refrigeration plant engineer; Slip form operator (power driven) (paving); Tandem scraper-twin engine, 50 cu. yds. struck and over	$6.65	.35	.25		
Group 4					
Asphalt Paving Machine Operator; Asphalt plant operator and console board operator; CMI grading operator; Crushing plant operator (gravel and stone or gravel washing crushing and screening plant operator); Front end loader operator, 1 cu. yd. up to 6 cu. yds.; Grader or motor patrol, finishing earth work and bituminous; Mechanic or welder (heavy duty); Rubber tired industrial tractor with backhoe attachment (water main sanitary sewer and storm sewer, truck line construction); Scraper operator; Tractor type dozer D-6 and over; Trenching machine operator, sewer and water, (except ditch witch or similar use oiler rates); Turnapull operator, (or similar type)	6.60	.35	.25		

Power Equipment Operators: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 5					
Bituminous Spreader and Bituminous Finishing Operator (power); Concrete distributor and spreader operator, finishing machine longitudinal float operator, Ft. machine operator and spray op.; Concrete Mixer operator on job site 16S or over; Paving breaker or tamping machine op., incl. machine with power shovel attachments (power driven); Power actuated augers and boring machine operator; Power actuated jacks operator; Power plant engineer, 100 K.W.H. and over; Push tractor; Self-propelled traveling soil stabilizer; Soil cement stabilizer; Truck mechanic	$6.35	.35	.25		
Group 6					
Concrete Saw Operator (multiple blade)(power operated); Fine grade operator; Roller, steel and self-propelled rubber, on hot mix asphalt paving; Tractor type dozer under D-6 H.P.; Distributor operator	6.12	.35	.25		
Group 7					
Brakeman or Switchman; Concrete batch plant operator (cement, rock and sand) electronic; Concrete mixer operator on job site under 16S; Crane truck oiler; Grader operator (motor patrol) (haul road); Gravel screening plant operator (portable not crushing or washing); Greaser (truck or tractor); Gunnite op. gunall; Hoist engineer (power); Launchman (tankerman or pilot license); Pick-up sweeper, 1 yd. and over hopper capacity; Shouldering machine op. (power) (Apsco or similar type)including self-propelled sand chip spreader flaherty or similar; Sheepsfoot roller or compactor (self-propelled)	5.19	.35	.25		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators: (Cont'd)					
Group 8					
Crawler Type Tractor Pulling Compaction or Areating Equipment; Farm type rubber tired tractor with backhoe attachment; Self-propelled vibrating packer operator pad type (35 hp and over); Off road self-propelled watering equipment; Boom truck operator; Roller, steel and self-propelled rubber, on other than hot mix	$5.04	.35	.25		
Group 9					
Bituminous Spreader & Bituminous Finishing Machine Operator (helper) (Power); Concrete batch operator (cement, rock and sand) (manual); Form Trench digger (power); Front end loader op. up to 1 cu. yd.; Hyster carrier or forklift; Leverman; Mechanics' helper or greaser helper; Oiler (power shovel, crane dragline); Pugmill operator; Pump operator (well points); Self-propelled broom	4.94	.35	.25		
Group 10					
Conveyor Operator; Curb Machine Operator (manual); Dredge deck hand; Farm tractors, rubber tired for compacting and areating; Front end loader operator (farm type rubber tired tractor); Stump chipper operator; Tie tamper and ballast machine operator	4.60	.35	.25		
Truck Drivers:					
Single Axle	4.77	.35	.15		
Tandem	4.87	.35	.15		
Agitator dumpcrete	5.12	.35	.15		
Off road heavy end dumps, 20 yds. and under; Tandem semi, Lowboy	5.12	.35	.15		
Euclid, over 20 yds.	5.75	.35	.15		

SUPERSEDEAS DECISION

STATE: Tennessee
COUNTIES: Anderson and Roane
DECISION NO.: AR-4061
DATE: Date of Publication
Supersedes Decision No. AR-4007 dated July 5, 1974 in 39 FR 24806
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories).

1-TENN-1-y (1-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Oak Ridge, Atomic Energy Commission Only					
Asbestos workers	$7.94	.30	.20		.01
Boilermakers	7.50	.40	.90		.02
Bricklayers; Marble setters; Stonemasons; Terrazzo workers; Tile setters	8.41				
Carpenters; Soft floor layers	7.09		.25		
Cement masons	6.56				
Electricians:					
Electricians; Linemen	7.91	.30	1%		.5%
Cable splicers	8.41	.30	1%		.5%
Elevator constructors	7.09	.395	.26	2½%+a+b	.02
Elevator constructors' helpers	70%JR	.395	.26	2½%+a+b	.02
Elevator constructors' helpers (Prob.)	50%JR				
Glaziers	5.75		.25		.005
Ironworkers:					
Fence erectors; Ornamental; Structural	7.27	.40	.10		
Reinforcing	7.14	.40	.10		
Lathers	7.64		.20		.01
Leadburners	7.80	.30		c	.01
Millwrights	7.61		.25		
Painters:					
Commercial	6.75		.30		.03
Industrial	7.10		.30		.03
Piledrivermen	7.34		.25		
Plasterers	7.75				
Plumbers; Steamfitters	7.95	.35	.45	.30+d	.05
Roofers:					
Composition	6.30		.25		
Slate; Tile	6.35		.25		
Sheet metal workers	8.35	.30	.50		.04
Sprinkler fitters	8.75	.50	.70		.08
Truck drivers:					
Up to 3 tons & incl. 4 yds., dump truck	4.28		e		.01
3 to 5 tons & incl. 6 yds., dump truck	4.48		e		.01
5 tons & over incl. dump trucks over 6 yds.; ready-mix concrete truck, tank trucks; floats and lowboys; winch truck and semi-trailer trucks	4.63		e		.01
Water well drill operators	3.00				
Welders: Receive rate prescribed for craft performing operation to					

AR-4061 P. 2

1-Tenn-1-y (2-2)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. 6 paid holidays: A through F
b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.
c. 9 paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, providing the employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
d. $.05 holiday pay
e. $6.00 per week for each employee

AR-4061 P. 3

TENN-1-LAB-1-G

BUILDING CONSTRUCTION

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$4.78	.15	.15		.01
GROUP B	4.93	.15	.15		.01
GROUP C	4.93	.15	.15		.01
GROUP D	4.96	.15	.15		.01
GROUP E	5.08	.15	.15		.01
GROUP F	5.58	.15	.15		.01
GROUP G	5.28	.15	.15		.01
Tunnel Construction:					
GROUP H	4.78	.15	.15		.01
GROUP I	5.18	.15	.15		.01
GROUP J	5.33	.15	.15		.01
GROUP K	5.48	.15	.15		.01
GROUP L	5.58	.15	.15		.01

GROUP A - Construction laborers

GROUP B - Mortar mixer, plasterers' tenders

GROUP C - Hod carriers, power buggies, yarner, potman, grademan, snake man, form setter & strippers, pipelayers, Asphalt raker, jackhammer op., air tool op., vibrator op., chain saw op., barco tamp op., all power driven tool ops.

GROUP D - Acetlyene burner

GROUP E - Wagon drill operator

GROUP F - Caisson hole man

GROUP G - Powderman

Tunnel Construction:

GROUP H - Outside laborer

GROUP I - Tunnel laborer

GROUP J - Chuck tender

GROUP K - Concrete gun op., nozzleman

AR-4061 P. 4

Tenn.-2-PEO-H

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$6.89	.25	.20		.02
GROUP B	6.40	.25	.20		.02
GROUP C	5.36	.25	.20		.02
GROUP D	4.92	.25	.20		.02

GROUP A: Backhoes; cable ways; ross carrier; clamshells; cranes; derricks; draglines; tournapulls; pans; scrapers; scoops, etc.; head tower machines; locomotives (over 20 tons); shovels; mechanics & welders; winch trucks with A-frame; skimmer scoops; locomotives cranes; over-head cranes; pile drivers; skid rigs; side boom tractors; euclid loaders; hoist (any size handling steel or stone); derrick boats; dredge boats; engines used in connection with hoist material with an attached device on tower or engine; mucking machines; hi-lifts or end loaders; finish graders; cherry-pickers; tower cranes; sky-lift & gradall; dozers; earth augers and pole machine operators; core drill & foundation drills.

GROUP B: Tractors, farm type tractors with attachments; central compressor plants; elevators, used for hoisting building material; central mixing plants; hoist; pump crete machines; concrete pumps; trenching machines; backfillers (other than cranes); crushing plant operators; elevating graders; paving machines (black top); fork-lift; paving machines (concrete); boat operator or engineer (30 tons or over); tracmobile; maintainers; blacktop roller; switchman; locomotive under 20 tons.

GROUP C: Asphalt plant operators; barber green type loaders; engine tender other than steam; mixers, over 2 bags not to include central plants; pumps, 2 not more than 3; scarifiers; spreader box (bituminous); asphalt mixers; portable compressors, 2 not more than 3; rollers; sub-grader machine; tractors, farm type without attachments; cable head tower engineman; dredge booster pump operators; boat operator or engine, under 30 tons; finishing machine; fireman & oiler (combination); motor crane oiler & driver; welding machine (2 not more than 3); heaters, stationary or portable (to 5); compressors (portable 2 not more than 3); greaser or fuel trucks

GROUP D: Air compressor (1 portable); fireman; portable crushers; welding machine (1); conveyors; pumps (1); oiler; heater(1).

SUPERSEDEAS DECISION

STATE: Tennessee COUNTY: Hamilton
DECISION NO.: AR-4062 DATE: Date of Publication
Supersedes Decision No. AR-4035 dated September 13, 1974 in 39 FR 33191
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy Construction.

33-TENN-1-2-P (1-2)

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$7.94	.30	.20		.01
Boilermakers	7.50	.40	.90		.02
Bricklayers; Concrete block layers; Marble setters; Stonemasons; Terrazzo workers; Tile setters	8.30	.30	.30		
Carpenters:					
Carpenters; Soft floor layers	7.33	.30	.25		.03
Piledrivermen	7.455	.30	.25		.03
Millwrights	7.78	.30	.25		.03
Cement masons:					
Cement masons	6.90				
Power machine operator; Swinging scaffold & bos'n chair	7.10				
Electricians:					
Electricians	8.15	.40	1%		1%
Cable splicers	8.40	.40	1%		1%
Elevator constructors	7.21	.395	.26	2½%+a+b	.02
Elevator constructors' helpers	70%JR	.395	.26	2½%+a+b	.02
Elevator constructors' helpers (Prob.)	50%JR				
Glaziers	5.775		.10	c	
Ironworkers	7.51	.40	.25		1%
Lathers	7.15				
Leadburners	7.80	.30		d	.01
Painters:					
Commercial	6.50		.25		
Industrial	6.75		.25		
Sandblasting	7.00		.25		
Plasterers	7.25				
Plumbers; Steamfitters	8.05	.25	.30	.20	.07
Roofers:					
Composition, damp & waterproofers	6.95		.10		
Slate and tile	7.15		.10		
Kettlemen	6.60		.10		
Sheet metal workers	7.85	.30	.50		.04
Sprinkler fitters	8.75	.50	.70		.08
Truck drivers:					
Up to 3 tons	4.58		e		
3 to 5 tons	4.73		e		
5 to 7 tons	4.88		e		
Helpers and warehousemen	4.58		e		
Special equipment	4.98		e		
Welders: Receive rate prescribed for craft performing operation to which welding is incidental.					

AID HOLIDAYS:
-New Year's Day; B-Memorial Day; C-Independence Day;
-Labor Day; E-Thanksgiving Day; F-Christmas Day.

OOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Employee who has worked more than 1, but less than 5 years, 2% of gross wages. Employee who has worked 5 years or more, 4% of gross wages.

d. Holidays, A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

e. $3.00 per week for each employee.

AR-4062 P. 3

TENN. - 12-LAB-1-2-N

BUILDING AND HEAVY CONSTRUCTION LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$5.05	.10	.20		
GROUP B	5.15	.10	.20		
GROUP C	5.25	.10	.20		
GROUP D	5.35	.10	.20		
GROUP E	5.40	.10	.20		
GROUP F	5.70	.10	.20		
GROUP G	5.75	.10	.20		
GROUP H	5.45	.10	.20		
GROUP I	5.60	.10	.20		
GROUP J	5.60	.10	.20		
GROUP K	5.85	.10	.20		

GROUP A: Concrete laborers, general laborers, carpenter tenders, window and floor cleaners, and flagman on road and street crossings, form strippers, handling of rope to clam bucket, grout men, laborers working on demolition work, handling, cleaning and pulling of nails from materials

GROUP B: Powder man helpers, vibrator operators, tenders to all trowel trades and terrazzo work, carrying re-inforced steel, operating motorized wheel barrows, doping and painting of pipe, railroad track laborers, air spade operators, snake men on pipe work

GROUP C: Sanitary and storm pipe layers or any other pipe outside of foundation, grade checker, yarner and pot man, steel form setters, mortar mixers by hand or machine, power saw operators, jackhammer operator, pavement breaker operator, air tool operators, regular air tamp operators, wacker tamp operator, chipping hammer operator, hand operated ditching machine operator, concrete grinder, floor sweeping machine operator, concrete buffer and grinder power operator, concrete pumping machine operator

GROUP D: Asphalt raker, wagon drill operator, sand blasting, track drill operator, concrete saw operator, using cutting torch or burner on demolition work, flagging of rigs

GROUP E: Barco tamp operator and specially designed tamp operator, black top or concrete curbing machine operator

GROUP F: Powder man, motorized post hole digger operator and terrazzo machine grinder

GROUP G: Pneumatic concrete gun operator and nozzleman

FREE AIR SHAFTS AND TUNNELS

GROUP H: Tunnel Laborer

GROUP I: Chuck Tender

GROUP J: Top Lander on Shaft Work

AR-4062 P. 4

Tenn-3-PEO-1-2-b

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$6.95	.25	.20		
GROUP B	6.15	.25	.20		
GROUP C	5.55	.25	.20		
GROUP D	5.25	.25	.20		

GROUP A: Backhoes, Cableways, Ross carrier, Clamshells, Cranes, Derricks, Draglines, Turnapulls, Pans, Scrapers, Scoops, Etc., Head tower machines, Endloaders, Locomotives (over 20 tons), Shovels, Dozers, Fork-lifts with over 8' lift, Core drills, Foundation drills, Graders, Mechanics, Welders, Winch truck with A Frame, Skimmer scoops, Locomotive cranes, Overhead cranes, Skid rigs, Pile drivers, Side boom tractors, Euclid loaders, Derrick boat, Dredge boats, Hoist (any size handling steel or stone), Engines used in connection with hoist material with an attached device on tower or engine, Mucking-machines, Hi-lifts or end loaders, Finish graders on bluetop, Trenching machines, Cherrypickers, Tower crane, Skylift, Gradall

GROUP B: Tractors, Farm type tractors with attachments, Central compressor plants, Elevators used for hoisting building materials, Central mixing plants, Hoist, Pump crete machine, Concrete pumps, Backfillers (other than cranes), Tracmobile, Crushing plant operators, Elevating graders, Earth augers, Forklifts, Paving machines (Blacktop), Paving machines (Concrete), Boat operator or engineer (30 tons or over), Blacktop rollers, Switchman, Locomotive under 20 tons and maintainers

GROUP C: Asphalt plant operators, Barber green type loaders, Engine tender other than steam, Mixers (over 2 bags, not to include central plants), Pumps (2 not more than 3, Scarifiers, Spreader box (Bituminous), Asphalt mixers, Portable compressors (2 not more than 3), Rollers, Sub-grader machine, Tractors (Farm-type without attachments), Cable head tower engineman, Dredge booster pump operator, Boat operator or engineers (under 30 tons), Finishing machine, Fireman & Oiler (Combination), Motor crane oiler & driver, Welding machine (2 not more than 3), Heaters, Stationary or portable (to 5), Compressors (Portable, 2 not more than 3), Greaser or fuel trucks

GROUP D: Air compressor (1 portable), Fireman, Portable crushers, Welding machine (1), Conveyors, Pumps (1), Oiler, Heater (1)

SUPERSEDEAS DECISION

STATE: Texas COUNTIES: Galveston & Harris
DECISION NO.: AR-84 DATE: Date of Publication
Supersedes Decision No. AR-41, dated September 20, 1974, in 39 FR 34005.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination AR-36 for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.10	.70	.70		.06
BOILERMAKERS	7.80	.30	.76		.02
BRICKLAYERS & STONEMASONS	8.69	.325	.30		.05
CARPENTERS:					
Carpenters	7.77	.45	.30		.05
Millwrights	8.04	.45	.30		.05
Piledrivermen	7.77	.45	.30		.05
CEMENT MASONS:					
Harris County	7.40	.49	.42		.05
Galveston County	7.40	.49	.42		
ELECTRICIANS:					
Harris County	8.40	.30	3%		.04
Galveston County	8.64	.28	1%+.34		.03
ELEVATOR CONSTRUCTORS	7.79	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				

FOOTNOTES: a=1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates. b-Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

GLAZIERS	8.06	.375	.20		.01
IRONWORKERS	7.87	.55	.60		.075
LABORERS:					
GROUP 1 - Common	5.60	.28	.30		.02
GROUP 2 - Air tool operator (jackhammer-vibrator); Mason tenders; Pipelayers (concrete & clay); Sandblasters; Power buggy operator	5.775	.28	.30		.02
GROUP 3 - Lather tender; Mortar Mixers; Plaster tenders & hod carriers	5.875	.28	.30		.02
GROUP 4 - Well driller	6.15	.28	.30		.02
GROUP 5 - Well driller tender	5.725	.28	.30		.02
GROUP 6 - Blaster, powderman	6.025	.28	.30		.02
LATHERS (Harris County only)	7.97	.30	.15		.02
LINE CONSTRUCTION:					
Lineman	8.575	.28	1%		1/2%
Groundmen	5.87	.28	1%		1/2%
Groundmen (1st 6 mos.)	4.29	.28	1%		1/2%

DECISION NO. AR-84

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE MASONS:					
Harris County	$7.09	.47		.25	
Galveston County	7.35				
PAINTERS:					
East Harris County:					
GROUP 1 - All brush painting, hand rolling and all other work other than that below	7.62				
GROUP 2 - All pneumatic and electric tools and steam cleaning	7.975				
GROUP 3 - All tape and float on drywall	7.745				
GROUP 4 - All paper and vinyl hanging	7.87				
GROUP 5 - All spray painting, sandblasting and waterblasting	8.015				
GROUP 6 - Steeple jack work, hot materials	8.275				
Remainder of Harris County:					
GROUP 1 - All brush painting, hand roller, steam cleaning, all pneumatic tools	7.545	.275	.30	.40	.04
GROUP 2 - All spray painting, sandblasting, waterblasting	7.92	.275	.30	.40	.04
GROUP 3 - Tape, float & drywall	7.67	.275	.30	.40	.04
GROUP 4 - Steeple jack work, hot materials	8.17	.275	.30	.40	.04
Galveston County:					
GROUP 1 - Painters on new work	6.75	.55	.45	.665	.02
GROUP 2 - Painters on swinging stage work or using materials injurious to the skin	7.00	.55	.45	.665	.02
GROUP 3 - Painters on rework & repaint	6.50	.55	.45	.665	.02
PIPEFITTERS:					
Harris County and that part of Galveston County west of the Trinity River	8.70	.40	.55		.045
That part of Galveston County East of the Trinity River:					
Commercial work up to $50,000	7.74	.275	.30		.02
Commercial work $50,000 & over	8.17	.275	.30		.02
PLASTERERS:					
Harris County	7.80	.32	.30		.02
Galveston County	7.80	.32	.30		.05

DECISION NO. AR-84

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS:					
Harris County	$8.36	.36	.52	.50	.10
Galveston County:					
Commercial work up to $50,000	7.74	.275	.30		.02
Commercial work $50,000 & over	8.17	.275	.30		.02
POWER EQUIPMENT OPERATORS:					
GROUP 1	8.15	.35	.40		.04
GROUP 2	6.92	.35	.40		.04
GROUP 3	6.48	.35	.40		.04
GROUP 4	6.34	.35	.40		.04

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler; Derrick - power operated (all types); Clam Shell; Draglines; Push Cat Operator; Bull Dozer & all types Cat Tractors; Cable-Way; Backhoe; Shovel, power operated; Crane, power operated (all types); Elevating Grader, Self-propelled; Hoist, Motor-Driven, Two Drums or more, Mix Mobile; Water Well Drilling Machines, Used on Construction; Building Elevator, used on Construction; Tug Boat Operator, Assigned to Construction; Winch Truck; Locomotive Crane; Concrete Mixer, 14 cu. ft. or more; Paving Mixer (all types); Pile Driver; Scraper, Heavy Type, over 3 cu. yds.; Trenching Machines (all sizes); Gradall; High-Lift; Foundation Boring Machine; Gasoline or Diesel Driven Welding Machines, 7 or more; Pumpcrete Machine Operator; Turnapulls; DW-10 Caterpillar, S-18 Euclid and similar Tractors; Asphalt Plant Mixer Operator on job; Crusher Operator on job; Scoopmobiles; Forklift used on construction (not including warehousing); Well Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, Self-propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

GROUP 2 - Air Compressors; Blade Grader, Towed; Flex Plane; Form Grader, Concrete Mixer, less than 14 cu. ft.; Pumps; Pulsometer; Truck Crane Driver; Gasoline or diesel Driven Welding Machines (on 3 or more, up to 6 machines); Hoist, Single Drum; Scraper, 3 cu. yds. or less; Wagon Drill Operator; Conveyor; Generator, Gasoline or Diesel-driven, over 1500 watts; Rubber Tired Farm Tractor with attachments; A light Equipment Operator may run 1 or 2 105 cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated

GROUP 3 - Fireman

GROUP 4 - Oiler

DECISION NO. AR-84

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Roofers	$6.69	.20	.10	.15	.03
Kettlemen	5.73	.20	.10	.15	.03
Helpers	4.48	.20	.10	.15	.03
SHEET METAL WORKERS:					
Harris County	7.585	.225	.475	.20	.025
Galveston County	8.35	.15	.25		.10
SOFT FLOOR LAYERS	7.12	.25	.10		.07
SPRINKLER FITTERS	9.05	.50	.70		.08
TERRAZZO WORKERS:					
Harris County	7.09	.47		.25	
Galveston County	7.35				
TILE SETTERS:					
Harris County	7.09	.47		.25	
Galveston County	7.35				
TRUCK DRIVERS:					
GROUP 1 - Under 1½ tons; wash, grease, tireman, fuel pump operation when used on construction jobs	6.42				
GROUP 2 - 1½ thru 2½ tons; dump truck less than 7 yds.	6.74				
GROUP 3 - Over 2½ tons; farm tractors; fork lifts, floats	6.92				
GROUP 4 - Euclids (not self-loading)	7.05				
GROUP 5 - Warehousemen	6.63				
GROUP 6 - Material checkers; pick-up drivers	7.49				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Washington COUNTIES: Statewide
DECISION NUMBER: AR-1051 DATE: Date of Publication
Supersedes Decision No. AR-1031 dated September 27, 1974, in 39 FR 35074
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments, up to and including 4 stories), heavy and highway construction and dredging

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties	$8.88	.51	.65		
Clark, Cowlitz, Klickitat, Pacific, (Southern portion), Skamania and Wahkiakum Counties	7.85	.35	.60		.06
Remaining Counties	8.445	.44	.72		
BOILERMAKERS	7.70	.65	1.00	.50	.02
BRICKLAYERS:					
Adams (except City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties and Grand Coulee Dam area in Okanogan County	8.66	.35	.40		.04
Benton, Franklin, and Walla Walla Counties	8.20	.40	.50		
Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam)	7.79	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (South of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	9.02	.55	.35		.02
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum Counties and a ten mile strip bordering the Columbia River in Klickitat County	9.00	.45	.45		.08
Grant County and that portion of Adams County including the City of Othello	8.25	.45			
Kittitas, Yakima and Klickitat (except a ten-mile strip bordering the Columbia River)Cos	7.25	.50	.50		.02
Lewis, Mason and Thurston Cos.	7.65	.40	.30		.02
Pierce County	8.94	.55	.45		.02
San Juan, Skagit (including Cities of Burlington, Sedro-Woolley, Concrete and north thereof), and Whatcom Counties	9.10	.45	.45		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS:					
All Counties and parts of Counties east of the 120th Meridian (except those parts of Kittitas, Klickitat and Yakima)					
Carpenters	$7.89	.50	.55		.045
Piledriver; Floor Sanders; Saw Filers; Stationary Power Woodworking Tool Operator	8.04	.50	.55		.045
Shingler (wood or composition)	8.09	.50	.55		.045
Boom Men; Carpenters (creosoted material)	8.14	.50	.55		.045
Piledriver (creosoted material)	8.29	.50	.55		.045
Millwright and Machine Erector	8.39	.50	.55		.045
All Counties and parts of Counties west of the 120th Meridian (except Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties) and including the northern portion of Pacific and all of Yakima and Kittitas Counties					
Carpenters	8.15	.50	.60	.20	.02
Carpenters on Creosoted material	8.25	.50	.60	.20	.02
Sawfilers; Stationary Power Saw; Floor Finisher; Floor Layer; Shingles; Floor Sander and other Stationary Power Woodworking Tools	8.28	.50	.60	.20	.02
Millwrights and Machine Erectors; Piledrivers; Bridge, dock and wharf builders	8.50	.50	.60	.20	.02
Acoustical Workers	8.31	.50	.60	.20	.02
Boommen	8.35	.50	.60	.20	.02
Drywall Applicators	8.15	.50	.60	.20	.02
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Carpenters; Form Stripper; Manhole Builders; Acoustical Applicators	7.79	.55	.65	.35	.03
Piledrivermen, bridge, dock and wharf builders	7.89	.55	.65	.35	.03
Floor Layers; Floor Finishers; Stationary Power Saw Operator	7.94	.55	.65	.35	.03
Boomman	7.99	.55	.65	.35	.03
Millwrights; Machine Erectors	8.04	.55	.65	.35	.03
Drywall Applicator	7.24	.55	.40	.35	.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas (except for western portion lying one mile west of City of Easton), Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	$7.83	.45	.60		.04
Clallam, Grays Harbor, Island, Jefferson, King (except City of Auburn), Kitsap, Kittitas, (western portion lying one mile west of the City of Easton), Mason, Pacific (northern portion) San Juan, Skagit, Snohomish, and Whatcom Counties	8.18	.50	.60		.01
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties	7.14	.35	.35	.20	.03
Lewis, Pierce, Thurston and the City of Auburn in King County	7.20	.40	.50		.02
ELECTRICIANS:					
Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties					
Electricians	8.05	.35	1%+.40		.02
Cable Splicers	8.45	.35	1%+.40		.02
Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla and Yakima Counties					
Electricians	8.55	.35	1%+.40		.02
Cable Splicers	9.41	.35	1%+.40		.02
Chelan, Douglas, Grant and Okanogan Counties					
Electricians	8.55	.35	1%+.40		.02
Cable Splicers	9.41	.35	1%+.40		.02
Clallam, Jefferson, King and Kitsap Counties					
Electricians	9.05	.25	1%+.40		.03
Cable Splicers	9.955	.25	1%+.40		.03
Clark, Klickitat and Skamania Cos.					
Electricians	8.40	.45	1%+.40		.02
Cable Splicers	9.15	.45	1%+.40		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
Cowlitz and Wahkiakum Counties					
Electricians	$8.86	.25	1%	5%	.02
Cable Splicers	9.75	.25	1%	5%	.02
Grays Harbor, Lewis, Mason, Pierce, Pacific and Thurston Cos.					
Electricians	8.02	.45	1%+.45	4%	.04
Cable Splicers	8.82	.45	1%+.45	4%	.04
Island, San Juan, Skagit, Snohomish and Whatcom Counties					
Electricians	8.93	.45	1%+.40		.01
Cable Splicers	9.82	.45	1%+.40		.01
ELEVATOR CONSTRUCTORS:					
Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties					
Elevator Constructors	7.94	.395	.26	2%+a	
Elevator Constructors' Helpers	70%JR	.395	.26	2%+a	
Elevator Constructors' Helpers (Prob.)	50%JR				
Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific (northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Cos.					
Elevator Constructors	8.415	.395	.26	2%+a	
Elevator Constructors' Helpers	70%JR	.395	.26	2%+a	
Elevator Constructors' Helpers (Prob.)	50%JR				
Clark, Cowlitz, Klickitat, Pacific, (southern portion), Skamania and Wahkiakum Counties					
Elevator Constructors	7.97	.395	.26	2%+a	
Elevator Constructors' Helpers	70%JR	.395	.26	2%+a	
Elevator Constructors' Helpers (Prob.)	50%JR				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GLAZIERS:					
Adams (Northern Eastern half), Lincoln (Eastern half), Pend Oreille, Spokane, and Stevens Counties	$6.345	.25		.28	
Adams (Southeastern portion), Benton, Columbia, Franklin and Walla Walla Counties	6.51	.25	.35	.40	
Adams (Southwestern corner), Chelan, Douglas, Grant, Lincoln, (Western half) and Okanogan Cos.	6.57	.21	.15	.36	
Clallam, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific (Northern portion), Pierce, San Juan, Snohomish and Thurston Cos.	7.20	.22	.40	b	
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	7.20	.26	.30	6.5%	.01
Kittitas and Yakima Counties	6.41	.25	.25		
IRONWORKERS:					
Statewide except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers and Signalmen	7.95	.48	.80		.05
Clark, Cowltiz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakim Counties					
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers; Signalmen	8.90	.48	.80	.25	.05
LATHERS:					
Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties	7.93	.40			
Clallam, Island, Jefferson, King, Kitsap, Pacific (Northern portion), San Juan, Skagit, Snohomish and Whatcom Counties	7.50	.40			
Pierce County	7.25	.40	.50		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE SETTERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties, and Grand Coulee Dam Area in Okanogan County	$8.66	.35	.40		.04
Benton, Franklin, and Walla Walla Counties	8.20	.40	.50		
Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam)	7.79	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (South of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	9.02	.55	.35		.02
Clark, Cowlitz, Pacific (southern portion), Skamania, Wahkiakum Counties and a ten mile strip bordering the Columbia River in Klickitat County	9.00	.45	.45		.08
Grant County and that portion of Adams County including the City of Othello	8.25	.45			
Kittitas, Yakima and Klickitat (except ten mile strip bordering the Columbia River) Counties	7.25	.50	.50		
Lewis, Mason and Thurston Counties	7.65	.40	.30		.02
Pierce County	8.94	.55	.45		.02
San Juan, Skagit (incl. the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	9.10	.45	.45		
MARBLE, TILE & TERRAZZO WORKERS HELPERS:					
All Counties east of the Cascade Mountain Range in Washington	6.55				
Remaining Counties west of the Cascade Mountain Range (except Clark, Cowlitz, Klickitat, Pacific (southern portion) Skamania, and Wahkiakum Counties)	7.17	.55			
Clark, Cowlitz, Klickitat, Southern portion of Pacific, Skamania and Wahkiakum Counties	6.85	.60	.80		.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MASON TENDERS:					
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties (Including tenders to plasterers, bricklayers, tile setters, marble setters, and terrazzo workers; topping for cement finishers and mortar mixers)	$6.85	.60	.80		.07
PAINTERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties					
Brush	8.06	.25	.45		.01
Steel; Spray; Steam Cleaning; Roller over 9" or 10' handle; Drywall Taper	8.31	.25	.45		.01
Swing Stage Work or High Rate (over 30')	8.41	.25	.45		.01
Bitumastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	8.46	.25	.45		.01
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Brush	7.16	.30	.20	.10	.03
Spray; High Towers, ground to 100'	7.41	.30	.20	.10	.03
High Work over 100'; High Towers, ground to 300'	7.66	.30	.20	.10	.03
High Towers, ground to over 300'	8.16	.30	.20	.10	.03
Drywall Tapers	7.14	.40	.15	.50	.06
Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, Pacific (Northern portion) and Whatcom Counties					
Brush; Drywall Tapers	7.75	.40	.49		.02
Spray; Structural Steel; Bridge; Sandblasting; Stacks; Steam Cleaning; Steeples; Swing Stage; Tanks on legs; Tower; Toxic Material	8.00	.40	.49		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Kittitas and Yakima Counties					
Brush	$7.95	.31	.45		.02
Spray; Steel; Roller 9" or 10' handles; Drywall Taper; Steam Cleaning	8.20	.31	.45		.02
Swing Stage over 30' high	8.30	.31	.45		.02
Bitumastic; Bridges; Towers; Tanks on legs; Steeples; Stacks; Sandblasting	8.35	.31	.45		.02
PLASTERERS:					
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Kittitas (including the City of Ellensburg and south thereof); Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties	8.48	.40			
Chelan, Douglas, Kittitas (north of the City of Ellensburg), and Okanogan Counties	6.80	.40			
Clallam, Island, Jefferson, King, (except the City of Kent), Kitsap, Pacific (northern portion), San Juan, Skagit and Snohomish Cos.	8.41	.45	.70		.04
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties	8.30	.50	.60		.01
Grays Harbor, King (City of Kent), Lewis, Mason, Pierce and Thurston Counties	7.25	.40	.50		.02
PLUMBERS:					
Statewide (except - Chelan, Clallam, Jefferson and King Cos.; and Douglas and Okanogan Counties West of the 119o, 30 min. Longitude; and Kittitas County North of the 47o, 15 min. Latitude; and those portions of Clark and Skamania Counties lying south of a East-West line drawn through Woodland, Washington, due East to the Klickitat County Line)	7.96	.33	.85	.49	.08

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS: (Cont'd)					
Chelan, Clallam, Jefferson and King Counties; and Douglas and Okanogan Counties West of the 119° 30 min. Longitude; and Kittitas County North of the 47° 15 min. Latitude	$9.01	.58	.95	.75	.06
Clark and Skamania Counties South of an East-West Line drawn thru Woodland, Washington, due East to the Klickitat County Line	7.68	.65	.75		.07
ROOFERS:					
Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens and Whitman Counties	6.60	.30	.15		
Asotin and Garfield Counties	7.45				
Benton, Franklin, Kittitas, Klickitat, and Yakima Counties Roofers; Kettlemen; Waterproofers; Shinglers; Spraying	7.35	.20	.30		
Clallam, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum and Whatcom Counties					
Roofers; Waterproofers	8.45	.30	.20		
Slate and Tile Roofers	8.70	.30	.20		
Clark, and Skamania Counties Roofers	7.80	.45	.75		
Handling of irritating material (coal, tar or epoxy) in unconfined area	8.30	.45	.75		
Handling of irritating material (coal, tar or epoxy) in confined area	8.55	.45	.75		
SHEET METAL WORKERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	8.05	.32	.78	.50	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS: (Cont'd)					
Clallam, Jefferson, Kitsap and Mason Counties	$8.16	.37	.785	.47	.02
Clark and Skamania Counties	7.73	.48	.34	.31	.02
Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston and Wahkiakum Counties	9.20	.37	.765	.47	.02
King County	9.53	.47	.50		.02
Island and Snohomish Counties	7.90	.32	.40		.03
Whatcom, Skagit and San Juan Cos.	8.56	.42	.785		.02
SOFT FLOOR LAYERS:					
Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman Counties	6.68	.25	.25		
Benton, Franklin and Walla Walla Counties	7.00	.25	.40	.46	
Clallam, Island, Jefferson, Lewis, San Juan, Skagit, and Whatcom Counties	7.62	.36	.60		.05
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties	7.485	.45	45	c	.05
Grays Harbor, Mason, Pacific (northern portion), Pierce and Thurston Counties	7.76	.36	.60		.05
King, Kitsap and Snohomish Cos.	7.82	.36	.60		.05
Yakima and Kittitas Counties	7.02	.25	.25	.23	
SPRINKLER FITTERS:					
Skagit, Snohomish, King, Island, Kitsap, Pierce, and Thurston Cos.	10.13	.50	.70		.07
Remaining Counties	9.25	.50	.70		.08
TERRAZZO WORKERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan Co.	7.95	.35	.40		
Benton, Franklin, and Walla Walla Counties	7.53	.40	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	7.34	.45	.40	.25	

TERRAZZO WORKERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Clallam, Island, Jefferson, King, Kitsap, Skagit, (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	$8.75	.55	.35		
Grant County and that portion of Adams County including the City of Othello	7.35	.40			
Kittitas, Klickitat (except ten-mile strip bordering Columbia River), Yakima Counties	7.25	.50	.50		
Lewis, Mason and Thurston Counties	7.65	.40	.30		.02
Pierce County	8.68	.55	.45		.02
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	8.15	.40	.45		
TILE SETTERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam Area in Okanogan Co.	7.95	.35	.40		
Benton, Franklin, and Walla Walla Counties	7.53	.40	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	7.34	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	8.75	.55	.35		.04
Clark, Cowlitz, Pacific (southern portion), Skamania, Wahkiakum and a ten-mile strip bordering the Columbia River in Klickitat County	7.84	.35	.35	.25	
Grant County and that portion of Adams County incl. the City of Othello	7.35	.40			
Kittitas, Klickitat (except ten-mile strip bordering the Columbia River) and Yakima Counties	7.25	.50	.50		
Lewis, Mason and Thurston Cos.	7.65	.40	.30		.02
Pierce County	8.68	.55	.45		.02
WELDERS: Receive rate prescriber for craft performing operation to which welding is incidental.					

*STATEWIDE -
Where Pacific County is stated as "Northern portion" or "Southern portion" such areas are defined as follows:

Pacific (Northern portion) - North of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

Pacific (Southern portion) - South of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.
b. Two weeks' vacation with pay after 1 year of employment. Also seven Paid Holidays: A through F plus Washington's Birthday.
c. 4% of all gross wages to be placed to the credit of the employee with less than one year's service - 6% of all gross wages to be placed to the credit of the employee with more than one year of service.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cable Splicers; Leadman Pole Sprayer	$9.68	.35	1%	.10	1/2%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	8.74	.35	1%	.10	1/2%
Tree Trimmer	7.88	.35	1%	.10	1/2%
Line Equipment Man	7.52	.35	1%	.10	1/2%
Head Groundman (chipper); Head Groundman; Powderman; Jackhammer Man	6.56	.35	1%	.10	1/2%
Groundman; Tree Trimmer Helper	6.18	.35	1%	.10	1/2%
Hole Digger	5.91	.35	1%	.10	1/2%

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LABORERS (Area 1) (All Counties and portions of Counties East of the 120th Meridian)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.55	.40	.55		.02
Group 2	6.70	.40	.55		.02
Group 3	6.80	.40	.55		.02
Group 4	6.85	.40	.55		.02
Group 5	6.90	.40	.55		.02
Group 6	6.95	.40	.55		.02
Group 7	7.00	.40	.55		.02
Group 8	7.20	.40	.55		.02
Group 9:					
Class A	6.60	.40	.55		.02
Class B	6.65	.40	.55		.02
Class C	7.05	.40	.55		.02
Class D	7.10	.40	.55		.02
LABORERS (Area 2) (All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and including the Northern portion of Pacific County)					
Group 1	6.85	.55	.65		.03
Group 2	6.95	.55	.65		.03
Group 3	7.00	.55	.65		.03
Group 4	7.05	.55	.65		.03
Group 5	7.10	.55	.65		.03
Group 6	7.15	.55	.65		.03
Group 7	7.20	.55	.65		.03
Group 8	6.90	.55	.65		.03
Group 9	6.95	.55	.65		.03
Group 10	7.05	.55	.65		.03
Group 11	7.15	.55	.65		.03
Group 12	7.20	.55	.65		.03
Group 13	7.30	.55	.65		.03
LABORERS (Area 3) (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific Cos.)					
Group 1	6.40	.60	.80	.25	.07
Group 2	6.55	.60	.80	.25	.07
Group 3	6.70	.60	.80	.25	.07
Group 4	6.85	.60	.80	.25	.07

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LABORERS (Area 4) (Those portions of Chelan, Douglas, Kittitas, Okanogan, and Yakima Counties West of the 120th Meridian)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.60	.55	.65		.03
Group 2	6.70	.55	.65		.03
Group 3	6.75	.55	.65		.03
Group 4	6.80	.55	.65		.03
Group 5	6.85	.55	.65		.03
Group 6	6.90	.55	.65		.03
Group 7	6.95	.55	.65		.03
Group 8:					
Class A	6.65	.55	.65		.03
Class B	6.70	.55	.65		.03
Class C	6.80	.55	.65		.03
Class D	6.90	.55	.65		.03
Class E	6.95	.55	.65		.03
Class F	7.05	.55	.65		.03

POWER EQUIPMENT OPERATORS (AREA 1) (All Counties and portions of Counties East of the 120th Meridian)	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	App. Tr.
Group 1	$7.25	$7.75	$8.20	.65	.75		.03
Group 2	7.55	8.05	8.50	.65	.75		.03
Group 3	8.05	8.55	9.00	.65	.75		.03
Group 4	8.20	8.70	9.15	.65	.75		.03
Group 5	8.35	8.85	9.30	.65	.75		.03
Group 6	8.60	9.10	9.55	.65	.75		.03
Group 7	8.85	9.35	9.80	.65	.75		.03

*ZONE 1: Within a 15 mile radius from the City center of the following cities: Moses Lake, Pasco, Spokane and Walla Walla in Washington - and Coeur d' Alene and Lewiston in Idaho.
*ZONE 2: From a 15 to 45 mile radius from the center of the above named cities.
*ZONE 3: Over a 45 mile radius from the center of the above named cities.

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POWER EQUIPMENT OPERATORS (AREA 2)

(All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$7.42	.45	.65		.08
Group 2	7.52	.45	.65		.08
Group 3	7.63	.45	.65		.08
Group 4	7.68	.45	.65		.08
Group 5	7.70	.45	.65		.08
Group 6	7.75	.45	.65		.08
Group 7	7.76	.45	.65		.08
Group 8	7.80	.45	.65		.08
Group 9	7.82	.45	.65		.08
Group 10	7.95	.45	.65		.08
Group 11	7.98	.45	.65		.08
Group 12	8.01	.45	.65		.08
Group 13	8.06	.45	.65		.08
Group 14	8.08	.45	.65		.08
Group 15	8.10	.45	.65		.08
Group 16	8.13	.45	.65		.08
Group 17	8.16	.45	.65		.08
Group 18	8.20	.45	.65		.08
Group 19	8.27	.45	.65		.08
Group 20	8.28	.45	.65		.08
Group 21	8.33	.45	.65		.08
Group 22	8.38	.45	.65		.08
Group 23	8.60	.45	.65		.08
Group 24	8.64	.45	.65		.08
Group 25	8.69	.45	.65		.08
Group 26	8.77	.45	.65		.08
Group 27	8.99	.45	.65		.08
Group 28	9.19	.45	.65		.08
Group 29	9.30	.45	.65		.08
Group 30	9.32	.45	.65		.08
Group 31	9.60	.45	.65		.08

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POWER EQUIPMENT OPERATORS (AREA 3)

(Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$7.30	.55	.85	.35	.05
Group 2	7.44	.55	.85	.35	.05
Group 3	7.54	.55	.85	.35	.05
Group 4	7.70	.55	.85	.35	.05
Group 5	7.72	.55	.85	.35	.05
Group 6	7.80	.55	.85	.35	.05
Group 7	7.86	.55	.85	.35	.05
Group 8	7.96	.55	.85	.35	.05
Group 9	8.02	.55	.85	.35	.05
Group 10	8.08	.55	.85	.35	.05
Group 11	8.10	.55	.85	.35	.05
Group 12	8.16	.55	.85	.35	.05
Group 13	8.24	.55	.85	.35	.05
Group 14	8.40	.55	.85	.35	.05
Group 15	8.56	.55	.85	.35	.05
Group 16	8.74	.55	.85	.35	.05
Group 17	8.88	.55	.85	.35	.05
Group 18	9.06	.55	.85	.35	.05
Group 19	9.20	.55	.85	.35	.05
POWER EQUIPMENT OPERATORS (AREA 1) (DREDGING)					
(All Counties and portions of Counties East of the 120th Meridian - except that portion of Klickitat County)					
Group 1	7.29	.50	.65		.04
Group 2	7.39	.50	.65		.04
Group 3	7.73	.50	.65		.04
Group 4	7.78	.50	.65		.04
Group 5	7.83	.50	.65		.04
Group 6	8.15	.50	.65		.04
Group 7:					
(a)	8.54	.50	.65		.04
(b)	9.09	.50	.65		.04
DREDGING (AREA 2)					
(All Counties and portions of Cos. West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County)					
Group 1	7.34	.45	.65		.04
Group 2	7.44	.45	.65		.04
Group 3	7.78	.45	.65		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DREDGING (AREA 2) (Cont'd) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern Portion of Pacific County) and all of Kittitas and Yakima Counties					
Group 4	$7.83	.45	.65		.04
Group 5	7.88	.45	.65		.04
Group 6	8.20	.45	.65		.04
Group 7:					
(a)	8.59	.45	.65		.04
(b)	9.14	.45	.65		.04
DREDGING (AREA 3) (Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties)					
Group 1	6.64	.45	.60	.25	
Group 2	6.74	.45	.60	.25	
Group 3	7.13	.45	.60	.25	
Group 4	7.08	.45	.60	.25	
Group 5	7.18	.45	.60	.25	
Group 6	7.50	.45	.60	.25	
Group 7:					
(a)	7.89	.45	.60	.25	
(b)	8.44	.45	.60	.25	
TRUCK DRIVERS (AREA 1) (All Counties and portions of Counties East of the 120th Meridian					
Group 1	7.35	.72	.65		
Group 2	7.40	.72	.65		
Group 3	7.45	.72	.65		
Group 4	7.55	.72	.65		
Group 5	7.65	.72	.65		
Group 6	7.70	.72	.65		
Group 7	7.75	.72	.65		
Group 8	7.80	.72	.65		
Group 9	7.90	.72	.65		
Group 10	7.95	.72	.65		
Group 11	8.15	.72	.65		
Group 12	8.30	.72	.65		
Group 13	8.45	.72	.65		
Group 14	8.60	.72	.65		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (AREA 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and all of Kittitas and Yakima Counties)					
Group 1	$7.00	.54	.50		.01
Group 2	7.05	.54	.50		.01
Group 3	7.10	.54	.50		.01
Group 4	7.21	.54	.50		.01
Group 5	7.27	.54	.50		.01
Group 6	7.31	.54	.50		.01
Group 7	7.32	.54	.50		.01
Group 8	7.38	.54	.50		.01
Group 9	7.43	.54	.50		.01
Group 10	7.45	.54	.50		.01
Group 11	7.48	.54	.50		.01
Group 12	7.58	.54	.50		.01
Group 13	7.60	.54	.50		.01
Group 14	7.64	.54	.50		.01
Group 15	7.76	.54	.50		.01
Group 16	7.80	.54	.50		.01
Group 17	7.92	.54	.50		.01
Group 18	7.97	.54	.50		.01
Group 19	8.13	.54	.50		.01
Group 20	8.29	.54	.50		.01
Group 21	8.45	.54	.50		.01
TRUCK DRIVERS (AREA 3) (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties)					
Group 1	7.23	.45	.65	.30	.03
Group 2	7.28	.45	.65	.30	.03
Group 3	7.33	.45	.65	.30	.03
Group 4	7.38	.45	.65	.30	.03
Group 5	7.43	.45	.65	.30	.03
Group 6	7.53	.45	.65	.30	.03
Group 7	7.63	.45	.65	.30	.03
Group 8	7.73	.45	.65	.30	.03
Group 9	7.83	.45	.65	.30	.03
Group 10	8.00	.45	.65	.30	.03
Group 11	8.10	.45	.65	.30	.03
Group 12	8.20	.45	.65	.30	.03
Group 13	8.30	.45	.65	.30	.03
Group 14	8.40	.45	.65	.30	.03

LABORERS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian (except that part of Klickitat County)

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, handling the nozzle of squeezecrete or similar machine - 6" and smaller); Concrete Signalman; Crusher Feeder; Demolition (to include clean-up, burning, loading, wrecking and salvage of all material); Driller Helper; Dumpman; Fence Erector (to include guard rails, guide and reference posts, sign posts, and right of wag markers); General Laborer; Grout Machine Header Tender; Nipper; Riprap Man; Scaleman; Snake Jumper; Structural Mover (to include separating foundation preparation, cribbing, shoring, jacking and unloading of structure); Tailhoseman (water nozzle); Track Laborer (RR); Truck Loader; Timber, Bucker and Faller (by hand); Window Cleaner (prior to completion of construction)

Group 2: Cement Finisher Tender; Cement Handler; Demolition Torch; Dope Pot Fireman, non-mechanical; Form Cleaning Machine - Feeder, Stacker; Form Setter, paving; Driller Helper (when required to move position machine); Nozzleman, water and air or steam; Pipe Layer, corrugated metal culvert; Pipewrapper; Pot Tender; Powderman Helper; Power Tool Operator, gas, electric, pneumatic; Sandblast Tailhoseman; Scaffold Erector, wood or steel; Railroad Equipment, power driven, except dual mobile power spiker or puller; Rodder and Spreader; Wheelbarrow, power driven; Well-point Man; Vibrator up to 4"

Group 3: Asphalt Raker; Asphalt Roller, walking; Chain Saw Operator with attachments; Concrete Saw walking; Grade Checker, using level; Jackhammer Operator; Multi-section Pipe Layer; Nozzleman (to include squeeze and flocrete nozzle); Pavement Breaker; Power Buggy Operator; Railroad Power Spiker or Puller, dual mobile; Tamper (to include operation of Barco, Essex and similar tamper and pavement breakers); Trencher; Shawnee; Water Pipe Liner; Wagon Drills

Group 4: Chain Saw (faller); Laser Beam Operator; Pipe Layer (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer and Lagger but not including laying corrugated metal culvert pipe)

Group 5: Concrete Stack; Mortar Mixer

Group 6: Caisson Worker, free air; High Scaler

LABORERS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian (except that part of Klickitat County)

Group 7: Brush Machine (to include horizontal construction joint clean-up brush machine, power propelled); Drills (to include down-the-hole drills with 3° inch piston or larger and out-of-the-hole drills with 4! inch piston or larger); Gunnite (to include operation of machine and nozzle); Hod Carrier; Monitor Operator, air track or similar mounting; Nozzleman (to include jet blasting nozzleman over 1200 pounds, jet blast machine power propelled, sand blast nozzle); Vibrator, 4 inches and over

Group 8: Air Track Drills with Dual Masts and Drills; Powderman

Group 9: Tunnel and Shaft, Free Air
Class A: Bull Gang, Pump Crete Crewman including distributing pipe, assembling and dismantle and nipper
Class B: Brakeman, Dumpman
Class C: Miner and Nozzleman for concrete and laser beam operator on tunnels
Class D: Raise and Shaft Miner and Laser Beam Operator on raises and shafts

LABORERS (AREA 2)

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and including the Northern portion of Pacific County

Group 1: General Laborer; Nipper; Truck Spotter; Pitman; Brush Cutter; Choke Setter; Concrete and Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Drierman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Wellpoint; Header Laborer and Guardrail Erector

Group 2: Dumpman; Faller and Bucker; hand; Powderman's Helper; Sloper (over 20'); Wagon Driller and Air Trac Helper

Group 3: Groutman (pressure) including post tension beam; Power Tools (light duty) Chippers, Grinders, Tampers, and similar electric and air operated tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height; Topman

Group 4: Concrete Saw Operator; Pipe Pot Tender; Power Wheel Barrow or Buggy; Power Tools (heavy duty); Jackhammer, Pavement Breaker, Vib-Vibrators, Tampers (multiple and self-propelled); Railroad spike puller; Rakers-asphalt

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LABORERS (AREA 2) (Cont'd)

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and including the Northern portion of Pacific County

Group 5: Form Setter (steel forms); Grademan and Stake Hopper; Rodder; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete and rock, sandblast, gunnite, shotcrete); Spreader (carrier grade with Rodder)

Group 6: Faller and Bucker; Chain Saw; High Scaler; Mortarman and Hod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman - sewer; Wagon Driller and Air Track; Manhole Builder; Laser Beam Operator

Group 7: Cement Dumper - paving; Powderman

TUNNEL WORK

Group 8: Topman and Bull Gang

Group 9: Chuck Tender; Mucker and Laborer; Nipper; Brakeman

Group 10: Powderman's Helper

Group 11: Miner (including monolithic work); Spader; Re-timberman; Maintenance Man; Laser Beam Operator

Group 12: Miner, Shaft and Raise

Group 13: Powderman

LABORERS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 1: Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brusher Burners and Cutter; Car and Truck Loaders; Carpenter Tender; Change-house man or Dry Shack Men; Choker Setters; Clean Up Laborers; Concrete Laborers; Crusher Feeders; Culvert, hand labor; Curing, concrete; Demolition, Wrecking, and Moving Laborers; Driller Helpers; Dumpers, road oiling crew; Dumpmen (for grading crew); Elevator Feeders; Fence Builder (including guard rail, median rail, reference post, guide post, right-of-way marker); Fine Graders; Form Strippers (not swinging stages); General Laborers; Landscaping or Planting Laborers; Leverman on aggregate spreader (Flaherty and similar types); Loading Spotters; Material yard man (including electrical); Pittsburgh Chipper Operator or similar types; Powderman Helper; Railroad Track Laborers; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Skipmen; Signalmen; Slopers, Spraymen; Stake Chaser-Stake Setter-Grade Checker; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weightman-Crusher (aggregate when used)

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LABORERS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 2: Applicator (including pot tender for same); applying protective material by hand or nozzle on utility lines or storage tanks on project; Burners; Choker Splicer; Clary Power Spreader and similar types; Clean-up Nozzleman - Greencutter (concrete rock, etc.): Concrete Power Buggyman; Demolition and wrecking charred materials; Gunite Nozzleman Tender; Gunite or Sand Blasting Pot Tender; Handlers or mixers of all materials of an irritating nature (including cement and lime); Manhole Builders; Power Tool Operator, includes but not limited to: Chipping Guns, Dry Pack Machine, Jackhammer, Paving Breakers, Post Hole Digger, (air, gas, or electric); Tampers, Vibrating Screed, Vibrators (less than 4" in diameter); Ribbon Setter, head; Rip Rap Man (head), hand placed; Sand Blasting (wet); Sewer Timbermen; Timber Buckers and Fallers, Brush Cutters (power saw); Tunnel - Muckers, Brakemen, Concrete Crew, Bull Gang (under - ground)

Group 3: Asphalt Rakers; Bit Grinder ; Concrete Saw Operator; Drill Doctor; Drill Operators, Air Tracks, Cat Drills, Wagon Drills, Rubber-mounted Drills and other similar types; Gunite Nozzleman; High Scalers, Strippers and Drills (covers work in swinging stages, chairs, or belts, under extreme conditions unusual to normal drilling, blasting, barring-down or sloping and stripping); Powdermen; Power Saw Operators (bucking and falling merchantable logs); Pumpcrete Nozzlemen; Sandblasting (dry); Sewer Pipe Layers; Track Liners, Anchor Machines, Ballast Regulators, Multiple Tampers, Power Jacks; Tugger Operator, Tunnel-Chuck Tenders, Nippers and Timbermen; Vibrators (4" and larger); Water Blaster, Welder; Laser Beam (pipe Laying)

Group 4: Tunnel Miners; Tunnel Powderman; Laser Beam (Tunnel)

LABORERS (AREA 4)

Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 1: General Laborer; Carpenter Tender; Form Stripper; Track Laborer; Choker Setter; Fence Laborer

Group 2: Air Track and Wagon Drill Helper; Crusher Feeder; Dumpman; Powderman Helper; Sloper, over 20 feet, Faller and Bucker, hand

Group 3: Drill Chipper; Grinder, Tampers and similar light power tools; Faller and Bucker (hand); Grout Man (power); Top Man, Swinging Scaffold or Boatswain Chair over water or over 25' in height

Group 4: Asphalt Raker and Spreader; Cement Handler, cask or bulk; Dope Pot Tender; House Wreckers; Jackhammer; Pavement Breaker; Vibrator; Track Spike Puller; Concrete Saw and similar heavy power tools; Power Buggy Tampers (multiple and self-propelled)

LABORERS (AREA 4) (Cont'd)

Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 5: Form Setter, Steel Forms; Grademan, Stake Hopper; Spreader, Rodder, Nozzleman: Concrete Pumps, Gunnite, Sand Blast, Shot-crete, Green Cutter when using combination of high pressure air and water on concrete and rock

Group 6: Air Track and Wagon Drill Operator; High Scaler; Pipe Layer and Caulker; Pipe Wrapper; Timber Man; Mortar Man and Hod Carrier; Faller and Bucker; Chain Saw

Group 7: Cement Dumpers - Paving

Group 8: Tunnel Work
Class A: Topman and Bull Gang
Class B: Chuck Tender; Mucker and Laborer; Nipper; Brakemen
Class C: Powderman Helper
Class D: Miner (including Monolithic Worker); Re-Timberman; Maintenance Man; Spader, Laser Beam Operator
Class E: Miner; Shaft and Raise
Class F: Powderman

POWER EQUIPMENT OPERATORS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian (except that part of Klickitat County)

Group 1: Bit Grinders; Bolt Threading Machine; Compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Drillers' Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or welder, H.D.); Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Steam Cleaner; Welding Machine

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant and Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Elevator Hoisting Materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drums; Loader (bucker elevator and conveyors); Longitudinal Float; Mixer (portable-concrete); Pavement Breaker (hydra-hammer and similar); Post Hole Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator (self-propelled); Railroad Power Tamper Jack Operator (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except Backhoe); Tugger Operator; Ditch Witch or similar

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian (except that part of Klickitat County)

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Belt-crete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Blade Operator (motor patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Linning Machine (concrete); Chipper (withour crane); Cleaning and Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pumpcrete, Whitman and similar); Drills (Churn, Core, Calyx or Diamond); Elevating Belt-type Loader (Euclid, Barber Green, or similar); Elevating Grader-type Loader (Dumor, Adams, or similar); Equipment Serviceman, Greaser and Oiler; Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Hoist, (2 or more drums or tower hoist); Loader (overhead and front-end under 4 yards, R/T); Locomotive Engineer; Mixermobile; Mucking Machines; Paver or Curb Extruder (asphalt and concrete); Pump (grout or jet); Rollerman (finishing pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yards); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (Crawler, incl. dozer, scraper, drills, booms, rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 feet depth capacity); Turnhead Operator; Vacuum Drill (reverse circulation drill, under 8")

Group 4: Asphalt Plant Operator; Crusher, Grizzle and Screening Plant Operator; H.D. Mechanic; H.D. Welder; Refrigeration Plant Engineer (under 1,000 ton); Rubber-tired Scraper, Multi-engine power, with one scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Surface Heater and Planer Machine; Turnhead (with re-screening)

Group 5: Automatic Subgrader (ditches and trimmers) (Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (under 3 yards); Batch and Wet Mix Operator - multiple units (2 and including 4); Chipper (with crane); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes all (under 3 yards); Drilling Equipment (8" bit and over) (Robbin's reverse circulation and similar); Loader Operator (front end and overhead 4 yards to 8 yards); Piledriving Engineers; Paver (dual drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, multi-engine, power with one scraper (Euclid, TS-24 and similar), Push Pull or Help Mate in use; Rubber-tired Scrapers, multiple engines with tow scrapers; Shovels (under 3 yards); Refrigeration Plant Engineer (1,000 tons and over); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 feet depth and over); Multiple Dozer units with single blade

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian (except that part of Klickitat County)

Group 6: Backhoes (3 yards and over); Batch Plant (over 4 units); Cableway Controller - Dispatcher; Cableway Operator; Clamshell Operator (3 yds. and over); Cranes, all - 65 tons and over; Derricks and Stiffleg (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front-end over 8 to 12 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Tower Crane; Whirleys and Hammerheads (all)

Group 7: Helicopter Pilot; Loaders (overhead and front-end - over 12 yards)

POWER EQUIPMENT OPERATORS (AREA 2)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 1: Mechanics' Helpers (Heavy Duty)

Group 2: Oilers, Grade Checkers and Stakemen and/or Brakemen

Group 3: Firemen; Firemen (drier and hot plant)

Group 4: Rollers, Tampers and Vibrators (other than plant, road mix or multi-lift materials); Tractor (farmall type, 60 h.p. and under); Compressor (excavating and general purposes)

Group 5: Oiler Driver on Truck Cranes (over 45 tons up to 100)

Group 6: Blower Distributors and Mulch Seeding Operator; Oil Distributors

Group 7: Locomotives (Dinkey-air, diesel, electric, gas, steam)

Group 8: Equipment Service Oiler; Oiler Driver on Truck Cranes (100 tons and over)

Group 9: Pump (water); Tractors (Farmall type, over 60 h.p.)

Group 10: Post Hole Diggers (mechanical)

Group 11: Brooms (power, Wayne, Saginaw, and similar types); Bulldozers (under D9 or similar); Loaders (Fork Lifts or Lumber Stacker - on construction job site - Drot Travel Lift); Rollers, Tampers and Vibrators (twin engine); Saws (concrete); Scrapers (carry-all type, single)

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 12: Batch Plant (batch and mixer, 200 yards per hour and under); Cranes ("A" Frame Trucks, single power drum); Conveyors; Crusher (rock); Washing and Screening Plants; Finishing Machine Operator, Concrete Paving; Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Loaders (Elevating-Athey, Barber Greene, and similar types, and overhead and front-end, under 2½ yards); Mixers (asphalt up to 4 tons per batch, and concrete mixer and batch - 200 yards per hour and under); Power Plant Operators; Pumps (Fuller Kenyon, and concrete and pump crete); Rollers, Tampers and Vibrators (on plant, road mix or multi-lift materials); Screed man; Spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similar types); Trenching Machine (under 16 inches)

Group 13: Mechanics or Welder (heavy duty)

Group 14: Motor Patrol Graders (including Model 14 and similar); Tournapulls, Caterpillar, Euclid Scrapers, and similar type equipment (25 yards and under)

Group 15: Compressor (steel erection including sandblasting, painting of the same); Hoists on steel erection, Air Tuggers and Towermobiles; Loaders (fork lifts with tower)

Group 16: Cement Hogs; Loaders (Elevating Grader type, Dumor and similar); Locomotive (geared or rod engine); Mixers (paving); Scraper (carryall type, double)

Group 17: Tractors (Farmall type, used as Backhoes, Rubber-tired, Ford, Ferguson, Case, and similar type 60 h.p. and under)

Group 18: Bull Dozer (D-9 or similar)

Group 19: Trenching Machines (16 inches and over)

Group 20: Bump Cutter (Concut, Christianson or similar types)

Group 21: Batch Plant (batch and mixer, over 200 yards per hour through 400 yards per hour); Conveyors (Beltcrete with power pack and similar types); Loaders (elevating belt type - Euclid and similar types); Mixer (asphalt, 4 tons and over, per batch, and concrete mixers and batch - over 200 yards per hour through 400 yards per hour, and paving dual)

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 22: Bulldozer engaged in Yo Yo Operation (while clearing and scaling); Cableways (3 yards and under); Cranes ("A" frame trucks, double power drum: and Crawler, truck type, floating, Locomotive, Whirley, either 3 yards and under, or 150' of boom including jibs and under, or 45 tons and under: and Hydralifts, Hyster Cat Cranes and attachments and Chipper, wood with boom attachment); Derricks, all; Drilling Machine (core, cable rotary and exploration); Loaders (fork lift with power boom and swing attachment, and overhead and front end, 2½ yards and up to 4 yards); Mixers (mobile type with hoist combination); Motor Patrol Graders (over Model 14 and similar); Mucking Machines (mole, tunnel drill, and/or shield); Paydozer and Linker Pusher (Quad-9 and similar); Piledriver Engineer, (L. B. Foster Puller or similar, paving breaker); Shovels (Crawler and truck types, all attachments, 3 yards and under); Sub Grader (Gurries, CMI and similar types); Tractors (Farmall type, used as backhoes, rubber tired - Ford, Ferguson, Case and similar types - over 60 h.p.); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment - over 25 yards through 40 yards

Group 23: Loaders (overhead and front end, 4 yards up to 8 yards)

Group 24: Mixer (concrete mixers and batch over 400 yards per hour through 600 yards per hour)

Group 25: Tournapulls, Caterpillar, Euclid, Scrapers and similar type (over 40 yards through 55 yards)

Group 26: Cableways (over 3 yards); Cranes (Crawler, truck type, floating, Locomotive, Whirley, either over 3 yards, or over 150' of boom including jibs or over 45 tons up to 100 tons: and, Tower Cranes, Pecco, Lorraine, Bucyrus and similar types); Helicopter Winch Operator; Remote Control Operator on Rubber-tired Earth Moving Equipment; Shovels (Crawler and truck type, all attachments, over 3 yards up to 6 yards); Slip Form Paver (Zimmerman, CMI and similar types)

Group 27: Tournapulls, Caterpillar, Euclid, Scrapers, and similar type equipment (over 55 yards through 70 yards)

Group 28: Loaders (overhead and front end 8 yards and over)

Group 29: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 70 yards through 85 yards)

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 30: Cranes (Crawler, Truck Type, Floating, Locomotive, Whirley, either 5 yards and over, 200' of boom including jibs and over, or 100 tons and over); Shovel (Crawler and Truck Type, all attachments, 6 yards and over)

Group 31: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 85 yards through 100 yards)

POWER EQUIPMENT OPERATORS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 1: Assistant Conveyor Operator; Crusher Feederman; Oilers (including asphalt and concrete plant, crane, crusher, guardrail equipment - including punch, shovel, dragline, clamshell backhoe, skooper, railroad equipment, and trenching machine); Parts Man (tool room); Pump (under 4 inches); Railroad Equipment (Brakeman and Switch Man); Self-propelled Scaffolding Operator (on job site)

Group 2: Auger Oiler; Blade Operator (pulled type); Combination Guardrail Machines Oiler; Crane (Truck crane oiler - driver 25 ton capacity or over; and Fireman, all equipment: and A-Frame Truck, single drum: and Tugger or Coffin Type Hoist); Drill Helper; Floating Equipment Boatman; Fork Lift or Lumber Stacker Operator (on construction job site); Grade Checker; Grade Oiler (required to check grade); Helicopter Radioman (ground); Repairman Helper (H.D.); Roller Operator (grading of base rock - not asphalt); Shovel Fireman; Tar Pot Fireman (including power agitated); Temporary Heating Plant Operator

Group 3: Asphalt (including plant fireman, pugmill operator - any type, and truck mounted asphalt spreader, with screed); Broom Operator (self-propelled - on construction job site); Compressor Operator (any power - under 1,250 cu. ft. total capacity); Concrete (including Conveyor Operator, Mixer Box - CTB, Dry Batch, etc., Cement Hog, Concrete Saw, Concrete curing machine - riding type, and Wire mat or Brooming machine operator); Fork Lift (Ross Carrier, on construction job site); Hydraulic Pipe Press Operator; Loader (Bucket elevator, Barber-Greene and similar type); Pump, (any power - 4 inches and over, and Hydrostatic pump); Railroad Equipment (Motorman and Ballast jack tamper); Seeder Machine - Hydrographic (straw, pulp, or seed); Signalman (Bell Boy, phone, etc.); Tamping Machine (Mechanical, self-propelled); Tunnel (Conveyor operator - any type, and air filtration equipment)

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 4: Asphalt Screed Operator; Compactor (self-propelled - including Vibratory); Compressor (any power - over 1,250 cu. ft. total capacity); Concrete (Combination mixer and Compressor operator, Gunite work); Concrete Screed Operator; Concrete Mixer (single drum under five bag capacity); Floating Equipment Fireman; Fork Lift (over 5 tons); Helicopter Hoist Operator; Hydra Hammer or similar; Locomotive (under 40 tons); Lull Hi-lift Operator; Oiler (service, greaser); Pavement Breaker; Pump (more than 4 - any size); Roller (oiling, CTB)

Group 5: Asphalt Extrusion Machine; Chip Spreading Machine; Compactor (Wagner Pactor or similar type - without blade); Concrete Batch Plant quality control; Concrete (Power Jumbo Operator - Setting slip forms etc., in tunnels); Concrete (Slip Form Pumps - power driven Hydraulic Lifting device for concrete forms); Crane (Hoist - single drum and Elevator Operator); Lime Spreading Machine; Pulva Mixer (or similar type); Sweeper (Wayne type - self-propelled, on construction job site); Tractor Operator (Rubber-tired 50 h.p. flywheel and under); Trenching Machine (maximum digging capacity 3 feet depth)

Group 6: Asphalt Paver; Asphalt Burner and Reconditioner (any type); Concrete Pavement Grinder and/or Grooving Machine Operator (riding type); Concrete (Cast-in-place Pipe Laying Machine and Maginnis Internal Full Slab Vibrator Operator); Concrete Finishing Machine (Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type); Concrete Curb Machine (mechanical berm, curb and/or gutter); Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Finishing Machine; Concrete Spreader; Loaders (rubber-tired, 2-1/2 cu. yds. and under); Rock Spreaders, self-propelled

Group 7: Asphalt Plant Operator (any type); Asphalt Roller Operator (any mix); Beltcrete Operator; Concrete, Cement Pump (Fuller-Kenyon and similar); Concrete Grouting Machine; Concrete Mixer (single drum, five bag capacity and over); Crane (A-frame Truck double drum, and Boom Truck); Drill (Churn drill and Earth boring machine); Hydraulic Backhoe (wheel type 3/8 cu. yds. and under, with or without front end attachments 2½ cu. yds. and under - Ford, John Deere, Case type); Loader (Elevating Grader, tractor towed requiring operators on grader); Pot Rammer; Pumpcrete (any type); Railroad Equipment (Ballast regulator, Ballast tamper multi-purpose, Track liner, Tie spacer, Shuttle car, Locomotive - 40 ton and over)

Group 8: Concrete Batch Plant and/or Wet Mix Operator (one and two drum); Diesel - electric engineer (including asphalt plant, crusher, floating equipment generator, shovel, dragline, clamshell, backhoe, skooper, etc.); Generator Operator; Loader (belt loaders, Kolman and Ko Cal types)

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the southern portion of Pacific, Counties

Group 9: Boring Machine; Bulldozer; Clearing equipment (including Log skidders, Chippers, Incinerators, and Stump splitters); Compactor, with blade; Concrete cooling machine; Cranes (Chicago Boom and similar types, Lift slab machine, Boom type lifting device - 5 ton capacity or less, and Cherry Picker or similar type crane - Hoist - 5 ton capacity or less); Crusher Plant Operator; Drill Cat; Drill Doctor (including Bit Grinder); Grizzley Operator; Guardrail Punch Operator; Guardrail Auger Operator; Hammer Operator; Heater and Planer Operator (surface); Hydraulic Backhoe (track type 3/8 cu. yd.); Loader (front end and overhead - 2½ cu. yds. and under 4 cu. yds.); Machine tool; Mechanic (H.D.); Pipe cleaning machine; Pipe doping machine; Pipe bending machine; Pipe wrapping machine; Side-boom Cats; Stationary Drag Scraper; Tractor (rubber-tired over 50 h.p. flywheel); Tractor (with boom attachment); Trenching Machine (maximum digging capacity over 3 feet depth)

Group 10: Barge Operator (self-unloading); Bulldozer (twin engine - TC 12 and similar); Cable-plow (any type); Compactor (multi-engine); Dozers and Pushers (rubber-tired - Michigan, Cat, Hough type); Driller (percussion, diamond, core, cable, rotary, and similar); Jack Operator (elevating barges)

Group 11: Concrete Mixer Mobile Operator; Concrete Breaker; Crane (25 ton and under); Grade-all (under 1 cu. yd.); Guardrail machine combination (i.e., puncher, auger, etc.); Mucking Machine (tunnel); Shovel, Dragline, Clamshell, Hoe, etc., under 1 cu. yd.

Group 12: Blade Operator; Concrete Batch Plant and/or Wet Mix (3 or more units); Hoist Operator (two or more drums); Loader (elevating - Athey and similar type); Piledriver Operator (not crane type); Reinforced Tank Banding Machine (K-17 or similar); Scrapers (rubber-tired - single engine, single scraper; and Self-loading, Paddle wheel, Auger type: and Twin engine: and Scraper with push-pull attachments); Shield Operator (tunnel)

Group 13: Backfilling Machine; Blade Operator, finish; Blade Operator (externally controlled by electronic, mechanical hydraulic means); Blade Operator (multi-engine); Cableway (up to 25 tons); Concrete Paving Road Mixer; Crane (over 25 ton to and including, 40 ton); Derrick (under 100 tons); Floating Equipment Piledriver; Floating Clamshell (under 3 cu. yds.); Floating Crane (derrick barge - less than 30 tons); Grade-all (1 cu. yd. and over); Hoist (Stiffleg, Guy Derrick or similar, 50 tons and over); Loader (Elevating grader - operated by tractor operator, Sierra, Euclid, or similar types); Shovel, Dragline, Clamshell, Hoe, etc., 1 cu. yd. and less than 3 cu. yds.)

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 14: Crane - tower; Scraper (rubber-tired self loading paddle wheel, Auger type, finish and/or 2 or more units); Scraper (rubber-tired with tandem scraper)

Group 15: Loader (4 cu. yds. but less than 6 cu. yds.); Rock Hound Operator

Group 16: Auto Grader or "Trimmer" Operator; Bulldozer (Tandem, Quad-nine and similar type); Cableway (25 tons and over); Concrete Slip Form Paver (automatic); Concrete Canal Line Operator; Crane (over 40 tons and including 100 tons); Floating Clamshell (3 cu. yds. and over); Floating Crane (Derrick barge - 30 tons but less than 80 tons); Loader (6 cu. yds. but less than 12 cu. yds.); Scraper (rubber-tired, with Tandem Scrapers, multi-engine); Shovel, Dragline, Clamshell, Hoe, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel excavator (under 750 cu.yds. per hour); Whirley (80 tons and under)

Group 17: Canal Trimmer; Crane (over 100 tons to and including, 200 tons); Floating Crane (Derrick barge, 80 tons but less than 150 tons); Loader (12 cu. yds. and over); Shovel, Dragline, Clamshell, Hoe, etc., 5 cu. yds. and over; Whirley (over 80 tons to and including, 150 tons)

Group 18: Band Wagons (in conjunction with wheel excavator; Crane (over 200 tons); Floating Crane (150 tons but less than 250 tons); Wheel Excavator (over 750 cu. yds. per hour); Whirley (150 tons and over)

Group 19: Floating Crane (250 tons and over); Helicopter, when used in erecting work; Remote controlled earth-moving equipment; Underwater equipment (remote or otherwise)

POWER EQUIPMENT OPERATORS (AREAS 1, 2, and 3)
(DREDGING)

Group Descriptions for all Areas 1, 2, and 3 covering Statewide Washington

Group 1: Assistant Mate (Deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (Electric Generator operator for Primary Pump, Power Barge or Dredge)

POWER EQUIPMENT OPERATORS (AREAS 1, 2, and 3) (cont'd)
(DREDGING)

Group Descriptions for all Areas 1, 2, and 3 covering Statewide Washington

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper:
(a) Over 5 yards
(b) 5 yards and under

TRUCK DRIVERS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian (except those portions of Kittitas, Klickitat, and Yakima Counties)

Group 1: Flat Bed Truck, single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 pounds and under; Fuel Truck Driver (Steam Cleaner and Washer); Helper and Swamper; Leverperson loading trucks at bunkers; Pickup hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck 1,800 gallons.

Group 2: Bus Driver or Employeehaul Driver; Flat bed truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1; Warehouseperson

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-trailer, low bed, truck and trailer; Straddle Carrier (Ross Hyster and similar); Transit Mixers and trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yards); Water tank truck (1,801 - 4,000 gallons)

Group 4: Auto Crane - 2,000 pounds capacity; Bulk Cement Spreader; Dumptor (6 yards and under); Flaherty Spreader, Box Driver; Flat bed truck (using power take off); Fork Lift (over 3,000 pounds); Oil-Distributor Driver (road, bootperson, leverperson helper); Rubber-tired tunnel jumbo; Scissor truck; Slurry Truck Driver; Transit mixers and trucks hauling concrete (over 3 yards to 6 yards); Water tank truck (4,001 - 6,000 gallons); Wrecker and tow trucks

Group 5: Low Boy (under 50 tons); Service Greaser; Tireperson No. 2 Truck, side, end, and bottom dump (over 6 yards to 12 yards)

Group 6: A-Frame (Swedish Crane, Iowa 3,000, Hydrolift); Water tank truck (over 6,001 - 8,000 gallons)

Group 7: Dumptor (over 6 yards); Transit mixers and trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards)

TRUCK DRIVERS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian (except those portions of Kittitas, Klickitat, and Yakima Counties)

Group 8: Low Boy (over 50 tons); Water tank truck (8,001 - 10,000 gallons)

Group 9: Transit mixers and trucks hauling concrete, (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards); Water tank truck (10,001 - 12,000 gallons)

Group 10: Mechanic, field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards); Water tank truck (12,001 - 14,000 gallons)

Group 12: Transit mixers and trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)

Group 13: Truck, side, end and bottom dumps, (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end and bottom dump (over 100 yards)

TRUCK DRIVERS (AREA 2)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 1: Leverman and Loaders at bunkers and batch plants; Pickup truck, Escort or Pilot Car; Swampers; Warehouseman and Checkers

Group 2: Team Drivers

Group 3: Bull Lifts and similar equipment used in loading and unloading trucks, transporting materials on job site, warehousing; Dumpsters, and similar equipment (including Tournarockers, Tournawagon, Turnatrailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material: Dump trucks - side, end and bottom dump, including semi-trucks and trains or combinations thereof) - up to and including 5 yards; Flatbed, single rear axle; Fuel truck; Grease truck; Greaser, Battery Service Man and/or Tire Service Man; Scissor truck; Spreader, Flaherty; Tractor (small, rubber-tired); Vacuum truck; Water Wagon and tank truck (up to 1,600 gallons); Winch truck, single rear axle; Wrecker, tow truck and similar equipment

TRUCK DRIVERS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster Operators; Straddle Carrier (Ross, Hyster, and similar equipment); Water Wagon and tank truck, 1,600 gallons to 3,000 gallons

Group 6: Transit-mix, 0 to and including 4½ yards

Group 7: Dumpsters, and similar equipment (as listed in Group 3) - over 5 yards to and including 12 yards; Explosive truck (field mix) and similar equipment; Lowbed and heavy duty trailer, under 50 tons gross; Road Oil Distributor Driver; Slurry truck; Sno-go and similar equipment; Winch truck, dual rear axle

Group 8: Dumpsters, and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

Group 9: Bulk Cement tankers; Dumpsters, and similar equipment (as listed in Group 3) - over 16 yards to and including 20 yards; Water Wagon and tank truck, over 3,000 gallons

Group 10: Bull lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4½ yards to and including 6 yards

Group 12: "A" Frame or Hydralift trucks or similar equipment

Group 13: Dumpsters, and similar equipment (as listed in Group 3) - over 20 yards to and including 30 yards; Lowbed and heavy duty trailer, over 50 tons gross to and including 100 tons gross

Group 14: Transit-mix, over 6 yards, to and including 8 yards

Group 15: Dumpsters, and similar equipment (as listed in Group 3) - over 30 yards to and including 40 yards; Lowbed and heavy duty trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yards to and including 10 yards

Group 17: Dumpsters, and similar equipment (as listed in Group 3) - over 40 yards to and including 55 yards

TRUCK DRIVERS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 18: Transit-mix, over 10 yards to and including 12 yards

Group 19: Transit-mix, over 12 yards to and including 16 yards

Group 20: Transit-mix, over 16 yards to and including 20 yards

Group 21: Transit-mix over 20 yards

TRUCK DRIVERS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump trucks, side, end, and bottom dumps, including semi-trucks and trains or combinations thereof: 6 cu. yds. and under Lift Jitneys, Fork Lifts (all sizes used in loading, unloading and transporting material on job site); Loader and/or Leverman on concrete dry batch plant (manually operated); Pilot car; Solo flat bed and misc. body trucks, 0-10 tons; Truck Helper; Truck Mechanic Helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame of hydra-lift truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump trucks, side, end, and bottom dumps, including semi-trucks and trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit mix, and wet or dry mix trucks: 5 cu. yds. and under; Tireman (full-time basis); Water wagons (rated capacity) - 1,600 to 3,000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Low bed equipment, Flat bed semi-trailer, truck and trailer or doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Straddle carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

TRUCK DRIVERS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 6: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 10 cu. yds. and including 20 cu. yds.; Transit mix and wet or dry mix trucks, over 7 cu. yds. and including 9 cu. yds.; Truck mechanic-welder-body repairman; Water wagons (rated capacity) - 5,000 to 7,000 gallons

Group 7: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: Over 20 cu. yds. and including 30 cu. yds.; Transit mix and wet or dry mix trucks - over 9 cu. yds. and including 11 cu. yds.; Water wagons (rates capacity) - over 7,000 gallons to 10,000 gallons

Group 8: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit mix and wet or dry mix trucks - over 11 cu. yds. and including 13 cu. yds.; Water wagons (rated capacity) - over 10,000 gallons to 15,000 gallons

Group 9: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 40 cu. yds. and including 50 cu. yds.; Transit mix and wet or dry mix trucks - over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations therof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combination thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combination thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

Drivers and Helpers (handling sacked cement add $.15 per hour)

Winch truck - takes classification of truck on which winch is mounted.

[FR Doc.74-28316 Filed 12-5-74;8:45 am]

INDEX TO GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF NOVEMBER 1, 1974

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and county. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

Abbreviations:
(B)—Building Construction.
(D)—Dredging Construction.
(F)—Flood Control Construction.
(H)—Heavy Construction.
(Hw)—Highway Construction.
(R)—Residential Construction.
Mod.—Modification.
(HE)—Heavy Engineering.
(LE)—Light Engineering.
(U)—Utility.
(S)—Streets.
(W&S)—Water and Sewer Lines.

Signed at Washington, D. C., this 29th day of November 1974.

RAY J. DOLAN,
Assistant Administrator
Wage and Hour Division.

ALABAMA

STATEWIDE
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
Decision #AQ-4088 (Hw)(Excluding Airport Construction)
39 FR 10085 - 3/15/74
AUTAUGA COUNTY
(D) - See Statewide
(Hw) - See Statewide
BALDWIN COUNTY
Decision #AQ-4060 (R)
39 FR 3374 - 1/25/74
(Hw) - See Statewide
(Hw) - See Autauga County
BARBOUR COUNTY
(D) - See Statewide
(Hw) - See Statewide
BIBB COUNTY
(D) - See Statewide
(Hw) - See Statewide
BLOUNT COUNTY
Decision #AM-448 (R)
36 FR 16359 - 8/20/71
(D) - See Statewide
(Hw) - See Statewide
BULLOCK COUNTY
(D) - See Statewide
(Hw) - See Statewide
BUTLER COUNTY
(D) - See Statewide
(Hw) - See Statewide
CALHOUN COUNTY
(Hw) - See Statewide
(D) - See Statewide
CHAMBERS COUNTY
(D) - See Statewide
(Hw) - See Statewide
CHEROKEE COUNTY
(D) - See Statewide
(Hw) - See Statewide
CHILTON COUNTY
(D) - See Statewide
(Hw) - See STatewide
CHOCTAW COUNTY
(D) - See Statewide
(Hw) - See Statewide
CLARKE COUNTY
(D) - See Statewide
(Hw) - See Statewide

ALABAMA (Cont'd)

CLAY COUNTY
(D) - See Statewide
(Hw) - See Statewide
CLEBURNE COUNTY
(D) - See Statewide
(Hw) - See Statewide
COFFEE COUNTY
(D) - See Statewide
(Hw) - See Statewide
COLBERT COUNTY
Decision #AR-4015 (B)
39 FR 28772 - 8/9/74
Mod. #1 - 39 FR 33147 - 9/13/74
(Hw) - See Statewide
(D) - See Statewide
CONECUH COUNTY
(D) - See Statewide
(Hw) - See Statewide
(R) - See Baldwin County
COOSA COUNTY
(D) - See Statewide
(Hw) - See STatewide
COVINGTON COUNTY
(D) - See Statewide
(Hw) - See Statewide
CRENSHAW COUNTY
(D) - See Statewide
(Hw) - See Statewide
CULLMAN COUNTY
(D) - See Statewide
(Hw) - See Statewide
DALE COUNTY
(D) - See Statewide
(Hw) - See Statewide
DALLAS COUNTY
(D) - See Statewide
(Hw) - See Statewide
DE KALB COUNTY
(D) - See Statewide
(Hw) - See Statewide
ELMORE COUNTY
(D) - See Statewide
(Hw) - See Statewide
ESCAMBIA COUNTY
(D) - See Statewide
(Hw) - See Statewide
ETOWAH COUNTY
(D) - See Statewide
(Hw) - See Statewide

ALABAMA (Cont'd)

FAYETTE COUNTY
(D) - See Statewide
(Hw) - See Statewide
FRANKLIN COUNTY
(D) - See Statewide
(Hw) - See Statewide
GENEVA COUNTY
(D) - See Statewide
(Hw) - See Statewide
GREENE COUNTY
(D) - See Statewide
(Hw) - See Statewide
HALE COUNTY
(D) - See Statewide
(Hw) - See Statewide
HENRY COUNTY
(D) - See Statewide
(Hw) - See Statewide
HOUSTON COUNTY
(D) - See Statewide
(Hw) - See Statewide
JACKSON COUNTY
(D) - See Statewide
(Hw) - See Statewide
JEFFERSON COUNTY
Decision #AR-4043 (B)
39 FR 35918 - 10/4/74
(D) - See Statewide
(R) - See Blount County
(Hw) - See Statewide
LAMAR COUNTY
(D) - See Statewide
(Hw) - See Statewide
LAUDERDALE COUNTY
(B) - See Colbert County
(D) - See Statewide
(Hw) - See Statewide
LAWRENCE COUNTY
Decision #AR-4033 (B)
39 FR 33145 - 9/13/74
Mod. #1 - 39 FR 35903 - 10/4/74
(D) - See Statewide
(Hw) - See Statewide
LEE COUNTY
(D) - See Statewide
(Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Lawrence County
(D) - See Statewide
(Hw) - See Statewide

ALABAMA (cont'd)

LOWNDES COUNTY
(D) - See Statewide
(Hw) - See Statewide
MACON COUNTY
(D) - See Statewide
(Hw) - See Statewide
MADISON COUNTY
(D) - See Statewide
(Hw) - See Statewide
MARENGO COUNTY
(D) - See Statewide
(Hw) - See Statewide
MARION COUNTY
(D) - See Statewide
(Hw) - See Statewide
MARSHALL COUNTY
(D) - See Statewide
(Hw) - See Statewide
MOBILE COUNTY
Decision #AR-4020 (B)
39 FR 30671 - 8/23/74
Mod. #1 - 39 FR 33147 - 9/13/74
Mod. #2 - 39 FR 35903 - 10/4/74
Mod. #3 - 39 FR 36709 - 10/11/74
Mod. #4 - 39 FR 38800 - 11/1/74
(Hw) - See Statewide
(D) - See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D) - See Statewide
(Hw) - See Statewide
MONTGOMERY COUNTY
Decision #AP-184 (B)
38 FR 11244 - 5/4/73
Mod. #1 - 38 FR 13103 - 5/18/73
Mod. #2 - 39 FR 24781 - 7/5/74
Mod. #3 - 39 FR 36709 - 10/11/74
Decision #AQ-4082 (R)
39 FR 8100 - 3/1/74
(D) - See Statewide
(Hw) - See Statewide
MORGAN COUNTY
(B) - See Lawrence County
(D) - See Statewide
(Hw) - See Statewide
PERRY COUNTY
(D) - See Statewide
(Hw) - See Statewide
PICKENS COUNTY
(D) - See Statewide
(Hw) - See Statewide

ALABAMA (Cont'd)

PIKE COUNTY
(D) - See Statewide
(Hw) - See Statewide
RANDOLPH COUNTY
(D) - See Statewide
(Hw) - See Statewide
RUSSELL COUNTY
(D) - See Statewide
(Hw) - See Statewide
SAINT CLAIR COUNTY
(D) - See Statewide
(Hw) - See Statewide
(R) - See Blount County
SHELBY COUNTY
(D) - See Statewide
(Hw) - See Statewide
(R) - See Blount County
SUMTER COUNTY
(D) - See Statewide
(Hw) - See Statewide
TALLADEGA COUNTY
(D) - See Statewide
(Hw) - See Statewide
(R) - See Blount County
TALLAPOOSA COUNTY
(D) - See Statewide
(Hw) - See Statewide
TUSCALOOSA COUNTY
(D) - See Statewide
(Hw) - See Statewide
Decision #AQ-4125 (B)
39 FR 20911 - 6/14/74
Mod. #1 - 39 FR 33147 - 9/13/74
WALKER COUNTY
(D) - See Statewide
(Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Statewide
(Hw) - See Statewide
(R) - See Baldwin County
WILCOX COUNTY
(D) - See Statewide
(Hw) - See Statewide
WINSTON COUNTY
(D) - See Statewide
(Hw) - See Statewide

ALASKA

STATEWIDE
Decision #AR-1042 (B,H,Hw,D,R)
39 FR 38818 - 11/1/74

ARIZONA

STATEWIDE
Decision #AR-1008 (B,H,Hw)
39 FR 28773 - 8/9/74
Mod. #1 - 39 FR 33147 - 9/13/74
Mod. #2 - 39 FR 35903 - 10/4/74
APACHE COUNTY
Decision #AQ-1086 (R)
(Navajo and Hopi Indian Reservations Only)
39 FR 6987 - 2/22/74
(B,H,Hw) - See Statewide
COCHISE COUNTY
(B,H,Hw) - See Statewide
COCONINO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
GILA COUNTY
(B,H,Hw) - See Statewide
GRAHAM COUNTY
(B,H,Hw) - See Statewide
GREENLEE COUNTY
(B,H,Hw) - See Statewide
MARICOPA COUNTY
(B,H,Hw) - See Statewide
Decision #AR-1009 (R)
39 FR 28781 - 8/9/74
Mod. #1 - 39 FR 31772 - 8/30/74
Mod. #2 - 39 FR 33148 - 9/13/74
MOHAVE COUNTY
(B,H,Hw) - See Statewide
NAVAJO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
PIMA COUNTY
Decision #AR-1010 (R)
39 FR 28787 - 8/9/74
Mod. #1 - 39 FR 33149 - 9/13/74
(B,H,Hw) - See Statewide
PINAL COUNTY
(B,H,Hw) - See Statewide
SANTA CRUZ COUNTY
(B,H,Hw) - See Statewide
YAVAPAI COUNTY
(B,H,Hw) - See Statewide
YUMA COUNTY
(B,H,Hw) - See Statewide

ARKANSAS

STATEWIDE
Decision #AQ-89 (Construction, Alteration, and/or repair of streets, highways, runways, and Water & Sewer Utilities)
39 FR 11822 - 3/29/74
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
ARKANSAS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
Mod. #1 - 39 FR 15603 - 5/3/74
ASHLEY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BOONE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BRADLEY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CARROLL COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CHICOT COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

CLARK COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
CLAY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CLEBURNE COUNTY
(H,Hw) - See Statewide
(D)- See Statewide
(F) - See Arkansas County
CLEVELAND COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
COLUMBIA COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CONWAY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CRAIGHEAD COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CRAWFORD COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CRITTENDEN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GROSS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
DALLAS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
DESHA COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

DREW COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
FULTON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F(- See Arkansas County
HOT SPRING COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

JACKSON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(H,Hw) - See statewide
(D) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LENOKE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

MILLER COUNTY
(H,Hw) - See Statewide
(D) - see Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(D) - See Statewide
(H,Hw) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

POPE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PRAIEIE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
Decision #AR-33 (B)
39 FR 31784 - 8/30/74
Mod. #1 - 39 FR 38079 - 10/25/74
Decision #AP-356 (R)
37 FR 23489 - 11/3/72
RANDOLPH COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
SEVIER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SHARP COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

STONE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
UNION COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
Decision #AQ-110 (B)
39 FR 18410 - 5/24/74
Mod. #1 - 39 FR 20913 - 6/14/74
Mod. #2 - 39 FR 31772 - 8/30/74
Mod. #3 - 39 FR 34910 - 9/27/74
VAN BUREN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #AR-1037 (B,H,Hw,D)
39 FR 34930 - 9/27/74
Mod. #1 - 39 FR 35916 - 10/4/74
Mod. #2 - 39 FR 36709 - 10/11/74
Mod. #3 - 39 FR 38079 - 10/25/74
Decision #AR-1038 (R)
39 FR 34945 - 9/27/74
Mod. #1 - 39 FR 35917 - 10/4/74
Mod. #2 - 39 FR 38080 - 10/25/74
ALPINE COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
AMADOR COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALAVERAS COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D) - See Alameda County
CONTRA COSTA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
DELNORTE COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
ELDORADO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
FRESNO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
IMPERIAL COUNTY
Decision #AQ-1094 (B,H,Hw,D)
39 FR 11004 - 3/22/74
Mod. #1 - 39 FR 13409 - 4/12/74
Mod. #2 - 39 FR 16985 - 5/10/74
Mod. #3 - 39 FR 17651 - 5/17/74
Mod. #4 - 39 FR 24781 - 7/5/74
Decision #AQ-1095 (R)
39 FR 11013 - 3/22/74
Mod. #1 - 39 FR 13409 - 4/12/74
Mod. #2 - 39 FR 16986 - 5/10/74
Mod. #3 - 39 FR 17652 - 5/17/74
Mod. #4 - 39 FR 24781 - 7/5/74
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County

CALIFORNIA (Cont'd)

KING COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
MARIPOSA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
NAPA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
NEVADA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
ORANGE COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
PLACER COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SACRAMENTO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN BERNARDINO COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SAN DIEGO COUNTY
Decision #AQ-1092 (B,H,Hw,D)
39 FR 10086 - 3/15/74
Mod. #1 - 39 FR 17651 - 5/17/74

CALIFORNIA (Cont'd.)

SAN DIEGO COUNTY (Cont'd.)
Decision #AQ-1093 (R)
39 FR 10092 - 3/15/74
Mod. #1 - 39 FR 17651 - 5/17/74
SAN FRANCISCO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN JOAQUIN COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SAN MATEO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SANTA BARBARA COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SANTA CLARA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SANTA CRUZ COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SHASTA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SIERRA COUNTY
(B,H,Hw,D) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SONOMA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
TEHAMA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County
TULARE COUNTY
(B,H,Hw,D) - See Alameda Cuunty
TUOLUMNE COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
VENTURA COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County

CALIFORNIA (Cont'd)

YOLO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County

COLORADO

STATEWIDE
Decision #AR-1022 (Hw)
39 FR 30673 - 8/23/74
Mod. #1 - 39 FR 34910 - 9/27/74
Mod. #2 - 39 FR 38800 - 11/1/74
ADAMS COUNTY
Decision #AR-1032 (B,H)
39 FR 34957 - 9/27/74
Mod. #1 - 39 FR 38800 - 11/1/74
(Hw) - See Statewide
Decision #AQ-1099 (R)
39 FR 14123 - 4/19/74
ALAMOSA COUNTY
(Hw) - See Statewide
ARAPHOE COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
CHAFFEE COUNTY
(Hw) - See Statewide
CHYENNE COUNTY
(Hw) - See Statewide

COLORADO (cont'd)

CLEAR CREEK
(B,H) - See Adams County
(Hw) - See Statewide
(R) - See Adams County
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
EAGLE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
EL PASO COUNTY
(Hw) - See Statewide
Decision #AR-1035 (B,H)
39 FR 34976 - 9/27/74
Mod. #1 - 39 FR 38801 - 11/1/74
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
Decision #AR-1033 (B,H)
39 FR 34964 - 9/27/74
Mod. #1 - 39 FR 38801 - 11/1/74
(Hw) - See Statewide
GILPIN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
(R) - See Adams County
GRAND COUNTY
(B,H) - See Statewide
(Hw) - See Statewide
GUNNISON COUNTY
(B,H) - See Garfield County
(Hw) - See Statewide
HINDSDALE COUNTY
(Hw) - See Statewide
HUERFANO COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide

COLORADO (Cont'd)

JEFFERSON COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
KIOWA COUNTY
(Hw) - See Statewide
KIT CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LA PLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LAS ANIMAS COUNTY
Decision #AR-1034 (B,H)
39 FR 34970 - 9/27/74
Mod. #1 - 39 FR 38801 - 11/1/74
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B,H) - See Garfield County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide
MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B,H) - See Garfield County
(Hw) - See Statewide
MORGAN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
OTERO COUNTY
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide
PARK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B,H) - See Garfield County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(Hw) - See Statewide
(B,H) - See Las Animas County

COLORADO (Cont'd)

RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #AR-3094 (B,H,Hw,R)
39 FR 29730 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35904 - 10/4/74
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
Mod. #1 - 39 FR 36710 - 10/11/74
HARTFORD COUNTY
Decision #AR-3095 (B,H,Hw)
39 FR 29735 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35904 - 10/4/74
Decision #AQ-3096 (R)
39 FR 5961 - 2/15/74
(D) - See FAirfield County
LITCHFIELD COUNTY
Decision #AR-3096 (B,H,Hw,R)
39 FR 29739 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35904 - 10/4/74
MIDDLESEX COUNTY
Decision #AR-3097 (B,H,Hw)
39 FR 29743 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35904 - 10/4/74
(D) - See Fairfield County
NEW HAVEN COUNTY
Decision #AR-3098 (B,H,Hw)
39 FR 29747 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35905 - 10/4/74
(D) - See Fairfield County
NEW LONDON COUNTY
Decision #AR-3099 (B,H,Hw,R)
39 FR 29752 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35905 - 10/4/74
(D) - See Fairfield County
TOLLAND COUNTY
Decision #AR-3100 (B,H,Hw)
39 FR 29756 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35905 - 10/4/74
WINDHAM COUNTY
Decision #AR-3101 (B,H,Hw,R)
39 FR 29760 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35906 - 10/4/74

DELAWARE

STATEWIDE
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
Mod. #1 - 39 FR 36710 - 10/11/74
Decision #AR-2031 (B,H,Hw)
39 FR 31787 - 8/30/74
Mod. #1 - 39 FR 34910 - 9/27/74
Mod. #2 - 39 FR 36710 - 10/11/74
Mod. #3 - 39 FR 37330 - 10/18/74
Mod. #4 - 39 FR 38801 - 11/1/74
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(D) - See Statewide
(B,H,Hw) - See Statewide
SUSSEX COUNTY
(D) - See Statewide
(B,H,Hw) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #AR-4026 (B)
39 FR 31791 - 8/30/74
Mod. #1 - 39 FR 38080 - 10/25/74
Decision #AQ-4031 (Hw)
38 FR 31092 - 11/9/73
BAKER COUNTY
Decision #AQ-4004 (Hw)
38 FR 22841 - 8/24/73
BAY COUNTY
Decision #AQ-4107 (B)
39 FR 15638 - 5/3/74
Mod. #1 - 39 FR 26558 - 7/19/74
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
Decision #AQ-4030 (Hw)
38 FR 29727 - 10/26/73
Mod. #1 - 38 FR 31098 - 11/9/73
BRADFORD COUNTY
(Hw) - See Alachua County
BREVARD COUNTY (Cape Kennedy Kennedy Space Flight Center & Patrick AFB only)
Decision #AQ-4121 (B,H,Hw)
39 FR 20300 - 6/7/74
Mod. #1 - 39 FR 38080 - 10/25/74
Decision #AQ-4067 (D)
39 FR 5069 - 2/8/74
(Remainder of County)
Decision #AQ-4006 (Hw)
38 FR 22842 - 8/24/73
Mod. #I - 39 FR 5047 - 2/8/74
BROWARD COUNTY
Decision #AQ-4003 (Hw)
38 FR 22841 - 8/24/73
Decision #AQ-4091 (B)
39 FR 10991 - 3/22/74
Mod. #1 - 39 FR 17652 - 5/17/74
Mod. #2 - 39 FR 26557 - 7/19/74
Mod. #3 - 39 FR 36711 - 10/11/74
(D) - See Brevard County
CALHOUN COUNTY
(Hw) - See Bay County
CHARLOTTE COUNTY
Decision #AQ-4019 (Hw)
38 FR 27703 - 10/5/73
(D) - See Brevard County
CITRUS COUNTY
Decision #AR-4000 (R)
39 FR 24775 - 7/5/74
Mod. #1 - 39 FR 36711 - 10/11/74
Decision #AQ-4039 (Hw)
38 FR 33203 - 11/30/73
(D) - See Brevard County
CLAY COUNTY
(Hw) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County

FLORIDA (cont'd)

COLUMBIA COUNTY
(Hw) - See Alachua County
DADE COUNTY
Decision #AQ-4115 (B)
39 FR 17659 - 5/17/74
Mod. #1 - 39 FR 26558 - 7/19/74
Decision #AR-4050 (R)
39 FR 38077 - 10/25/74
(D) - See Brevard County
(Hw) - See Broward County
DESOTO COUNTY
Decision #AQ-4017 (Hw)
38 FR 27718 - 10/5/73
DIXIE COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
DUVAL COUNTY
Decision #AR-4027 (B)
39 FR 31793 - 8/30/74
(D) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #AQ-4055 (B)
39 FR 3388 - 1/25/74
Mod. #1 - 39 FR 12583 - 4/5/74
Mod. #2 - 39 FR 22366 - 6/21/74
Mod. #3 - 39 FR 26557 - 7/19/74
Decision #AP-178 (R)
38 FR 11259 - 5/4/73
Mod. #1 - 39 FR 15604 - 5/3/74
(D) - See Bay County
Decision #AQ-4005 (Hw)
38 FR 22842 - 8/24/73
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D) - See Bay County
(Hw) - See Bay County
GADSDEN COUNTY
Decision #AP-179 (R)
38 FR 11260 - 5/4/73
Mod. #1 - 39 FR 15604 - 5/3/74
(Hw) - See Bay County
GILCHRIST COUNTY
(Hw) - See Alachua County
GLADES COUNTY
(Hw) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Bay County
HAMILTON COUNTY
(Hw) - See Alachua County
HARDEE COUNTY
Decision #AQ-4040 (R)
38 FR 34565 - 12/14/73
(Hw) - See De Soto County
HENDRY COUNTY
(Hw) - See Charlotte County

FLORIDA (cont'd)

HERNANDO COUNTY
(D) - See Brevard County
HIGHLANDS COUNTY
(Hw) - See De Soto County
HILLSBOROUGH COUNTY
Decision #AR-4040 (B)
39 FR 34982 - 9/27/74
Decision #AQ-4018 (Hw)
38 FR 27703 - 10/5/73
(D) - See Brevard County
(R) - See Citrus County
HOLMES COUNTY
(Hw) - See Bay County
INDIAN RIVER COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
JACKSON COUNTY
(Hw) - See Bay County
JEFFERSON COUNTY
(D) - See Bay County
(R) - See Gadsden County
(Hw) - See Bay County
LAFAYETTE COUNTY
(Hw) - See Alachua County
LAKE COUNTY
Decision #AR-4033 (R)
39 FR 33157 - 9/13/74
Mod. #1 - 39 FR 34910 - 9/27/74
(Hw) - See Brevard Co. (Remainder of Co.)
LEE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
LEON COUNTY
Decision #AR-4028 (B)
39 FR 31795 - 8/30/74
(Hw) - See Bay County
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(Hw) - See Citrus County
LIBERTY COUNTY
(Hw) - See Bay County
MADISON COUNTY
(R) - See Gadsden County
(Hw) - See Alachua County
MANATEE COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
MARION COUNTY
(Hw) - See Citrus County
MARTIN COUNTY
Decision #AQ-4092 (B)
39 FR 10993 - 3/22/74
Mod. #1 - 39 FR 17652 - 5/17/74
Mod. #2 - 39 FR 26558 - 7/19/74
(D) - See Brevard County
(Hw) - See Broward County

FLORIDA (cont'd)

MONROE COUNTY
(D) - See Brevard County
(Hw) - See Broward County
NASSAU COUNTY
(D) - See Brevard County
(Hw) - See Baker County
OKALOOSA COUNTY
(B) - See Escambia County
(D) - See Bay County
(Hw) - See Escambia County
Decision #AP-180 (R)
38 FR 11260 - 5/4/74
Mod. #1 - 39 FR 15604 - 5/3/74
OKEECHOBEE COUNTY
(Hw) - See DeSoto County
ORANGE COUNTY
Decision #AQ-4127 (B)
39 FR 24190 - 6/28/74
Mod. #1 - 39 FR 26558 - 7/19/74
Mod. #2 - 39 FR 31774 - 8/30/74
(Hw) - See Brevard Co. (Remainder of Co
(R) - See Lake County
OSCEOLA COUNTY
(Hw) - See Brevard Co. (Remainder of Co
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
(B) - See Martin County
(Hw) - See Broward County
PASCO COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
(R) - See Citrus County
PINELLAS COUNTY
Decision #AQ-4100 (B)
39 FR 13425 - 4/12/74
Mod. #1 - 39 FR 26558 - 7/19/74
(R) - See Citrus County
(D) - See Brevard County
(Hw) - See Hillsborough County
(R) - See Citrus County
POLK COUNTY
(Hw) - See DeSoto County
(R) - See Hardee County
PUTNAM COUNTY
(Hw) - See Baker County
ST. JOHNS COUNTY
(D) - See Brevard County
(Hw) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
(Hw) - See Broward County
SANTA ROSA COUNTY
(B) - See Escambia County
(D) - See Bay County
(Hw) - See Escambia County
(R) - See Okaloosa County

FLORIDA (Cont'd)

SARASOTA COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
SEMINOLE COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
SUMTER COUNTY
(Hw) - See Citrus County
(R) - See Citrus County
SUWANNEE COUNTY
(Hw) - See Alachua County
TAYLOR COUNTY
(D) - See Brevard County
(R) - See Gadsden County
(Hw) - See Alachua County
UNION COUNTY
(Hw) - See Alachua County
VOLUSIA COUNTY (Except Cape Kennedy, Kennedy Space Flight Center & Patrick Air Force Base only and including Melabar Radar Site)
Decision #AR-4001 (B)
39 FR 24776 - 7/5/74
Mod. #1 - 39 FR 26558 - 7/19/74
Mod. #2 - 39 FR 27391 - 7/26/74
Mod. #3 - 39 FR 31774 - 8/30/74
(B,H,Hw) - See Brevard Co. (Cape Kennedy,Etc)
(D) - See Brevard County
(Hw) - See Brevard County (Remainder of Co.)
WAKULLA COUNTY
(D) - See Bay County
(Hw) - See Bay County
WALTON COUNTY
(B) - See Escambia County
(D) - See Bay County
(Hw) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
(Hw) - See Bay County

GEORGIA

STATEWIDE
Decision #AR-4038 (Hw)
39 FR 34984 - 9/27/74
Mod. #1 - 39 FR 36711 - 10/11/74
APPLING COUNTY
(Hw) - See Statewide
ATKINSON COUNTY
(Hw) - See Statewide
BACON COUNTY
(Hw) - See Statewide
BAKER COUNTY
Decision #AQ-4089 (R)
39 FR 10067 - 3/15/74
(Hw) - See Statewide
BALDWIN COUNTY
(Hw) - See Statewide
BANKS COUNTY
(Hw) - See Statewide
BARROW COUNTY
Decision #AQ-4108 (R)
39 FR 14841 - 4/26/74
(Hw) - See Statewide
BARTOW COUNTY
(Hw) - See Statewide
BEN HILL COUNTY
(Hw) - See Statewide
BERRIEN COUNTY
(Hw) - See Statewide
BIBB COUNTY
(Hw) - See Statewide
BLECKLEY COUNTY
(Hw) - See Statewide
BRANTLEY COUNTY
(Hw) - See Statewide
BROOKS COUNTY
(Hw) - See Statewide
BRYAN COUNTY
(Hw) - See Statewide
Decision #AQ-2039 (D)
39 FR 3395 - 1/25/74
BULLOCH COUNTY
(Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4085 (R)
39 FR 9333 - 3/8/74
(Hw) - See Statewide
BUTTS COUNTY
(Hw) - See Statewide
CALHOUN COUNTY
(Hw) - See Statewide
(R) - See Baker County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
CANDLER COUNTY
(Hw) - See Statewide
CARROLL COUNTY
(Hw) - See Statewide
CATOOSA COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

CHARLTON COUNTY
(Hw) - See Statewide
CHATHAM COUNTY
Decision #AQ-4069 (B)
39 FR 5979 - 2/15/74
Mod. #1 - 39 FR 9345 - 3/8/74
Mod. #2 - 39 FR 15605 - 5/3/74
Mod. #3 - 39 FR 34910 - 9/27/74
Decision #AQ-4058 (R)
39 FR 3394 - 1/25/74
(D) - See Bryan County
CHATTAHOOCHEE COUNTY
Decision #AQ-4086 (R)
39 FR 9334 - 3/8/74
(Hw) - See Statewide
CHATTOOGA COUNTY
(Hw) - See Statewide
CHEROKEE COUNTY
(Hw) - See Statewide
CLARKE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
CLAY COUNTY
(R) - See Baker County
(Hw) - See Statewide
CLAYTON COUNTY
Decision #AR-4051 (H)
39 FR 38797 - 11/1/74
(B) - See Fulton County
(Hw) - See Statewide
CLINCH COUNTY
(Hw) - See Statewide
COBB COUNTY
(B) - See Fulton County
(R) - See Fulton County
(H) - See Clayton County
(Hw) - See Statewide
COFFEE COUNTY
(Hw) - See Statewide
COLQUITT COUNTY
(Hw) - See Statewide
COLUMBIA COUNTY
(R) - See Burke County
(Hw) - See Statewide
COOK COUNTY
(Hw) - See Statewide
COWETA COUNTY
(Hw) - See Statewide
CRAWFORD COUNTY
(Hw) - See Statewide
CRISP COUNTY
(Hw) - See Statewide
DADE COUNTY
(Hw) - See Statewide
DAWSON COUNTY
(Hw) - See Statewide
DECATUR COUNTY
(Hw) - See Statewide
(R) - See Baker County

GEORGIA (Cont'd.)

DEKALB COUNTY
(B)(R) - See Fulton County
(H) - See Clayton County
(Hw) - See Statewide
DODGE COUNTY
(Hw) - See Statewide
DOOLY COUNTY
(Hw) - See Statewide
DOUGHERTY COUNTY
(Hw) - See Statewide
(R) - See Baker County
DOUGLAS COUNTY
(Hw) - See Statewide
EARLY COUNTY
(Hw) - See Statewide
(R) - See Baker County
ECHOLS COUNTY
(Hw) - See Statewide
EFFINGHAM COUNTY
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(R) - See Barrow County
EMANUEL COUNTY
(Hw) - See Statewide
EVANS COUNTY
(Hw) - See Statewide
FANNIN COUNTY
(Hw) - See Statewide
FAYETTE COUNTY
(Hw) - See Statewide
FLOYD COUNTY
(Hw) - See Statewide
FORSYTH COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
FULTON COUNTY
Decision #AR-4029 (B)
39 FR 32445 - 9/6/74
Mod. #1 - 39 FR 34910 - 9/27/74
Mod. #2 - 39 FR 38080 - 10/25/74
Decision #AQ-4052 (R)
39 FR 2328 - 1/18/74
(H) - See Clayton County
(Hw) - See Statewide
GILMER COUNTY
(Hw) - See Statewide
GLASCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
GORDON COUNTY
(Hw) - See Statewide
GRADY COUNTY
(Hw) - See Statewide
(R) - See Baker County
GREENE COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

GWINNETT COUNTY
(H) - See Clayton County
(Hw) - See Statewide
HABERSHAM COUNTY
(Hw) - See Statewide
HALL COUNTY
(Hw) - See Statewide
HANCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
HARALSON COUNTY
(Hw) - See Statewide
HARRIS COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
HART COUNTY
(Hw) - See Statewide
(R) - See Barrow County
HEARD COUNTY
(Hw) - See Statewide
HENRY COUNTY
(Hw) - See Statewide
HOUSTON COUNTY
(Hw) - See Statewide
IRWIN COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
JASPER COUNTY
(Hw) - See Statewide
JEFF DAVIS COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(R) - See Burke County
JENKINS COUNTY
(Hw) - See Statewide
(R) - See Burke County
JOHNSON COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
LAMAR COUNTY
(Hw) - See Statewide
LANIER COUNTY
(Hw) - See Statewide
LAURENS COUNTY
Decision #AQ-4124 (B)
39 FR 20912 - 6/14/74
(Hw) - See Statewide
LEE COUNTY
(Hw) - See Statewide
(R) - See Baker County
LIBERTY COUNTY
(D) - See Bryan County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
(R) - See Burke County

GEORGIA (Cont'd.)

LOWNDES COUNTY
(Hw) - See Statewide
LUMPKIN COUNTY
(Hw) - See Statewide
MCDUFFIE COUNTY
(Hw) - See Statewide
(R) - See Burke County
McINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Statewide
MACON COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MADISON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MARION COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MERIWETHER COUNTY
(R) - See Chattahoochee County
(Hw) - See Statewide
MILLER COUNTY
(Hw) - See Statewide
(R) - See Baker County
MITCHELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
MONROE COUNTY
(Hw) - See Statewide
MONTGOMERY COUNTY
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MURRAY COUNTY
(Hw) - See Statewide
MUSCOGEE COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
NEWTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OCONEE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OGLETHORPE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
PAULDING COUNTY
(Hw) - See Statewide
PEACH COUNTY
(Hw) - See Statewide
PICKENS COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
(R) - See Ware County
PIKE COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

POLK COUNTY
(Hw) - See Statewide
PULASKI COUNTY
(Hw) - See Statewide
PUTNAM COUNTY
(Hw) - See Statewide
QUITMAN COUNTY
(Hw) - See Statewide
(R) - See Baker County
RABUN COUNTY
(Hw) - See Statewide
RANDOLPH COUNTY
(Hw) - See Statewide
(R) - See Baker County
RICHMOND COUNTY
Decision #AQ-4106 (B)
39 FR 15601 - 5/3/74
Mod. #1 - 39 FR 17653 - 5/17/74
Mod. #2 - 39 FR 22366 - 6/21/74
(Hw) - See Statewide
(R) - See Burke County
ROCKDALE COUNTY
(Hw) - See Statewide
SCHLEY COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SCREVEN COUNTY
(Hw) - See Statewide
SEMINOLE COUNTY
(Hw) - See Statewide
(R) - See Baker County
SPALDING COUNTY
(Hw) - See Statewide
STEPHENS COUNTY
(Hw) - See Statewide
STEWART COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SUMTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALBOT COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALIAFERRO COUNTY
(Hw) - See Statewide
(R) - See Burke County
TATTNALL COUNTY
(Hw) - See Statewide
TAYLOR COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TELFAIR COUNTY
(Hw) - See Statewide
TERRELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
THOMAS COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

TIFT COUNTY
(Hw) - See Statewide
TOOMBS COUNTY
(Hw) - See Statewide
TOWNS COUNTY
(Hw) - See Statewide
TREUTLEN COUNTY
(Hw) - See Statewide
TROUP COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TURNER COUNTY
(Hw) - See Statewide
TWIGGS COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
UPSON COUNTY
(Hw) - See Statewide
WALKER COUNTY
(Hw) - See Statewide
WALTON COUNTY
(Hw) - See Statewide
(R) - See Barron County
WARE COUNTY
Decision #AP-155 (B)
38 FR 4073 - 2/9/73
Mod. #1 - 38 FR 5088 - 2/23/73
Decision #AR-4037 (R)
39 FR 33919 - 9/20/74
(Hw) - See Statewide
WARREN COUNTY
(Hw) - See Statewide
(R) - See Burke County
WASHINGTON COUNTY
(Hw) - See Statewide
(R) - See Burke County
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
WHEELER COUNTY
(Hw) - See Statewide
WHITE COUNTY
(Hw) - See Statewide
WHITEFIELD COUNTY
(Hw) - See Statewide
WILCOX COUNTY
(Hw) - See Statewide
WILKES COUNTY
(Hw) - See Statewide
WILKINSON COUNTY
(Hw) - See Statewide
WORTH COUNTY
(Hw) - See Statewide

GUAM

GUAM
Decision #AR-1029 (B,H,Hw,R)
39 FR 32448 - 9/6/74

HAWAII

STATEWIDE
Decision #AQ-1096 (B,H,Hw,D,R)
39 FR 14124 - 4/19/74

IDAHO

STATEWIDE
Decision #AR-1011 (B,H,Hw)
39 FR 34985 - 9/27/74
ADA COUNTY
Decision #AQ-1029 (R)
38 FR 24513 - 9/7/73
Mod. #1 - 38 FR 26543 - 9/21/73
(B,H,Hw) - See Statewide
ADAMS COUNTY
(B,H,Hw) - See Statewide
BANNOCK COUNTY
(B,H,Hw) - See Statewide
BEAR LAKE COUNTY
(B,H,Hw) - See Statewide
BENEWAH COUNTY
(B,H,Hw) - See Statewide
BINGHAM COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BOISE COUNTY
(B,H,Hw) - See Statewide
BONNER COUNTY
(B,H,Hw) - See Statewide
BONNEVILLE COUNTY
(B,H,Hw) - See Statewide
BOUNDARY COUNTY
(B,H,Hw) - See Statewide
BUTTE COUNTY
(B,H,Hw) - See Statewide
CAMAS COUNTY
(B,H,Hw) - See Statewide
CANYON COUNTY
(B,H,Hw) - See Statewide
CARIBOU COUNTY
(B,H,Hw) - See Statewide
CASSIA COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
(B,H,Hw) - See Statewide
CLEARWATER COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
ELMORE COUNTY
(B,H,Hw) - See Statewide
FRANKLIN COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd)

FREMONT COUNTY
(B,H,Hw) - See Statewide
GEM COUNTY
(B,H,Hw) - See Statewide
GOODING COUNTY
(B,H,Hw) - See Statewide
IDAHO COUNTY
(B,H,Hw) - See Statewide
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JEROME COUNTY
(B,H,Hw) - See Statewide
KOOTENAI COUNTY
(B,H,Hw) - See Statewide
LATAH COUNTY
(B,H,Hw) - See Statewide
LEMHI COUNTY
(B,H,Hw) - See Statewide
LEWIS COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MINIDOKA COUNTY
(B,H,Hw) - See Statewide
NEZ PERCE COUNTY
(B,H,Hw) - See Statewide
ONEIDA COUNTY
(B,H,Hw) - See Statewide
OWYHEE COUNTY
(B,H,Hw) - See Statewide
PAYETTE COUNTY
(B,H,Hw) - See Statewide
POWER COUNTY
(B,H,Hw) - See Statewide
SHOSHONE COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TWIN FALLS COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

ILLINOIS

ADAMS COUNTY
Decision #AR-3059 (H,Hw)
39 FR 28030 - 8/2/74
ALEXANDER COUNTY
Decision #AR-3062 (H,Hw)
39 FR 28041 - 8/2/74
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
BOND COUNTY
Decision #AR-3061 (H,Hw)
39 FR 28037 - 8/2/74
Mod. #1 - 39 FR 36711 - 10/11/74
BOONE COUNTY
Decision #AR-3055 (H,Hw)
39 FR 28014 - 8/2/74
Mod. #1 - 39 FR 33148 - 9/13/74
BROWN COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #AR-3056 (H,Hw)
39 FR 28018 - 8/2/74
CALHOUN COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(H,Hw) - See Bureau County
CASS COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #AR-3063 (B)
39 FR 28798 - 8/9/74
Decision #AR-3058 (H,Hw)
39 FR 28022 - 8/2/74
Mod. #1 - 39 FR 30665 - 8/23/74
CHRISTIAN COUNTY
(H,Hw) - See Adams County
CLARK COUNTY
(H,Hw) - See Champaign County
CLAY COUNTY
Decision #AR-3060 (H,Hw)
39 FR 28033 - 8/2/74
CLINTON COUNTY
(H,Hw) - See Bond County
COLES COUNTY
(H,Hw) - See Champaign County
COOK COUNTY
Decision #AR-3064 (B,H,Hw,R)
39 FR 28800 - 8/9/74
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74

ILLINOIS

CRAWFORD COUNTY
(H,Hw) - See Clay County
CUMBERLAND COUNTY
(H,Hw) - See Champaign County
DEKALB COUNTY
(H,Hw) - See Boone County
DEWITT COUNTY
(H,Hw) - See Champaign County
DOUGLAS COUNTY
(H,Hw) - See Champaign County
DU PAGE COUNTY
Decision #AR-3065 (B,R)
39 FR 28803 - 8/9/74
(H,Hw) - See Boone County
EDGAR COUNTY
(H,Hw) - See Champaign County
EDWARDS COUNTY
(H,Hw) - See Clay County
EFFINGHAM COUNTY
(H,Hw) - See Clay County
FAYETTE COUNTY
(H,Hw) - See Clay County
FORD COUNTY
None
FRANKLIN COUNTY
(H,Hw) - See Alexander County
FULTON COUNTY
Decision #AQ-3057 (H,Hw)
39 FR 28022 - 8/2/74
GALLATIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
None
HAMILTON COUNTY
(H,Hw) - See Clay County
HANCOCK COUNTY
(H,Hw) - See Fulton County
HARDIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
HENDERSON COUNTY
(H,Hw) - See Fulton County
HENRY COUNTY
(H,Hw) - See Bureau County
IROQUIIS COUNTY
None
JACKSON COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County

ILLINOIS (Cont'd)

JASPER COUNTY
(H,Hw) - See Clay County
JEFFERSON COUNTY
(H,Hw) - See Clay County
JERSEY COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
JO DAVIESS COUNTY
(H,Hw) - See Bureau County
JOHNSON COUNTY
(H,Hw) - See Alexander County
KANE COUNTY
Decision #AR-3066 (B,R)
39 FR 28805 - 8/9/74
(H,Hw) - See Boone County
KANKAKEE COUNTY
None
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(H,Hw) - See Fulton County
LAKE COUNTY
Decision #AR-3067 (B,R)
39 FR 28807 - 8/9/74
Mod. #1 - 39 FR 33149 - 9/13/74
(D) - See Cook County
(H,Hw) - See Boone County
LA SALLE COUNTY
None
LAWRENCE COUNTY
(H,Hw) - See Clay County
LEE COUNTY
(H,Hw) - See Bureau County
LIVINGSTON COUNTY
None
LOGAN COUNTY
(H,Hw) - See Adams County
MCDONOUGH COUNTY
(H,Hw) - See Fulton County
MCHENRY COUNTY
(H,Hw) - See Fulton County
MCCLEAN COUNTY
None
MACON COUNTY
(H,Hw) - See Champaign County
MAUCOPIN COUNTY
(H,Hw) - See Bond County
MADISON COUNTY
Decision #AR-3068 (B,R)
39 FR 28809 - 8/9/74
(H,Hw) - See Bond County

ILLINOIS (Cont'd)

MARION COUNTY
(H,Hw) - See Clay County
MARSHALL COUNTY
None
MASON COUNTY
(H,Hw) - See Adams County
MASSAC COUNTY
(H,Hw) - See Alexander County
MENARD COUNTY
(H,Hw) - See Adams County
MERCER COUNTY
(H,Hw) - See Fulton County
MONROE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(H,Hw) - See Bond County
MORGAN COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #AR-3069 (B,R,D)
39 FR 28813 - 8/9/74
(H,Hw) - See Fulton County
PERRY COUNTY
(H,Hw) - See Alexander County
PIATT COUNTY
(H,Hw) - See Champaign County
PIKE COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(H,Hw,D) - See Alexander County
PULASKI COUNTY
(H,Hw,D) - See Alexander County
PUTNAM COUNTY
None
RANDOLPH COUNTY
(H,Hw,D) - See Alexander County
RICHLAND COUNTY
(H,Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #AR-3070 (B)
39 FR 28817 - 8/9/74
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
Decision #AR-3071 (B,R)
39 FR 28819 - 8/9/74
(H,Hw) - See Bond County
(D) - See Alexander County

ILLINOIS (Cont'd)

SALINE COUNTY
(H,Hw) - See Alexander County
SANGAMON COUNTY
Decision #AR-3072 (B,R)
39 FR 28822 - 8/9/74
(H,Hw) - See Adams County
SCHUYLER COUNTY
(H,Hw) - See Adams County
SCOTT COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(H,Hw) - See Champaign County
STARK COUNTY
(H,Hw) - See Fulton County
STEPHENSON COUNTY
(H,Hw) - See Bureau County
TAZEWELL COUNTY
(B,R,D) - See Peoria County
(H,Hw) - See Fulton County
UNION COUNTY
(H,Hw,D) - See Alexander County
VERMILLION COUNTY
Decision #AR-3073 (B)
39 FR 28824 - 8/9/74
(H,Hw) - See Champaign County
WABASH COUNTY
(H,Hw) - See Clay County
WARREN COUNTY
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(H,Hw) - See Bond County
WAYNE COUNTY
(H,Hw) - See Clay County
WHITE COUNTY
(H,Hw) - See Clay County
WHITEWIDE COUNTY
(H,Hw) - See Bureau County
WILL COUNTY
Decision #AR-3075 (B,R)
39 FR 28828 - 8/9/74
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #AR-3074 (B)
39 FR 28826 - 8/9/74
(H,Hw) - See Alexander County
WINNEBAGO COUNTY
Decision #AR-3076 (B)
39 FR 28831 - 8/9/74
(H,Hw) - See Bureau County
WOODFORD COUNTY
None

INDIANA

ADAMS COUNTY
Decision #AR-3123 (H,Hw)
39 FR 30739 - 8/23/74
Mod. #1 - 39 FR 34913 - 9/27/74
ALLEN COUNTY
Decision AR-3080 (B)
39 FR 30698 - 8/23/74
Mod. #1 - 39 FR 34911 - 9/27/74
Decision #AQ-3000 (R)
39 FR 22341 - 8/17/73
(H,Hw) - See Adams County
BARTHOLOMEW COUNTY
Decision #AR-3081 (B)
39 FR 30701 - 8/23/74
Mod. #1 - 39 FR 33149 - 9/13/74
Decision #AR-3127 (H,Hw)
39 FR 30755 - 8/23/74
Mod. #1 - 39 FR 33152 - 9/13/74
BENTON COUNTY
Decision #AQ-3082 (B)
39 FR 30703 - 8/23/74
Mod. #1 - 39 FR 33149 - 9/13/74
Decision #AR-3124 (H,Hw)
39 FR 30744 - 8/23/74
Mod. #1 - 39 FR 33151 - 9/13/74
Mod. #2 - 39 FR 34913 - 9/27/74
BLACKFORD COUNTY
Decision #AR-3125 (H,Hw)
39 FR 30748 - 8/23/74
Mod. #1 - 39 FR 33151 - 9/13/74
BOONE COUNTY
Decision #AM-668 (R)
38 FR 13247 - 5/18/74
Decision #AR-3126 (H,Hw)
39 FR 30752 - 8/23/74
Mod. #1 - 39 FR 33152 - 9/13/74
BROWN COUNTY
(H,Hw) - See Bartholomew County
CARROLL COUNTY
(H,Hw) - See Benton County
CASS COUNTY
(H,Hw) - See Benton County
CLARK COUNTY
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
(H,Hw) - See Bartholomew County
CLAY COUNTY
(H,Hw) - See Boone County
CLINTON COUNTY
(H,Hw) - See Benton County
CRAWFORD COUNTY
Decision #AR-3128 (H,Hw)
39 FR 30759 - 8/23/74
(D) - See Clark County
DAVIESS COUNTY
(H,Hw) - See Boone County
DEARBORN COUNTY
Decision #AR-3083 (B)
39 FR 30706 - 8/23/74

INDIANA (cont'd)

DECATUR COUNTY
(H,Hw) - See Bartholomew County
DEKALB COUNTY
(H,Hw) - See Adams County
DELAWARE COUNTY
Decision #AR-3084 (B)
39 FR 30708 - 8/23/74
Mod. #1 - 39 FR 33150 - 9/13/74
(H,Hw) - See Blackford County
DUBOIS COUNTY
(H,Hw) - See Crawford County
ELKHART COUNTY
(H,Hw) - See Adams County
FAYETTE COUNTY
(H,Hw) - See Blackford County
FLOYD COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
FOUNTAIN COUNTY
(H,Hw) - See Boone County
FRANKLIN COUNTY
(H,Hw) - See Bartholomew County
FULTON COUNTY
(H,Hw) - See Benton County
GIBSON COUNTY
(H,Hw) - See Crawford County
GRANT COUNTY
Decision #AR-3085 (B)
39 FR 30711 - 8/23/74
Mod. #1 - 39 FR 33150 - 9/13/74
(H,Hw) - See Blackford County
GREENE COUNTY
(H,Hw) - See Boone County
HAMILTON COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
HARRISON COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
HENDRICKS COUNTY
(H,Hw) - See Boone County
(R) - See Boone County
HENRY COUNTY
(H,Hw) - See Blackford County
HOWARD COUNTY
(H,Hw) - See Benton County
HUNTINGTON COUNTY
(H,Hw) - See Adams County
JACKSON COUNTY
(H,Hw) - See Bartholomew County
JASPER COUNTY
(H,Hw) - See Benton County
JAY COUNTY
(H,Hw) - See Blackford County

INDIANA (Cont'd)

JEFFERSON COUNTY
(D) - See Clark County
(H,Hw) = See Bartholomew County
JENNINGS COUNTY
(H,Hw) - See Bartholomew County
JOHNSON COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
KNOX COUNTY
(H,Hw) - See Boone County
KOSCIUSKO COUNTY
(H,Hw) - See Adams County
LAGRANGE COUNTY
(H,Hw) - See Adams County
LAKE COUNTY
Decision #AR-3086 (B,H,Hw)
39 FR 30714 - 8/23/74
Mod. #1 - 39 FR 34911 - 9/27/74
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
LAPORTE COUNTY
Decision #AR-3087 (B,H,Hw)
39 FR 30717 - 8/23/74
Mod. #1 - 39 FR 34912 - 9/27/74
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Bartholomew County
MADISON COUNTY
(H,Hw) - See Blackford County
MARION COUNTY
Decision #AR-3088 (B)
39 FR 30721 - 8/23/74
Mod. #1 - 39 FR 33150 - 9/13/74
(R) - See Boone County
(H,Hw) - See Blackford County
MARSHALL COUNTY
(H,Hw) - See Adams County
MARTIN COUNTY
(H,Hw) - See Bartholomew County
MIAMI COUNTY
(H,Hw) - See Benton County
MONROE COUNTY
Decision #AR-3089 (B)
39 FR 30723 - 8/23/74
Mod. #1 - 39 FR 33151 - 9/13/74
(H,Hw) - See Bartholomew County
MONTGOMERY COUNTY
(H,Hw) - See Boone County
MORGAN COUNTY
(R) - See Boone County
(H,Hw) - See Boone County
NEWTON COUNTY
(H,Hw) - See Benton County
NOBLE COUNTY
(H,Hw) - See Adams County

INDIANA (Cont'd.)

OHIO COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
ORANGE COUNTY
(H,Hw) - See Bartholomew County
OWEN COUNTY
(H,Hw) - See Boone County
PARKE COUNTY
(H,Hw) - See Boone County
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
PIKE COUNTY
(H,Hw) - See Crawford County
PORTER COUNTY
Decision #AR-3090 (B,H,Hw)
39 FR 30726 - 8/23/74
Mod. #1 - 39 FR 34912 - 9/27/74
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
PULASKI COUNTY
(H,Hw) - See Benton County
PUTNAM COUNTY
(H,Hw) - See Boone County
RANDOLPH COUNTY
(H,Hw) - See Blackford County
RIPLEY COUNTY
(H,Hw) - See Bartholomew County
RUSH COUNTY
(H,Hw) - See Blackford County
SAINT JOSEPH COUNTY
Decision #AR-3091 (B,H,Hw)
39 FR 30730 - 8/23/74
Mod. #1 - 39 FR 34913 - 9/27/74
SCOTT COUNTY
(H,Hw) - See Bartholomew County
SHELBY COUNTY
(R) - See Boone County
(H,Hw) - See Blackford County
SPENCER COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
STARKE COUNTY
(H,Hw) - See Adams County
STEUBEN COUNTY
(H,Hw) - See Adams County
SULLIVAN COUNTY
(H,Hw) - See Boone County
SWITZERLAND COUNTY
(D) - See Bartholomew County
(H,Hw) - See Bartholomew County

INDIANA (Cont'd)

TIPPECANOE COUNTY
(B,H,Hw) - See Benton County
TIPTON COUNTY
(H,Hw) - See Benton County
UNION COUNTY
(H,Hw) - See Blackford County
VANDERBURGH COUNTY
Decision #AR-3092 (B)
39 FR 30734 - 8/23/74
(D) - See Clark County
(H,Hw) - See Crawford County
VERMILLION COUNTY
(H,Hw) - See Boone County
VIGO COUNTY
Decision #AR-3093 (B)
39 FR 30736 - 8/23/74
Mod. #1 - 39 FR 33151 - 9/13/74
(H,Hw) - See Boone County
WABASH COUNTY
(H,Hw) - See Benton County
WARREN COUNTY
(H,Hw) - See Boone County
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
WASHINGTON COUNTY
(H,Hw) - See Bartholomew County
WAYNE COUNTY
(H,Hw) - See Blackford County
WELLS COUNTY
(H,Hw) - See Adams County
WHITE COUNTY
(H,Hw) - See Benton County
WHITLEY COUNTY
(H,Hw) - See Adams County

IOWA

ADAIR COUNTY
None
ADAMS COUNTY
None
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
Decision #AR-73 (Hw)
39 FR 38797 - 11/1/74
AUDUBON COUNTY
None
BENTON COUNTY
Decision #AR-74 (Hw)
39 FR 38798 - 11/1/74
BLACK HAWK COUNTY
Decision #AR-65 (B,H,Hw) (City of Waterloo & abutting Municipalities
39 FR 36745 - 10/11/74
Mod. #1 - 39 FR 38802 - 11/1/74
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
None
BUENA VISTA COUNTY
None
BUTLER COUNTY
None
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #AM-6712 (H,Hw)
37 FR 7429 - 4/14/72
CASS COUNTY
(H,Hw) - See Carroll County
CEDAR COUNTY
None
CERRO GORDO COUNTY (MASON COUNTY
Decision #AR-66 (B,H,Hw)
39 FR 36748 - 10/11/74
Mod. #1 - 39 FR 38802 - 11/1/74
CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
None

Iowa (Cont'd).

CLAY COUNTY
(H,Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (City of Clinton and abbutting municipalities)
Decision #AR-64 (B,H,Hw)
39 FR 36742 - 10/11/74
Mod. #1 - 39 FR 38802 - 11/1/74
CRAWFORD COUNTY
(H,Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
(Hw) - See Appanoose County
DECATUR COUNTY
None
DELAWARE COUNTY
None
DES MOINES COUNTY (City of Burlington and Abutting Municipalities; and Burlington Ordnance Plant)
Decision #AR-58 (B,H,Hw)
39 FR 36727 - 10/11/74
Mod. #1 - 39 FR 38802 - 11/1/74
DICKINSON COUNTY
None
DUBUQUE COUNTY (City of Dubuque and abutting municipalities)
Decision #AR-62 (B,H,Hw)
39 FR 36736 - 10/11/74
Mod. #1 - 39 FR 38802 - 11/1/74
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
None
FRANKLIN COUNTY
None
FREMONT COUNTY
Decision #AR-75 (Channel Stabilization)
39 FR 38798 - 11/1/74
GREENE COUNTY
None
GRUNDY COUNTY
None

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
None
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
(Chann. Stab.) - See Fremont Co.
HENRY COUNTY
None
HOWARD COUNTY
(H,Hw) - See Carroll County
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
(Hw) - See Benton County
JACKSON COUNTY
None
JASPER COUNTY
None
JEFFERSON COUNTY
(Hw) - See Appanoose County
JOHNSON COUNTY (City of Iowa City and abutting municipalities)
Decision #AR-27 (B,H,Hw)
39 FR 33950 -9/20/74
Mod. #1 - 39 FR 38802 - 11/1/74
(Hw) - See Benton County
JONES COUNTY
None
KEOKUK COUNTY
(Hw) - See Benton County
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY (City of Cedar Rapids and AButting Municipalities)
Decision #AR-57 (B,H,Hw)
39 FR 36724 - 10/11/74
Mod. #1 - 39 FR 38802 - 11/1/74
LINN COUNTY (Except City of Cedar Rapids and Abutting Municipalities)
Decision AP-536 (H,Hw)
38 FR 18139 - 7/6/73

IOWA (Cont'd.)

LOUISA COUNTY
None
LUCAS COUNTY
None
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
(Hw) - See Benton County
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
(Channel Stab.) - See Freemont Co.
MITCHELL COUNTY
None
MONONA COUNTY
(H,Hw) - See Carroll County
(Channel Stab.) - See Freemont Co.
MONROE COUNTY
None
MONTGOMERY COUNTY
None
MUSCATINE COUNTY
O'BRIEN COUNTY
(H,hw) - See Carroll County
OSCEOLA COUNTY
(H,Hw) - See Carroll County
PAGE COUNTY
None
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY (City of Des Moines and Abutting Municipalities)
Decision #AR-61 (B,H,Hw)
39 FR 36733 - 10/11/74
Mod. #1 - 39 FR 38802 - 11/1/74
POLK COUNTY (Except City of Des Moines and Abutting Municipalities)
Decision #AP-215 (H,Hw)
37 FR 16266 - 8/11/72
Mod. #1 - 39 FR 17653 - 5/17/74
Mod. #2 - 39 FR 18406 - 5/24/74
Mod. #3 - 39 FR 20284 - 6/7/74

IOWA (Cont'd)

POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City limits)
Decision #AR-67 (B,H,Hw)
39 FR 36751 - 10/11/74
Mod.#1 - 39 FR 38803 - 11/1/74
(Chann. Stab.) - See Freemont Co.
POWESHIEK COUNTY
(Hw) - See Benton County
RINGGOLD COUNTY
(H,Hw) - See Carroll County
SAC COUNTY
None
SCOTT COUNTY
Decision #AR-19 (B,H,Hw)
39 FR 33926 - 9/20/74
Mod. #1 - 39 FR 38803 - 11/1/74
SHELBY COUNTY
None
SIOUX COUNTY
None
STORY COUNTY (City of Ames and abutting municipalities)
Decision #AR-63 (B,H,Hw)
39 FR 36739 - 10/11/74
TAMA COUNTY
(Hw) - See Benton County
TAYLOR COUNTY
(H,Hw) - See Carroll County
UNION COUNTY
None
VAN BUREN COUNTY
(Hw) - See Appanoose County
(H,Hw) - See Carroll County
WAPELLO COUNTY
(Hw) - See Appanoose County
WARREN COUNTY
None
WASHINGTON COUNTY
(Hw) - See Benton County
WAYNE COUNTY
None
WEBSTER COUNTY (FORT DODGE)
Decision #AR-60 (B,H,Hw)
39 FR 36730 - 10/11/74
WINNEBAGO COUNTY
None
WINNESHIEK COUNTY
None

IOWA (Cont'd.)

WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #AR-26 (B)
39 FR 33948 - 9/20/74
Mod. #1 - 39 FR 38803 - 11/1/74
(Chann. Stab.) - See Freemont Co.
WORTH COUNTY
None
WRIGHT COUNTY
None

KANSAS

ALLEN COUNTY
Decision #AP-519 (Hw, W&S)
38 FR 7732 - 3/23/73
Mod. #1 - 38 FR 22313 - 8/17/73
ANDERSON COUNTY
(Hw, W&S) - See Allen County
ATCHISON COUNTY
Decision #AQ-21 (D)
38 FR 23647 - 8/31/73
(Hw, W&S) - See Allen County
BARBER COUNTY
Decision #AP-521 (Hw, W&S)
38 FR 7734 - 3/23/73
Mod. #1 - 38 FR 22313 - 8/17/73
BARTON COUNTY
(Hw, W&S) - See Barber County
BOURBON COUNTY
(Hw, W&S) - see Allen County
BROWN COUNTY
(Hw, W&S) - See Allen County
BUTLER COUNTY
(Hw, W&S) - See Allen County
CHASE COUNTY
(Hw, W&S) - See Allen County
CHAUTAUQUA COUNTY
(Hw, W&S) - See Allen County
CHEROKEE COUNTY
(Hw, W&S) - See Allen County
CHEYENNE COUNTY
(Hw, W&S) - See Barber County
CLARK COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

CLAY COUNTY
(Hw, W&S) - See Allen County
CLOUD COUNTY
(Hw, W&S) - See Allen County
COFFEY COUNTY
(Hw, W&S) - See Allen County
COMANCHE COUNTY
(Hw, W&S) - See Barber County
COWLEY COUNTY
(Hw, W&S) - See Allen County
CRAWFORD COUNTY
(Hw, W&S) - See Allen County
DECATUR COUNTY
(Hw, W&S) - See Barber County
DICKINSON COUNTY
(Hw, W&S) - See Allen County
DONIPHAN COUNTY
(D) - See Atchison County
(Hw, W&S) - See Allen County
DOUGLAS COUNTY
Decision #AP-503 (Hw)
37 FR 17349 - 8/25/72
Mod. #1 - 38 FR 20389 - 9/29/72
Mod. #2 - 38 FR 6523 - 3/9/73
Mod. #3 - 38 FR 9389 - 4/13/73
Mod. #4 - 38 FR 20164 - 7/27/73
Mod. #5 - 38 FR 22850 - 8/24/73
EDWARDS COUNTY
(Hw, W&S) - See Barber County
ELK COUNTY
(Hw, W&S) - See Allen County
ELLIS COUNTY
(Hw, W&S) - See Barber County
ELLSWORTH COUNTY
(Hw, W&S) - See Barber County
FINNEY COUNTY
(Hw, W&S) - See Barber County
FORD COUNTY
(Hw, W&S) - See Barber County
FRANKLIN COUNTY
(Hw, W&S) - See Allen County
Decision #AQ-88 (R)
39 FR 11791 - 3/29/74
(Hw, W&S) - See Allen County
COVE COUNTY
(Hw, W&S) - See Barber County
GRAHAM COUNTY
(Hw, W&S) - See Barber County
GRANT COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

GRAY COUNTY
(Hw, W&S) - See Barber County
GREELEY COUNTY
(Hw, W&S) - See Barber County
GREENWOOD COUNTY
(Hw, W&S) - See Allen County
HAMILTON COUNTY
(Hw, W&S) - See Barber County
HARPER COUNTY
(Hw, W&S) - See Allen County
HARVEY COUNTY
(Hw, W&S) - See Allen County
HASKELL COUNTY
(Hw, W&S) - See Barber County
HODGEMAN COUNTY
(Hw, W&S) - See Barber County
JACKSON COUNTY
(Hw, W&S) - See Allen County
JEFFERSON COUNTY
(Hw) - See Douglas County
JEWELL COUNTY
(Hw, W&S) - See Barber County
JOHNSON COUNTY
Decision #AQ-44 (B,H,Hw)
38 FR 31780 - 11/16/73
Mod. #1 - 39 FR 26559 - 7/19/74
Decision #AQ-62 (R)
38 FR 32388 - 11/23/73
KEARNY COUNTY
(Hw, W&S) - See Barber County
KINGMAN COUNTY
(Hw, W&S) - See Allen County
KIOWA COUNTY
(Hw, W&S) - See Barber County
LABETTE COUNTY
(Hw, W&S) - See Allen County
LANE COUNTY
(Hw, W&S) - See Barber County
LEAVENWORTH COUNTY
Decision #AQ-36 (B)
38 FR 28511 - 10/24/73
Mod. #1 - 38 FR 31754 - 11/16/73
Mod. #2 - 39 FR 33911 - 9/20/74
(Hw) - See Douglas County
(D) - See Atchison County
LINCOLN COUNTY
(Hw, W&S) - See Barber County
LINN COUNTY
(Hw, W&S) - See Allen County
LOGAN COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

LYON COUNTY
(Hw, W&S) - See Allen County
McPHERSON COUNTY
(Hw, W&S) - See Allen County
MARION COUNTY
(Hw, W&S) - See Allen County
MARSHALL COUNTY
(Hw, W&S) - See Allen County
MEADE COUNTY
(Hw, W&S) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw, W&S) - See Barber County
MONTGOMERY COUNTY
(Hw, W&S) - See Allen County
MORRIS COUNTY
(Hw, W&S) - See Allen County
MORTON COUNTY
(Hw, W&S) - See Barber County
NEMAHA COUNTY
(Hw, W&S) - See Allen County
NEOSHO COUNTY
(Hw, W&S) - See Allen County
NESS COUNTY
(Hw, W&S) - See Barber County
NORTON COUNTY
(Hw, W&S) - See Barber County
OSAGE COUNTY
(Hw, W&S) - See Allen County
OSBORNE COUNTY
(Hw, W&S) - See Barber County
OTTAWA COUNTY
(Hw, W&S) - See Allen County
PAWNEE COUNTY
(Hw, W&S) - See Barber County
PHILLIPS COUNTY
(Hw, W&S) - See Barber County
POTTAWATOMIE COUNTY
(Hw, W&S) - See Allen County
PRATT COUNTY
(Hw, W&S) - See Barber County
RAWLINS COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

RENO COUNTY
(Hw, W&S) - See Allen County
REPUBLIC COUNTY
(Hw, W&S) - See Allen County
RICE COUNTY
(Hw, W&S) - See Barber County
RILEY COUNTY
(Hw, W&S) - See Allen County
(R) - See Geary County
ROOKS COUNTY
(Hw, W&S) - See Barber County
RUSH COUNTY
(Hw, W&S) - See Barber County
RUSSELL COUNTY
(Hw, W&S) - See Barber County
SALINE COUNTY
(Hw, W&S) - See Allen County
SCOTT COUNTY
(Hw, W&S) - See Barber County
SEDGWICK COUNTY
Decision #AP-533 (R)
38 FR 16573 - 6/22/73
Decision #AP-532 (B)
38 FR 13922 - 5/25/73
Mod. #1 - 38 FR 20166 - 7/27/73
Mod. #2 - 38 FR 27163 - 9/28/73
Decision #AP-520 (Hw, W&S)
38 FR 7733 - 3/23/73
Mod. #1 - 38 FR 22313 - 8/17/73
SEWARD COUNTY
(Hw, W&S) - See Barber County
SHAWNEE COUNTY
Decision #AQ-32 (B)
38 FR 27169 - 9/28/73
Mod. #1 - 39 FR 26559 - 7/19/74
Decision #AQ-33 (R)
38 FR 27172 - 9/28/74
(Hw) - See Douglas County

KANSAS (Cont'd.)

SHERIDAN COUNTY
(Hw, W&S) - See Barber County
SHERMAN COUNTY
(Hw, W&S) - See Barber County
SMITH COUNTY
(Hw, W&S) - See Barber County
STAFFORD COUNTY
(Hw, W&S) - See Barber County
STANTON COUNTY
(Hw, W&S) - See Barber County
STEVENS COUNTY
(Hw, W&S) - See Barber County
SUMNER COUNTY
(Hw, W&S) - See Allen County
THOMAS COUNTY
(Hw, W&S) - See Barber County
TREGO COUNTY
(Hw, W&S) - See Barber County
WABAUNSEE COUNTY
(Hw, W&S) - See Allen County
WALLACE COUNTY
(Hw, W&S) - See Barber County
WASHINGTON COUNTY
(Hw, W&S) - See Allen County
WICHITA COUNTY
(Hw, W&S) - See Barber County
WILSON COUNTY
(Hw, W&S) - See Allen County
WOODSON COUNTY
(Hw, W&S) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw) - See Johnson County
(R) - See Johnson County
(D) - See Atchison County

KENTUCKY

ADAIR COUNTY
Decision #AQ-4075 (H,Hw)
39 FR 5983 - 2/15/74
Mod. #1 - 39 FR 8102 - 3/1/74
Mod. #2 - 39 FR 20913 - 6/14/74
Mod. #3 - 39 FR 29705 - 8/16/74
ALLEN COUNTY
Decision #AQ-4084 (H,Hw)
39 FR 8118 - 3/1/74
Mod. #1 - 39 FR 14849 - 4/26/74
Mod. #2 - 39 FR 20913 - 6/14/74
Mod. #3 - 39 FR 29706 - 8/16/74
ANDERSON COUNTY
Decision #AQ-4116 (H,Hw)
39 FR 17661 - 5/17/74
Mod. #1 - 39 FR 20914 - 6/14/74
Mod. #2 - 39 FR 29706 - 8/16/74
BALLARD COUNTY
Decision #AQ-4002 (D)
38 FR 21037 - 8/3/73
Mod. #1 - 39 FR 4264 - 2/1/74
Mod. #2 - 39 FR 15603 - 5/3/74
(H,Hw) - See Allen County
BARREN COUNTY
(H,Hw) - See Adair County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #AQ-4066 (R)
39 FR 4305 - 2/1/74
BELL COUNTY
(H,Hw) - See Adair County
Decision #AQ-4126 (B)
39 FR 22359 - 6/21/74
BOONE COUNTY
Decision #AR-4034 (B)
39 FR 33158 - 9/13/74
Decision #AQ-4036 (H,Hw)
38 FR 32349 - 11/23/73
Mod. #1 - 38 FR 33879 - 12/7/73
Mod. #2 - 39 FR 1189 - 1/4/74
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
BOURBON COUNTY
(Hw,H) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #AR-4047 (B)
39 FR 38824 - 11/1/74
(H,Hw) - See Anderson County
(D) - See Boone County
BOYLE COUNTY
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
BREATHITT COUNTY
Decision #AQ-4076 (H,Hw)
39 FR 5987 - 2/15/74
Mod. #1 - 39 FR 8102 - 3/1/74

KENTUCKY (Cont'd)

BRECKINRIDGE COUNTY
Decision #AP-183 (R)
38 FR 11278 - 5/4/73
(H,Hw) - See Anderson County
(D) - See Boone County
BULLITT COUNTY
(D) - See Boone County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLAWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(B,H,D,Hw) - See Boone County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
CARTER COUNTY
(H,Hw) - See Anderson County
CASEY COUNTY
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
(H,Hw) - See Adair County
CLINTON COUNTY
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
CUMBERLAND COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
Decision #AQ-4122 (B)
39 FR 20281 - 6/7/74
(H,Hw) - See Allen County
(D) - See Boone County
EDMONSON COUNTY
(H,Hw) - See Allen County
ELLIOTT COUNTY
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd)

FAYETTE COUNTY
Decision #AR-4018 (B)
39 FR 28836 - 8/9/74
Mod. #1 - 39 FR 32442 - 9/6/74
(H,Hw) - See Anderson County
(R) - See Bath County
FLEMING COUNTY
(H,Hw) - See Anderson County
FLOYD COUNTY
Decision #AR-4002 (B)
39 FR 24777 - 7/5/74
(H,Hw) - See Breathitt County
FRANKLIN COUNTY
Decision #AQ-4101 (B)
39 FR 14113 - 4/19/74
Mod. #1 - 39 FR 30665 - 8/23/74
Mod. #2 - 39 FR 38803 - 11/1/74
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
GRANT COUNTY
(H,Hw) - See Anderson County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREENE COUNTY
(H,Hw) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Boone County

KENTUCKY (Cont'd)

HARDIN COUNTY
(B) - See Jefferson County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
HARLAN COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw) - See Adair County
HENDERSON COUNTY
Decision #AR-4025 (B)
39 FR 31796 - 8/30/74
(H,Hw) - See Allen County
(D) - See Boone County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #AR-4016 (B)
39 FR 28833 - 8/9/74
Mod. #1 - 39 FR 38803 - 11/1/74
(D) - See Boone County
(R) - See Breckinridge County
(H,Hw) - See Anderson County
JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

KENTUCKY (Cont'd)

JOHNSON COUNTY
Decision #AQ-4080 (H,Hw)
39 FR 7033 - 2/22/74
Mod. #1 - 39 FR 14848 - 4/26/74
Mod. #2 - 39 FR 20913 - 6/14/74
Mod. #3 - 39 FR 29705 - 8/16/74
KENTON COUNTY
(B,H,Hw,D) - See Boone County
KNOTT COUNTY
(H,Hw) - See Breathitt County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(H,Hw) - See Anderson County
LAUREL COUNTY
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Johnson County
LEE COUNTY
(H,Hw) - See Adair cOunty
LESLIE COUNTY
(H,Hw) - See Adair County
LETCHER COUNTY
(H,Hw) - See Breathitt County
LEWIS COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
LINCOLN COUNTY
(H,Hw) - See Adair county
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County
McCRACKEN COUNTY
Decision #AR-4014 (B)
39 FR 28044 - 8/2/74
Mod. #1 - 39 FR 30665 - 8/23/74
(D) - See Boone County
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGOFFIN COUNTY
(H,Hw) - See Breathitt County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Breathitt County
MASON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
MEADE COUNTY
(H,Hw) - See Anderson County
(B) - See Jefferson County
(R) - See Breckinridge County
(D) - See Boone County
MENIFEE COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
OWEN COUNTY
(H,Hw) - See Anderson County
OWSLEY COUNTY
(H,Hw) - See Adair County
PENDLETON COUNTY
(B)(D) - See Boone County
(H,Hw) - See Boone County
PERRY COUNTY
(H,Hw) - See Breathitt County
PIKE COUNTY
(B) - See Floyd County
(H,Hw) - See Breathitt County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(H,Hw) - See Adair County
ROBERTSON COUNTY
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(H,Hw) - See Adair County
ROWAN COUNTY
(H,Hw) - See Anderson County
RUSSELL COUNTY
(H,Hw) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County

KENTUCKY (Cont'd.)

SIMPSON COUNTY
(H,Hw) - See Allen County
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(H,Hw) - See Allen County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
TRIMBLE COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
WARREN COUNTY
Decision #AR-4023 (B)
39 FR 32449 - 9/6/74
(H,Hw) - See STatewide
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(H,Hw) - See Adair County
WOLFE COUNTY
(H,Hw) - See Adair County
WOODFORD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

LOUISIANA

STATEWIDE
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
Decision #AR-56 (B,R,Hw)
39 FR 35920 - 10/4/74
Mod. #1 - 39 FR 38081 - 10/25/74
ACADIA PARISH
(D) - See Statewide
(Hw) - See Statewide
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
Mod. #1 - 39 FR 15602 - 5/3/74
(B) - See Statewide
ALLEN PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ASCENSION PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ASSUMPTION PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
AVOYELLES PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
BEAUREGARD PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
BIENVILLE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
BOSSIER PARISH
(B,R) - See Statewide
(D) - See Statewide
(F) - See Acadia Parish
(Hw) - See Statewide
CADDO PARISH
(D) - See Statewide
(B,R) - See Statewide
(Hw) - See Statewide
CALCASIEU PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw) - See Statewide
(B,R) - See Statewide

LOUISIANA (Cont'd)

CALDWELL PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
CAMERON PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
CATAHOULA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
CLAIBORNE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
CONCORDIA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
DE SOTO PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
EAST BATON ROUGE PARISH
(D) - See Statewide
(B)(Hw) - See Statewide
EAST CARROLL PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
EAST FELICIANA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
EVANGELINE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
FRANKLIN COUNTY
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
GRANT PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
IBERIA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide

LOUISIANA (Cont'd)

ST. TAMMANY PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
TANGIPAHOA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
TENSAS PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
TERREBONE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
UNION PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
VERMILLION PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
VERNON PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WASHINGTON PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WEBSTER PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WEST BATON ROUGE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WEST CARROLL PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WEST FELICIANA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WINN PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide

MAINE

ANDROSCOGGIN COUNTY
None
AROOSTOOK COUNTY
None
CUMBERLAND COUNTY
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
Mod. #1 - 39 FR 36710 - 10/11/74
FRANKLIN COUNTY
None
HANCOCK COUNTY
(D) - See Cumberland County
KENNEBEC COUNTY
None
KNOX COUNTY
(D) - See Cumberland County
LINCOLN COUNTY
(D) - See Cumberland County
OXFORD COUNTY
None
PENOBSCOT COUNTY
None
PISCATAQUIS COUNTY
None
SAGADAHOC COUNTY
(D) - See Cumberland County
SOMERSET COUNTY
None
WALDO COUNTY
(D) - See Cumberland County
WASHINGTON COUNTY
(D) - See Cumberland County
YORK COUNTY
(D) - See Cumberland County

MARYLAND

ALLEGANY COUNTY
Decision #AR-2022 (H,Hw)
39 FR 30661 - 8/23/74
ANNE ARUNDEL COUNTY
Decision #AQ-2039 (D)
39 FR 3395 - 1/25/74
Decision #AR-2050 (B,H,Hw)
39 FR 32451 - 9/6/74
Mod. #1 - 39 FR 35906 - 10/4/74
Mod. #2 - 39 FR 37330 - 10/18/74
BALTIMORE CITY & BALTIMORE COUNTY
Decision #AR-2052 (Hw)
39 FR 34904 - 9/27/74
Decision #AR-2053 (Hw)
39 FR 34905 - 9/27/74
Decision #AR-2023 (B,H)
39 FR 30761 - 8/23/74
Mod. #1 - 39 FR 35906 - 10/4/74
Mod. #2 - 39 FR 37330 - 10/18/74
Mod. #3 - 39 FR 38804 - 11/1/74
Decision #AQ-2072 (R)
39 FR 8122 - 3/1/74
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
Mod. #1 - 39 FR 36710 - 10/11/74
CALVERT COUNTY
(D) - See Anne Arundel County
CAROLINE COUNTY
None
CARROLL COUNTY
None
CECIL COUNTY
(R) - See Baltimore County
CHARLES COUNTY
(D) - See Anne Arundel County
DORCHESTER COUNTY
(D) - See Anne Arundel County
FREDERICK COUNTY
Decision #AQ-2076 (R)
39 FR 10069 - 3/15/74
GARRETT COUNTY
(H,Hw) - See Allegany County
HARFORD COUNTY
(R) - See Baltimore County
(D) - See Anne Arundel County
HOWARD COUNTY
(R) - See Baltimore County
KENT COUNTY
(D) - See Anne Arundel County

MARYLAND (Cont'd.)

MONTGOMERY COUNTY
Decision #AR-2025 (B)
39 FR 30763 - 8/23/74
Mod. #1 - 39 FR 32441 - 9/6/74
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
PRINCE GEORGES COUNTY
(B) - See Montgomery County
(R) - See Montgomery County
(D) - See Anne Arundel County
QUEEN ANNES COUNTY
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D) - See Anne Arundel County
SOMERSET COUNTY
(D) - See Anne Arundel County
TALBOT COUNTY
(D) - See Anne Arundel County
WASHINGTON COUNTY
None
WICOMICO COUNTY
Decision #AQ-2075 (R)
39 FR 10068 - 3/15/74
Mod. #1 - 39 FR 14849 - 4/26/74
(D) - See Anne Arundel County
WORCESTER COUNTY
(D) - See Baltimore County
Decision #AR-2012 (B)
39 FR 27991 - 8/2/74

MASSACHUSETTS

BARNSTABLE COUNTY
Decision #AR-3129 (B,H,Hw, & MArine)
39 FR 31798 - 8/30/74
Mod. #1 - 39 FR 34913 - 9/27/74
Mod. #2 - 39 FR 36714 - 10/11/74
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
Mod. #1 - 39 FR 36710 - 10/11/74
BERKSHIRE COUNTY
Decision #AR-3130 (B,H,Hw)
39 FR 31802 - 8/30/74
Mod. #1 - 39 FR 34914 - 9/27/74
Mod. #2 - 39 FR 36714 - 10/11/74
BRISTOL COUNTY
Decision #AR-3131 (B,H,Hw,R, & Marine)
39 FR 31806 - 8/30/74
Mod. #1 - 39 FR 34914 - 9/27/74
Mod. #2 - 39 FR 36714 - 10/11/74
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision #AR-3132 (B,H,Hw, & Marine)
39 FR 31810 - 8/30/74
Mod. #1 - 39 FR 34915 - 9/27/74
Mod. #2 - 39 FR 36714 - 10/11/74
Mod. #3 - 39 FR 38804 - 11/1/74
(D) - See Barnstable County
FRANKLIN COUNTY
Decision #AR-3133 (B,H,Hw)
39 FR 31815 - 8/30/74
Mod. #1 - 39 FR 34915 - 9/27/74
HAMPDEN COUNTY
Decision #AR-3134 (B,H,Hw)
39 FR 31819 - 8/30/74
Mod. #1 - 39 FR 34916 - 9/27/74
Mod. #2 - 39 FR 36715 - 10/11/74
Decision #AQ-3032 (R)
39 FR 30361 - 11/2/73
Mod. #1 - 38 FR 33205 - 11/30/73
Mod. #2 - 39 FR 4274 - 2/1/74
HAMPSHIRE COUNTY
Decision #AR-3135 (B,H,Hw)
39 FR 31823 - 8/30/74
Mod. #1 - 39 FR 34916 - 9/27/74
MIDDLESEX COUNTY
Decision #AR-3136 (B,H,Hw,R, & Marine)
39 FR 31827 - 8/30/74
Mod. #1 - 39 FR 34917 - 9/27/74
Mod. #2 - 39 FR 36715 - 10/11/74
Mod. #3 - 39 FR 38804 - 11/1/74
(D) - See Barnstable County
NANTUCKET COUNTY
(D) - See Barnstable County
NORFOLK COUNTY
Decision #AR-3137 - (B,H,Hw,R)
39 FR 31833 - 8/30/74
Mod. #1 - 39 FR 34918 - 9/27/74
Mod. #2 - 39 FR 36715 - 10/11/74
(D) - See Barnstable County

MASSACHUSETTS

PLYMOUTH COUNTY
Decision #AR-3138 (B,H,Hw,R)
39 FR 31836 - 9/27/74
Mod. #1 - 39 FR 34918 - 9/27/74
Mod. #2 - 39 FR 36715 - 10/11/74
SUFFOLK COUNTY
Decision #AR-3139 (B,H,Hw,D,R,& Marine)
39 FR 31840 - 8/30/74
Mod. #1 - 39 FR 34918 - 9/27/74
Mod. #2 - 39 FR 36716 - 10/11/74
Mod. #3 - 39 FR 38805 - 11/1/74
WORCESTER COUNTY
Decision #AR-3140 (B,H,Hw,R)
39 FR 31844 - 8/30/74
Mod. #1 - 39 FR 34919 - 9/27/74
Mod. #2 - 39 FR 36716 - 10/11/74
Mod. #3 - 39 FR 38805 - 11/1/74

MICHIGAN

STATEWIDE
Decision #AR-3141 (Hw, W&S)
39 FR 30765 - 8/23/74
ALCONA COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
(Hw, W&S) - See Statewide
(B,H) - See Alpena County
ALGER COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
ALLEGAN COUNTY
Decision #AR-3102 (B,H)
39 FR 29784 - 8/16/74
Mod. #1 - 39 FR 33152 - 9/13/74
Mod. #2 - 39 FR 33911 - 9/20/74
Mod. #3 - 39 FR 34920 - 9/27/74
Decision #AM-398 (R)
36 FR 15891 - 8/18/71
(Hw, W&S) - See Statewide
(D) - See Alcona County
ALPENA COUNTY
Decision #AR-3150 (B,H)
39 FR 36759 - 10/11/74
(Hw, W&S) - See Statewide
ANTRIM COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
ARENAC COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARAGA COUNTY
Decision #AR-3104 (B,H)
39 FR 29790 - 8/16/74
Mod. #1 - 39 FR 33153 - 9/13/74
Mod. #2 - 39 FR 35907 - 10/4/74
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARRY COUNTY
(Hw, W&S) - See Statewide
BAY COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
BENZIE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

BERRIEN COUNTY
Decision #AR-3164 (B,H)
39 FR 37338 - 10/18/74
Decision #AM-399 (R)
36 FR 15892 - 8/18/71
(D) - See Alcona County
(Hw, W&S) - See Statewide
BRANCH COUNTY
Decision #AM-401 (R)
36 FR 15894 - 8/18/71
(Hw, W&S) - See Statewide
CALHOUN COUNTY
Decision #AR-3106 (B,H)
39 FR 29797 - 8/16/74
Mod. #1 - 39 FR 33154 - 9/13/74
Mod. #2 - 39 FR 33912 - 9/20/74
Mod. #3 - 39 FR 34922 - 9/27/74
Decision #AM-400 (R)
36 FR 15892 - 8/18/71
(Hw, W&S) - See Statewide
CASS COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
CHARLEVOIX COUNTY
Decision #AR-3122 (B,H)
39 FR 29850 - 8/16/74
Mod. #1 - 39 FR 33155 - 9/13/74
Mod. #2 - 39 FR 33916 - 9/20/74
Mod. #3 - 39 FR 34922 - 9/27/74
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHEBOYGAN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHIPPEWA COUNTY
Decision #AR-3107 (B,H)
39 FR 29801 - 8/16/74
Mod. #1 - 39 FR 31774 - 8/30/74
Mod. #2 - 39 FR 33912 - 9/20/74
Mod. #3 - 39 FR 35907 - 10/4/74
(D) - See Alcona County
(Hw, W&S) - See Statewide
CLARE COUNTY
(Hw, W&S) - See Statewide
CLINTON COUNTY
(Hw, W&S) - See Statewide
CRAWFORD COUNTY
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

DELTA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
DICKINSON COUNTY
(Hw, W&S) - See Statewide
EATON COUNTY
Decision #AM-8041 (R)
36 FR 24027 - 12/17/71
(Hw, W&S) - See Statewide
EMMET COUNTY
Decision #AR-3108 (B,H)
39 FR 29803 - 8/16/74
Mod. #1 - 39 FR 33155 - 9/13/74
Mod. #2 - 39 FR 33912 - 9/20/74
Mod. #3 - 39 FR 35908 - 10/4/74
(D) - See Alcona County
(Hw, W&S) - See Statewide
GENESEE COUNTY
Decision #AR-3109 (B,H)
39 FR 29807 - 8/16/74
Mod. #1 - 39 FR 33912 - 9/20/74
Mod. #2 - 39 FR 35908 - 10/4/74
(Hw, W&S) - See Statewide
GLADWIN COUNTY
(Hw) - See Statewide
GOGEBIC COUNTY
Decision #AR-3110 - (B,H)
39 FR 29811 - 8/16/74
Mod. #1 - 39 FR 31774 - 8/30/74
Mod. #2 - 39 FR 33913 - 9/30/74
Mod. #3 - 39 FR 35909 - 10/4/74
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRAND TRAVERSE COUNTY
Decision #AR-3111 (B,H)
39 FR 29814 - 8/16/74
Mod. #1 - 39 FR 33913 - 9/20/74
Mod. #2 - 39 FR 35909 - 10/4/74
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRATIOT COUNTY
(Hw, W&S) - See Statewide
HILLSDALE COUNTY
(Hw, W&S) - See Statewide
HOUGHTON COUNTY
(B,H) - See Baraga County
(D) - See Alcona County
(Hw, W&S) - See Statewide
HURON COUNTY
Decision #AR-3112 (B,H)
39 FR 29817 - 8/16/74
Mod. #1 - 39 FR 31774 - 8/30/74
Mod. #2 - 39 FR 33913 - 9/20/74
Mod. #3 - 39 FR 35910 - 10/4/74
(D) - See Alcona County
(Hw, W&S) - See Statewide
INGHAM COUNTY
Decision #AR-3113 (B,H)
39 FR 8/16/74
Mod. #1 - 39 FR 33154 - 9/13/74

MICHIGAN (Cont'd.)

INGHAM COUNTY (Cont'd.)
Mod. #2 - 39 FR 33914 - 9/20/74
Mod. #3 - 39 FR 35910 - 10/4/74
(Hw, W&S) - See Statewide
(R) - See Eaton County
IONIA COUNTY
(Hw, W&S) - See Statewide
IOSCO COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
IRON COUNTY
(Hw, W&S) - See Statewide
ISABELLA COUNTY
(Hw, W&S) - See Statewide
JACKSON COUNTY
(Hw, W&S) - See Statewide
KALAMAZOO COUNTY
Decision #AR-3114 (B,H)
39 FR 29823 - 8/16/74
Mod. #1 - 39 FR 33914 - 9/20/74
Mod. #2 - 39 FR 35910 - 10/4/74
(Hw, W&S) - See Statewide
(R) - See Branch County
KALKASKA COUNTY
(Hw, W&S) - See Statewide
KENT COUNTY
Decision #AR-3054 (B,H)
39 FR 25858 - 7/12/74
Mod. #1 - 39 FR 33155 - 9/13/74
Mod. #2 - 39 FR 34920 - 9/27/74
Decision #AM-402 (R)
36 FR 15895 - 8/18/71
(Hw, W&S) - See Statewide
KEWEENAW COUNTY
(B,H) - See Baraga County
(Hw, W&S) - See Statewide
LAKE COUNTY
(Hw, W&S) - See Statewide
LAPEER COUNTY
(B,H) - See Genessee County
(Hw, W&S) - See Statewide
LEELANAU COUNTY
(B,H) - See Grand Traverse County
(Hw, W&S) - See Statewide
LANAWEE COUNTY
(Hw, W&S) - See Statewide
LIVINGSTON COUNTY
(Hw, W&S) - See Statewide
LUCE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MACKINAC COUNTY
(B,H) - See Chippewa County
(Hw, W&S) - See Statewide
MACOMB COUNTY
Decision #AR-3121 (B,H,R)
39 FR 39846 - 8/16/74
Mod. #1 - 39 FR 33916 - 9/20/74
Mod. #2 - 39 FR 35913 - 10/4/74
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

MANISTEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MARQUETTE COUNTY
Decision #AR-3149 (B,H,R)
39 FR 36757 - 10/11/74
(D) - See Alcona County
(Hw, W&S) - See Statewide
MASON COUNTY
Decision #AR-3116 (B,H)
39 FR 29830 - 8/16/74
Mod. #1 - 39 FR 33914 - 9/20/74
Mod. #2 - 39 FR 35911 - 10/4/74
(D) - See Alcona County
MECOSTA COUNTY
(Hw) - See Statewide
MENOMINEE COUNTY
(D) - See Alcona COunty
(Hw, W&S) - See Statewide
MIDLAND COUNTY
(Hw, W&S) - See Statewide
MISSAUKEE COUNTY
(Hw, W&S) - See Statewide
MONROE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MONTCALM COUNTY
(Hw, W&S) - See Statewide
(R) - See Kent County
MONTMORENCY COUNTY
(B,H) - See Alpena County
(Hw, W&S) - See Statewide
MUSKEGON COUNTY
Decision #AR-3117 (B,H)
39 FR 29833 - 8/16/74
Mod. #1 - 39 FR 33915 - 9/20/74
Mod. #2 - 39 FR 35912 - 10/4/74
Mod. #3 - 39 FR 36716 - 10/11/74
Decision #AM-403 (R)
36 FR 15896 - 8/18/71
(D) - See Alcona County
(Hw, W&S) - See Statewide
NEWAYGO COUNTY
(Hw, W&S) - See Statewide
OAKLAND COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OCEANA COUNTY
(B,H,R) - See Muskegon County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OGEMAW COUNTY
(Hw, W&S) - See Statewide
ONTONAGON COUNTY
(B,H) - See Baraga County
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

OSCEOLA COUNTY
(Hw, W&S) - See Statewide
OSCODA COUNTY
(B,H) - See Alpena County
(Hw, W&S) - See Statewide
OTSEGO COUNTY
(Hw, W&S) - See Statewide
OTTAWA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
(R) - See Allegan County
PRESQUE ISLE COUNTY
(B,H) - See Alpena County
(D) - See Alcona County
(Hw, W&S) - See Statewide
ROSOCOMMON COUNTY
(Hw, W&S) - See Statewide
SAGINAW COUNTY
Decision #AR-3148 (B,H,R)
39 FR 36754 - 10/11/74
(Hw, W&S) - See Statewide
SAINT CLAIR COUNTY
Decision #AR-3165 (B,H,R)
39 FR 37341 - 10/18/74
(Hw, W&S) - See Statewide
SAINT JOSEPH COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
SANILAC COUNTY
(B,H) - See Saint Clair County
(D) - See Alcona County
(Hw, W&S) - See Statewide
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
SHIAWASSEE COUNTY
(B,H) - See Genessee County
(Hw, W&S) - See Statewide
TUSCOLA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
VAN BUREN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
WASHTENAW COUNTY
Decision #AR-3120 (B,H)
39 FR 29843 - 8/16/74
Mod. #1 - 39 FR 33916 - 9/20/74
Mod. #2 - 39 FR 35913 - 10/4/74
WAYNE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
WEXFORD COUNTY
(Hw, W&S) - See Statewide

MINNESOTA

AITKIN COUNTY
(H,Hw) - See Anoka County
ANOKA COUNTY
Decision #AR-3049 (B,R)
39 FR 25861 - 7/12/74
Decision #AR-3053 (H,Hw)
39 FR 25873 - 7/12/74
Mod. #1 - 39 FR 31775 - 8/30/74
Mod. #2 - 39 FR 38805 - 11/1/74
BECKER COUNTY
Decision #AQ-3104 (H,Hw)
39 FR 9369 - 3/8/74
BELTRAMI COUNTY
Decision #AR-3147 (H,Hw)
39 FR 36704 - 10/11/74
BENTON COUNTY
(H,Hw) - See Anoka County
BIG STONE COUNTY
Decision #AQ-3105 (H,Hw)
39 FR 9370 - 3/8/74
BLUE EARTH COUNTY
(H,Hw) - See Anoka County
BROWN COUNTY
None
CARLTON COUNTY
(H,Hw) - See Anoka County
CARVER COUNTY
Decision #AR-3050 (B,R)
39 FR 25864 - 7/12/74
Mod. #1 - 39 FR 27394 - 7/26/74
(H,Hw) - See Anoka County
CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
(H,Hw) - See Anoka County
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
(H,Hw) - See Beltrami County
COOK COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
(H,Hw) - See Anoka County
COTTONWOOD COUNTY
Decision #AQ-3124 (H,Hw)
39 FR 9335 - 3/8/74
CROW WING COUNTY
(H,Hw) - See Anoka County
DAKOTA COUNTY
Decision #AR-3051 (B,R)
39 FR 25867 - 7/12/74
(H,Hw) - See Anoka County

MINNESOTA (Cont'd.)

DODGE COUNTY
(H,Hw) - See Anoka County
DOUGLAS COUNTY
(H,Hw) - See Big Stone County
FAIRBAULT COUNTY
(H,Hw) - See Anoka County
FILLMORE COUNTY
(H,Hw) - See Anoka County
FREEBORN COUNTY
(H,Hw) - See Anoka County
GOODHUE COUNTY
(H,Hw) - See Anoka County
GRANT COUNTY
(H,Hw) - See Big Stone County
HENNEPIN COUNTY
(B,R) - See Carver
(H,Hw) - See Anoka County
HOUSTON COUNTY
(H,Hw) - See Anoka County
HUBBARD COUNTY
(H,Hw) - See Becker County
ISANTI COUNTY
(H,Hw) - See Anoka County
ITASKA COUNTY
(H,Hw) - See Anoka County
JACKSON COUNTY
(H,Hw) - See Anoka County
KANABEC COUNTY
(H,Hw) - See Anoka County
KANDIYOHI COUNTY
(H,Hw) - See Big Stone County
KITTSON COUNTY
(H,Hw) - See Beltrami County
KOOCHICHING COUNTY
(H,Hw) - See Anoka County
LAC QUI PARLE COUNTY
(H,Hw) - See Big STone County
LAKE COUNTY
(H,Hw) - See Anoka County
(D) - See Cook County
LAKE OF THE WOODS COUNTY
(H,Hw) - See Beltrami County
LE SHUEUR COUNTY
(H,Hw) - See Anoka County
LINCOLN COUNTY
(H,Hw) - See Cottonwood County

MINNESOTA (Cont'd.)

LYON COUNTY
(H,Hw) - See Cottonwood County
MCLEOD COUNTY
(H,Hw) - See Anoka County
MAHNOMEN COUNTY
(H,Hw) - See Beltrami County
MARSHALL COUNTY
(H,Hw) - See Beltrami County
MARTIN COUNTY
(H,Hw) - See Anoka County
MEEKER COUNTY
(H,Hw) - See Anoka County
MILLE LACS COUNTY
(H,Hw) - See Anoka County
MORRISON COUNTY
(H,Hw) - See Anoka County
MOWER COUNTY
(H,Hw) - See Anoka County
MURRAY COUNTY
(H,Hw) - See Cottonwood County
NICOLLET COUNTY
(H,Hw) - See Anoka County
NOBLES COUNTY
(H,Hw) - See Anoka County
NORMAN COUNTY
(H,Hw) - See Beltrami County
OLMSTEAD COUNTY
(H,Hw) - See Anoka County
OTTER TAIL COUNTY
(H,Hw) - See Becker County
PENNINGTON COUNTY
(H,Hw) - See Beltrami County
PINE COUNTY
(H,Hw) - See Anoka County
PIPESTONE COUNTY
(H,Hw) - See Cottonwood County
POLK COUNTY
(H,Hw) - See Beltrami County
POPE COUNTY
(H,Hw) - See Big Stone County
RAMSEY COUNTY
(B,R) - See Dakota County
(H,Hw) - See Anoka County
RED LAKE COUNTY
(H,Hw) - See Beltrami County
REDWOOD COUNTY
(H,Hw) - See Cottonwood County
RENVILLE COUNTY
None
RICE COUNTY
(H,Hw) - See Anoka County
ROCK COUNTY
(H,Hw) - See Anoka County

MINNESOTA (Cont'd.)

ROSEAU COUNTY
(H,Hw) - See Beltrami County
SAINT LOUIS COUNTY
(D) - See Cook County
(H,Hw) - See Anoka County
CITY OF DULUTH
Decision #AR-3052 (B,R)
39 FR 25870 - 7/12/74
SCOTT COUNTY
(H,Hw) - See Anoka County
(B,R) - See Carver County
SHERBURNE COUNTY
(H,Hw) - See Anoka County
SIBLEY COUNTY
(H,Hw) - See Anoka County
STEARNS COUNTY
(H,Hw) - See Anoka County
STEELE COUNTY
(H,Hw) - See Anoka County
STEVENS COUNTY
(H,Hw) - See Big Stone County
SWIFT COUNTY
(H,Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Becker County
TRAVERSE COUNTY
(H,Hw) - See Big Stone County
WABASHA COUNTY
(H,Hw) - See Anoka County
WADENA COUNTY
(H,Hw) - See Becker County
WASECA COUNTY
(H,Hw) - See Anoka County
WASHINGTON COUNTY
(B,R) - See Dakota County
(H,Hw) - See Anoka County
WATONWAN COUNTY
None
WILKIN COUNTY
(H,Hw) - See Becker County
WINONA COUNTY
(H,Hw) - See Anoka County
WRIGHT COUNTY
(H,Hw) - See Anoka County
YELLOW MEDICINE COUNTY
(H,Hw) - See Cottonwood County

MISSISSIPPI

STATEWIDE
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
Mod. #1 - 39 FR 15603 - 5/3/74
Decision #AQ-4113 (H,Hw)
39 FR 17664 - 5/17/74
Mod. #1 - 39 FR 34923 - 9/27/74
ADAMS COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
ALCORN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Statewide
AMITE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
ATTALA COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Statewide
BENTON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
BOLIVAR COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Statewide
CALHOUN COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
CARROLL COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
CHICKASAW COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
CHOCTAW COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
CLAIBORNE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
CLARKE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide

MISSISSIPPI (cont'd)

CLAY COUNTY
(H,Hw) - See Statewide
COAHOMA COUNTY
Decision #AR-4024 (R)
39 FR 31771 - 8/30/74
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
COPIAH COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Hinds County
COVINGTON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
DE SOTO COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
FORREST COUNTY
Decision #AM-8264 (R)
37 FR 13017 - 6/30/72
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
FRANKLIN COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
GEORGE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Statewide
(R) - See Harrison County
GREENE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw)- See Statewide
GRENADA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
HANCOCK COUNTY
(D) - See Statewide
(F) - See Statewide
(B,H,Hw,W&S) - See Harrison County
(R) - See Harrison County
HARRISON COUNTY
Decision #AR-4041 (B,H,Hw,W&S)
39 FR 34996 - 9/27/74
Decision #AP-174 (R)
38 FR 10584 - 4/27/73
Mod. #1 - 39 FR 8102 - 3/I/74
(D,F) - See Statewide

MISSISSIPPI (cont'd)

HINDS COUNTY
Decision #AR-4030 (B)
39 FR 32454 - 9/6/74
Mod. #1 - 39 FR 38806 - 11/1/74
Decision #AQ-4120 (R)
39 FR 20302 - 6/7/74
(D,F) - See Statewide
(H,Hw) - See Statewide
HOLMES COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
HUMPHREYS COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
ISSAQUENA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
ITAWAMBA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Statewide
(F) - See Statewide
(B,H,Hw,W&S) - See Harrison County
(R) - See Harrison County
JASPER COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
JEFFERSON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
JEFFERSON DAVIS COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
JONES COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Forest County
KEMPER COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
LAFAYETTE COUNTY
(D) - See Statewide
(R) - See Statewide
(H,Hw) - See Statewide

MISSISSIPPI (cont'd)

LAMAR COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
LAUDERDALE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
LAWRENCE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
LEAKE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Hinds County
LEE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
LEFLORE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
LINCOLN COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
LOWNDES COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
MADISON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Hinds County
MARION COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
MARSHALL COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
MONROE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide

MISSISSIPPI (Cont'd)

NESHOBA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
NEWTON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
NOXUBEE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
OKTIBBEHA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
PANOLA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
PEARL RIVER COUNTY
(D) - See Statewide
(F) - See Statewide
(B,H,Hw,W&S) - See Harrison County
(R) - See Harrison County
PERRY COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
PIKE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
PONTOTOC COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
PRENTISS COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
QUITMAN COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
RANKIN COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Hinds County

MISSISSIPPI (Cont'd)

SCOTT COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Hinds County
SHARKEY COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
SIMPSON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Hinds County
SMITH COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Hinds County
STONE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Harrison County
SUNFLOWER COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Coahoma County
TALLAHATCHIE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
TATE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
TIPPAH COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
TISHOMINGO COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
TUNICA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
UNION COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide

MISSISSIPPI (Cont'd.)

WALTHALL COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
WARREN COUNTY
Decision #AQ-4112 (B)
39 FR 16978 - 5/10/74
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Coahoma County
WASHINGTON COUNTY
Decision #AQ-4072 (B)
39 FR 5933 - 2/15/74
(D) - See Statewide
(F) - See Statewide
(R) - See Coahoma County
(H,Hw) - See Statewide
WAYNE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
WEBSTER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Statewide
WILKINSON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
WINSTON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
YALOBUSHA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
YAZOO COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Statewide

MISSOURI

ADAIR COUNTY
Decision #AQ-85 (H,Hw)
39 FR 9371 - 3/8/74
Mod. #1 - 39 FR 11815 - 3/29/74
Mod. #2 - 39 FR 15607 - 5/3/74
Mod. #3 - 39 FR 30666 - 8/23/74
ANDREW COUNTY
Decision #AQ-21 (D)
38 FR 23647 - 8/31/73
(H,Hw) - See Adair County
ATCHISON COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
AUDRAIN COUNTY
(H,Hw) - See Adair County
BARRY COUNTY
(H,Hw) - See Adair County
BARTON COUNTY
(H,Hw) - See Adair County
BATES COUNTY
(H,Hw) - See Adair County
BENTON COUNTY
(H,Hw) - See Adair County
BOLLINGER COUNTY
(H,Hw) - See Adair County
BOONE COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
BUCHANAN COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
BUTLER COUNTY
(H,Hw) - See Adair County
CALDWELL COUNTY
(H,Hw) - See Adair County
CALLAWAY COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
CAMDEN COUNTY
(H,Hw) - See Adair County
CAPE GIRARDEAU COUNTY
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
(H,Hw) - See Adair County
CARROLL COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
CARTER COUNTY
(H,Hw) - See Adair County

MISSOURI (Cont'd)

CASS COUNTY
Decision #AQ-44 (B,H,Hw)
38 FR 31780 - 11/16/73
Mod. #1 - 39 FR 26559 - 7/19/74
Decision AQ-62 (R)
38 FR 32388 - 11/23/73
(H,Hw) - See Adair County
CEDAR COUNTY
(H,Hw) - See Adair County
CHARITON COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(Hw) - See Adair County
CLARK COUNTY
(H,Hw) - See Adair County
CLAY COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(R) - See Cass County
(H,Hw) - See Adair County
CLINTON COUNTY
(H,Hw) - See Adair County
COLE COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
COOPER COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
CRAWFORD COUNTY
(H,Hw) - See Adair County
DADE COUNTY
(H,Hw) - See Adair County
DALLAS COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
(H,Hw) - See Adair County
DE KALB COUNTY
(H,Hw) - See Adair County
DENT COUNTY
(Hw) - See Adair County
DOUGLAS COUNTY
(Hw) - See Adair County
DUNKLIN COUNTY
(Hw) - See Adair County
FRANKLIN COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
GASCONADE COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
GENTRY COUNTY
(H,Hw) - See Adair County
GREENE COUNTY
(H,Hw) - See Adair County

MISSOURI (Cont'd)

GRUNDY COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Adair County
HENRY COUNTY
(H,Hw) - See Adair County
HICKORY COUNTY
(H,Hw) - See Adair County
HOLT COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
HOWARD COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
HOWELL COUNTY
(Hw) - See Adair County
IRON COUNTY
(Hw) - See Adair County
JACKSON COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(R) - See Cass County
(H,Hw) - See Adair County
JASPER COUNTY
None
JEFFERSON COUNTY
(D) - See Cape Girdeau County
(H,Hw) - See Adair County
JOHNSON COUNTY
(H,Hw) - See Adair County
KNOX COUNTY
(H,Hw) - See Adair County
LACLEDE COUNTY
(Hw) - See Adair County
LAFAYETTE COUNTY
(D) - See Andrew County
(Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Adair County
LEWIS COUNTY
(H,Hw) - See Adair County
LINCOLN COUNTY
(H,Hw) - See Adair County
LINN COUNTY
(H,Hw) - See Adair County
MC DONALD COUNTY
(H,Hw) - See Statewide
MACON COUNTY
(H,Hw) - See Adair County
MADISON COUNTY
(H,Hw) - See Adair County
MARIES COUNTY
(H,Hw) - See Adair County

MISSOURI (Cont'd)

MARION COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Adair County
MILLER COUNTY
(H,Hw) - See Adair County
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(Hw) - See Adair County
MONITEAU COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
MORGAN COUNTY
(H,Hw) - See Adair County
NEW MADRID COUNTY
(Hw) - See Adair County
NEWTON COUNTY
(H,Hw) - See Adair County
NODAWAY COUNTY
(H,Hw) - See Adair County
OREGON COUNTY
(Hw) - See Adair County
OSAGE COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
OZARK COUNTY
(Hw) - See Adair County
PEMISCOT COUNTY
(Hw) - See Adair County
PERRY COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Adair County
PETTIS COUNTY
(H,Hw) - See Adair County
PHELPS COUNTY
(H,Hw) - See Adair County
PIKE COUNTY
(H,Hw) - See Adair County
PLATTE COUNTY
(B,H,Hw) - See Cass County
(D) - See Andrew County
(R) - See Cass County
POLK COUNTY
(H,Hw) - See Adair County

MISSOURI (Cont'd)

PULASKI COUNTY
(H,Hw) - See Adair County
PUTNAM COUNTY
(H,Hw) - See Adair County
RALLS COUNTY
(H,Hw) - See Adair County
RANDOLPH COUNTY
(H,Hw) - See Adair County
RAY COUNTY
(B,R) - See Cass County
(H,Hw) - See Cass County
(D) - See Andrew County
REYNOLDS COUNTY
(Hw) - See Adair County
RIPLEY COUNTY
(Hw) - See Adair County
ST. CHARLES COUNTY
Decision #AQ-91 (B)
39 FR 14157 - 4/19/74
(D) - See Andrew County
Decision #AQ-94 (R)
39 FR 15649 - 5/3/74
(D) - See Cape Girardeau County
(H,Hw) - See Adair County
ST. CLAIR COUNTY
(H,Hw) - See Adair County
ST. FRANCOIS COUNTY
(H,Hw) - See Adair County
ST. LOUIS COUNTY
(B,R) - See St. Charles County
(D) - See Cape Girardeau County
(D) - See Andrew County
(H,Hw) - See Adair County
STE. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Adair County
SALINE COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
SCHUYLER COUNTY
(H,Hw) - See Adair County
SCOTLAND COUNTY
(H,Hw) - See Adair County
SCOTT COUNTY
(D) - See Cape Girardeau County
(Hw) - See Adair County
SHANNON COUNTY
(Hw) - See Adair County
SHELBY COUNTY
(H,Hw) - See Adair County
STODDARD COUNTY
(Hw) - See Adair County

MISSOURI (Cont'd)

STONE COUNTY
(Hw) - See Adair County
SULLIVAN COUNTY
(H,Hw) - See Adair County
TANEY COUNTY
(Hw) - See Adair County
TEXAS COUNTY
(Hw) - See Adair County
VERNON COUNTY
(H,Hw) - See Adair County
WARREN COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
WASHINGTON COUNTY
(H,Hw) - See Adair County
WAYNE COUNTY
(Hw) - See Adair County
WEBSTER COUNTY
(Hw) - See Adair County
WORTH COUNTY
(H,Hw) - See Adair County
WRIGHT COUNTY
(Hw) - See Adair County

MONTANA

STATEWIDE
Decision #AR-1039 (B)
39 FR 34999 - 9/27/74
Decision #AR-1017 (H,Hw)
39 FR 29853 - 8/16/74
Mod. #1 - 39 FR 31776 - 8/30/74
Mod. #2 - 39 FR 34923 - 9/27/74
BEAVERHEAD COUNTY
(B,H,Hw) - See Statewide
BIG HORN COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BROADWATER COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
CARTER COUNTY
(B,H,Hw) - See Statewide
CASCADE COUNTY
Decision #AR-1012 (R)
39 FR 28838 - 8/9/74
Mod. #1 - 39 FR 31776 - 8/30/74
(B,H,Hw) - See Statewide
CHOUTEAU COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
DANIELS COUNTY
(B,H,Hw) - See Statewide
DAWSON COUNTY
(B,H,Hw) - See Statewide
DEERLODGE COUNTY
(B,H,Hw) - See Statewide
Decision #AR-1013 (R)
39 FR 28848 - 8/9/74
Mod. #1 - 39 FR 34923 - 9/27/74
FALLON COUNTY
(B,H,Hw) - See Statewide
FERGUS COUNTY
(B,H,Hw) - See Statewide
FLATHEAD COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
GALLATIN COUNTY
(B,H,Hw) - See Statewide
(R) - See Deerlodge County
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GLACIER COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd)

GOLDEN VALLEY COUNTY
(B,H,Hw) - See Statewide
GRANITE COUNTY
(B,H,Hw) - See Statewide
HILL COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JUDITH BASIN COUNTY
(B,H,Hw) - See Statewide
LAKE COUNTY
(B,H,Hw) - See Statewide
LEWIS & CLARK COUNTY
(B,H,Hw) - See Statewide
LIBERTY COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MC CONE COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MEAGHER COUNTY
(B,H,Hw)- See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
MISSOULA COUNTY
(B,H,Hw) - See Statewide
MUSSELSHELL COUNTY
(B,H,Hw) - See Statewide
PARK COUNTY
(B,H,Hw) - See Statewide
PETROLEUM COUNTY
(B,H,Hw) - See Statewide
PHILLIPS COUNTY
(B,H,Hw) - See Statewide
PONDERA COUNTY
(B,H,Hw) - See Statewide
POWDER RIVER COUNTY
(B,H,Hw) - See Statewide
POWELL COUNTY
(B,H,Hw) - See Statewide
PRAIRIE COUNTY
(B,H,Hw) - See Statewide
RAVALLI COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd)

RICHLAND COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
ROSEBUD COUNTY
(B,H,Hw) - See Statewide
SANDERS COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
SHERIDAN COUNTY
(B,H,Hw) - See Statewide
SILVERBOW COUNTY
(R) - See Deerlodge County
(B,H,Hw) - See Statewide
STILLWATER COUNTY
(B,H,Hw) - See Statewide
SWEETGRASS COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TOOLE COUNTY
(B,H,Hw) - See Statewide
TREASURE COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
WHEATLAND COUNTY
(B,H,Hw) - See Statewide
WIBAUX COUNTY
(B,H,Hw) - See Statewide
YELLOW STONE COUNTY
(B,H,Hw) - See Statewide

NEBRASKA

STATEWIDE (Except Douglas & Sarpy)
Decision #AQ-119 (Constr., alteration & repair of streets, roads, highways (excluding bridges across navigable waterways), runways, and water and sewer utilities, SCS Floodwater retarding structures
39 FR 22398 - 6/21/74
Mod. #1 - 39 FR 29706 - 8/16/74
Mod. #2 - 39 FR 31777 - 8/30/74
Mod. #3 - 39 FR 32442 - 9/6/74
Mod. #4 - 39 FR 36717 - 10/11/74
ADAMS COUNTY
(H,Hw) - See Statewide
ANTELOPE COUNTY
(H,Hw) - See Statewide
ARTHUR COUNTY
(H,Hw) - See Statewide
BANNER COUNTY
Decision #AQ-79 (B)
39 FR 5933 - 2/15/74
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
BOX BUTTE COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
BOYD COUNTY
(H,Hw) - SEe Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BUFFALO COUNTY
(H,Hw) - See Statewide
BURT COUNTY
Decision #AR-75 (Channel Stabilization)
39 FR 38798 - 11/1/74
(H,Hw) - See Statewide
BUTLER COUNTY
(H,Hw) - See Statewide
CASS COUNTY
(Chann. Stab.) - See Burt County
(H,Hw) - See Douglas County
CEDAR COUNTY
Decision #AQ-93 (B)
39 FR 15653 - 5/3/74
(H,Hw) - See Statewide
CHASE COUNTY
(H,Hw) - See Statewide
CHERRY COUNTY
(H,Hw) - See Statewide
CHEYENNE COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
COLFAX COUNTY
(H,Hw) - See Statewide

NEBRASKA (Cont'd.)

CUMING COUNTY
(B) - See Cedar County
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See STatewide
DAKOTA COUNTY
(Chann. Stab.) - See Burt County
(H,Hw) - See Statewide
DAWES COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DUEL COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
DIXON COUNTY
(Chann. Stab.) - See Burt County
(H,Hw) - See Statewide
DODGE COUNTY
(H,Hw) - See Statewide
DOUGLAS COUNTY
Decision #AR-14 (B,H,Hw)
39 FR 29885 - 8/16/74
Mod. #1 - 39 FR 32443 - 9/6/7
Mod. #2 - 39 FR 36717 - 10/11
Mod. #3 - 39 FR 38081 - 10/25
Mod. #4 - 39 FR 38806 - 11/1/
Decision #AR-13 (R)
39 FR 29884 - 8/16/74
Mod. #1 - 39 FR 32442 - 9/6/7
Mod. #2 - 39 FR 38081 - 10/25
Decision #AR-59 (H,Hw)
39 FR 36705 - 10/11/74
Mod. #1 - 39 FR 38081 - 10/25
(Chann. Stab.) - See Burt Count
DUNDY COUNTY
(H,Hw) - See Statewide
FILLMORE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FRONTIER COUNTY
(H,Hw) - See Statewide
FURNAS COUNTY
(H,Hw) - See Statewide
GAGE COUNTY
(H,Hw) - See Statewide
GARDEN COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
GARFIELD COUNTY
(H,Hw) - See Statewide
GOSPER COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREELEY COUNTY
(H,Hw) - See Statewide

NEBRASKA (Cont'd.)

HALL COUNTY
Decision #AQ-24 (B)
38 FR 24486 - 9/7/73
Mod. #1 - 38 FR 30330 - 11/2/73
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HARLAN COUNTY
(H,Hw) - See Statewide
HAYES COUNTY
(H,Hw) - See Statewide
HITCHOCK COUNTY
(H,Hw) - See Statewide
HOLT COUNTY
(H,Hw) - See Statewide
HOOKER COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KEARNEY COUNTY
(H,Hw) - See Statewide
KIETH COUNTY
(H,Hw) - See Statewide
KEYAPAHA COUNTY
(H,Hw) - See Statewide
KIMBALL COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LANCASTER COUNTY
Decision #AQ-65 (B)
38 FR 34597 - 12/14/73
Mod. #1 - 39 FR 22367 - 6/21/74
Mod. #2 - 39 FR 26560 - 7/19/74
Mod. #3 - 39 FR 27394 - 7/26/74
Mod. #4 - 39 FR 31777 - 8/30/74
Decision #AM-6140 (R)
36 FR 21736 - 11/12/71
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LOGAN COUNTY
(H,Hw) - See Statewide
LOUP COUNTY
(H,Hw) - See Statewide
MC PHERSON COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MERRICK COUNTY
(H,Hw) - See Statewide

NEBRASKA (Cont'd.)

MORRILL COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
NANCE COUNTY
(H,Hw) - See Statewide
NEMAHA COUNTY
Decision #AQ-21 (D)
38 FR 23647 - 8/31/73
(H,Hw) - See Statewide
(Chann. Stab.) - See Burt County
NUCKOLLS COUNTY
(H,Hw) - See Statewide
OTOE COUNTY
(Chann. Stab.) - See Burt County
(H,Hw) - See Statewide
PAWNEE COUNTY
(H,Hw) - See Statewide
PERKINS COUNTY
(H,Hw) - See Statewide
PHELPS COUNTY
(H,Hw) - See Statewide
PIERCE COUNTY
(B) - See Cedar County
(H,Hw) - See Statewide
PLATTE COUNTY
(H,Hw) - See Statewide
POLK COUNTY
(H,Hw) - See Statewide
RED WILLOW COUNTY
(H,Hw) - See Statewide
RICHARDSON COUNTY
(Chann. Stab.) - See Burt County
(D) - See Neemaha County
(H,Hw) - See Statewide
ROCK COUNTY
(H,Hw) - See Statewide
SALINE COUNTY
(H,Hw) - See Statewide
SARPY COUNTY
(Chann. Stab.) - See Burt County
(B,H,Hw) - See Douglas County
SAUNDERS COUNTY
(H,Hw) - See Douglas County
SCOTTS BLUFF COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
SEWARD COUNTY
(H,Hw) - See Statewide
SHERIDAN COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
SIOUX COUNTY
(B) - See Banner County
(H,Hw) - See Statewide

NEBRASKA (Cont'd)

STANTON COUNTY
(B) - See Cedar County
(Hw) - See Adams County
THAYER COUNTY
(Hw) - See Adams County
THOMAS COUNTY
(Hw) - See Adams County
THURSTON COUNTY
(Chann. Stab.) - See Burt County
(Hw) - See Adams County
VALLEY COUNTY
(Hw) - See Adams County
WASHINGTON COUNTY
(H,Hw) - See Douglas County
(Hw) - See Adams County
WAYNE COUNTY
(B) - See Cedar County
(Hw) - See Adams County
WEBSTER COUNTY
(Hw) - See Adams County
WHEELER COUNTY
(Hw) - See Adams County
YORK COUNTY
(Hw) - See Adams County

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #AQ-1080 (B,H,Hw)
39 FR 5131 - 2/8/74
Mod. #1 - 39 FR 22369 - 6/21/74
Mod. #2 - 39 FR 24178 - 6/28/74
CHURCHILL COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
Decision #AQ-1081 (R) (Excluding the Nevada Test Site)
39 FR 5992 - 2/15/74
Mod. #1-39 FR 22369 - 6/21/74
(B,H,Hw) - See Statewide
Decision #AQ-1083 (B,H,Hw) (Nevada Test Site including the Tonopah Test Range
39 FR 6001 - 2/15/74
Mod. #1 - 39 FR 22369 - 6/21/74
Mod. #2 - 39 FR 24178 - 6/28/74
DOUGLAS COUNTY
(B,H,Hw) - See Statewide
ELKO COUNTY
(B,H,Hw) - See Statewide
ESMERALDA COUNTY
(B,H,Hw) - See Statewide
EUREKA COUNTY
(B,H,Hw) - See Statewide
HUMBOLDT COUNTY
(B,H,Hw) - See Statewide
LANDER COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LYON COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
NYE COUNTY
(B,H,Hw) - See Clark County (Nevada Te: Site)
(B,H,Hw) - See Statewide
ORMSBY COUNTY
(B,H,Hw) - See Statewide
PERSHING COUNTY
(B,H,Hw) - See Statewide
STOREY COUNTY
(B,H,Hw) - See Statewide
WASHOE COUNTY
Decision #AQ-1082 (R)
39 FR 5996 - 2/15/74
Mod. #1 - 39 FR 22369 - 6/21/74
(B,H,Hw) - See Statewide
WHITE PINE COUNTY
(B,H,Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #AR-3142 (B,H,Hw,R & Marine)
39 FR 35021 - 9/27/74
Mod. #1 - 39 FR 36717 - 10/11/74
MERRIMACK COUNTY
Decision #AR-3143 (B,H,Hw, & Marine)
39 FR 35024 - 9/27/74
Mod. #1 - 39 FR 36717 - 10/11/74
ROCKINGHAM COUNTY
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
Mod. #1 - 39 FR 36710 - 10/11/74
Decision #AR-3144 (B,H,Hw, & Marine)
39 FR 35027 - 9/27/74
Mod. #1 - 39 FR 36718 - 10/11/74
STRAFFORD COUNTY
Decision #AR-3145 (B,H,Hw,R & Marine)
39 FR 35031 - 9/27/74
Mod. #1 - 39 FR 36718 - 10/11/74
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #AQ-2094 (B,H,Hw)
39 FR 12657 - 4/5/74
Mod. #1 - 39 FR 14120 - 4/19/74
Mod. #2 - 39 FR 19397 - 5/31/74
Mod. #3 - 39 FR 28003 - 8/2/74
Decision #AQ-2125 (D)
39 FR 19143 - 5/31/74
Mod. #1 - 39 FR 36710 - 10/11/74
BERGEN COUNTY
Decision #AQ-2105 (B,H,Hw)
39 FR 14873 - 4/26/74
Mod. #1 - 39 FR 19403 - 5/31/74
Mod. #2 - 39 FR 24179 - 6/28/74
Mod. #3 - 39 FR 28764 - 8/9/74
Mod. #4 - 39 FR 29716 - 8/16/74
Mod. #5 - 39 FR 38807 - 11/1/74
(D) - See Atlantic County
BURLINGTON COUNTY
Decision #AQ-2098 (B,H,Hw)
39 FR 13491 - 4/12/74
Mod. #1 - 39 FR 14851 - 4/26/74
Mod. #2 - 39 FR 19399 - 5/31/74
Mod. #3 - 39 FR 28755 - 8/9/74
(D) - See Atlantic County
CAMDEN COUNTY
Decision #AQ-2093 (B,H,Hw)
39 FR 12651 - 4/5/74
Mod. #1 - 39 FR 14120 - 4/19/74
Mod. #2 - 39 FR 19396 - 5/31/74
Mod. #3 - 39 FR 28745 - 8/9/74
(D) - See Atlantic County
CAPE MAY COUNTY
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
Decision #AQ-2097 (B,H,Hw)
39 FR 13485 - 4/12/74
Mod. #1 - 39 FR 20291 - 6/7/74
Mod. #2 - 39 FR 28750 - 8/9/74
(D) - See Atlantic County
ESSEX COUNTY
Decision #AQ-2102 (B,H,Hw)
39 FR 14161 - 4/19/74
Mod. #1 - 39 FR 19400 - 5/31/74
Mod. #2 - 39 FR 24782 - 7/5/74
Mod. #3 - 39 FR 28760 - 8/9/74
GLOUCESTER COUNTY
(B,H,Hw) - See Camden County
(D) - See Atlantic County
HUDSON COUNTY
Decision #AQ-2090 (B,H,Hw,R)
39 FR 11823 - 3/29/74
Mod. #1 - 39 FR 14850 - 4/26/74
Mod. #2 - 39 FR 19393 - 5/31/74
Mod. #3 - 39 FR 28741 - 8/9/74
Mod. #4 - 39 FR 29706 - 8/16/74
Mod. #5 - 39 FR 38807 - 11/1/74
(D) - See Atlantic County
HUNTERDON COUNTY
None

NEW JERSEY (Cont'd.)

MERCER COUNTY
Decision #AQ-2104 (B,H,Hw)
39 FR 14168 - 4/19/74
Mod. #1 - 39 FR 19402 - 5/31/74
Mod. #2 - 39 FR 29712 - 8/16/74
(D) - See Atlantic County
MIDDLESEX COUNTY
Decision #AR-2040 (B,H,Hw)
39 FR 33164 - 9/13/74
Mod. #1 - 39 FR 34923 - 9/27/74
(D) - See Atlantic County
MONMOUTH COUNTY
Decision #AQ-2096 (B,H,Hw)
39 FR 13478 - 4/12/74
Mod. #1 - 39 FR 20290 - 6/7/74
Mod. #2 - 39 FR 29707 - 8/16/74
(D) - See Atlantic County
MORRIS COUNTY
Decision #AR-2041 (B,H,Hw)
39 FR 33172 - 9/13/74
Mod. #1 - 39 FR 34924 - 9/27/74
(D) - See Atlantic County
OCEAN COUNTY
Decision #AQ-2106 (B,H,Hw)
39 FR 14880 - 4/26/74
Mod. #1 - 39 FR 20293 - 6/7/74
Mod. #2 - 39 FR 29717 - 8/16/74
(D) - See Atlantic County
PASSAIC COUNTY
Decision #AR-2042 (B,H,Hw,R)
39 FR 33179 - 9/13/74
(D) - See Atlantic County
SALEM COUNTY
(D) - See Atlantic County
SOMERSET COUNTY
Decision #AR-2043 (B,H,Hw)
39 FR 32456 - 9/6/74
Mod. #1 - 39 FR 34925 - 9/27/74
(D) - See Atlantic County
SUSSEX COUNTY
None
UNION COUNTY
Decision #AR-2044 (B,H,Hw)
39 FR 32464 - 9/6/74
Mod. #1 - 39 FR 34925 - 9/27/74
(D) - See Atlantic County
WARREN COUNTY
None

NEW MEXICO

STATEWIDE
Decision #AQ-18 (Streets, Highways, Utilities and Light Engineering Construction)
38 FR 21714 - 8/10/73
Mod. #1 - 38 FR 22853 - 8/24/73
Mod. #2 - 39 FR 32443 - 9/6/74
Decision #AR-34 (Building, including residential in McKinley, Santa Fe, San Juan & Bernalillo Cos.) and Heavy engineering construction.
39 FR 36762 - 10/11/74
Mod. #1 - 39 FR 38081 - 10/25/74
Mod. #2 - 39 FR 38809 - 11/1/74
BERNALILLO COUNTY
(B,H,Hw,R) - See Statewide
CATRON COUNTY
(B,H,Hw) - See Statewide
CHAVES COUNTY
(B,H,Hw) - See Statewide
COLFAX COUNTY
(B,H,Hw) - See Statewide
CURRY COUNTY
(B,H,Hw) - See Statewide
DE BACA COUNTY
(B,H,Hw) - See Statewide
DONA ANA COUNTY
(B,H,Hw) - See Statewide
Decision #AP-340 (R)
37 FR 19869 - 9/22/72
EDDY COUNTY
(B,H,Hw) - See Statewide
GRANT COUNTY
(B,H,Hw) - See Statewide
GUADALUPE COUNTY
(B,H,Hw) - See Statewide
HARDING COUNTY
(B,H,Hw) - See Statewide
HIDALGO COUNTY
(B,H,Hw) - See Statewide
LEA COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LOS ALAMOS COUNTY
(B,H,Hw) - See Statewide
LUNA COUNTY
(B,H,Hw) - See Statewide
McKINLEY COUNTY
(B,H,Hw,R) - See Statewide
MORA COUNTY
(B,H,Hw) - See Statewide

NEW MEXICO (Cont'd.)

OTERO COUNTY
(B,H,Hw) - See Statewide
QUAY COUNTY
(B,H,Hw) - See Statewide
RIO ARRIBA COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
SANDOVAL COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw,R) - See Statewide
SAN MIGUEL COUNTY
(B,H,Hw) - See Statewide
SANTE FE COUNTY
(B,H,Hw,R) - See Statewide
SIERRA COUNTY
(B,H,Hw) - See Statewide
SOCORRO COUNTY
(B,H,Hw) - See Statewide
TAOS COUNTY
(B,H,Hw) - See Statewide
TORRANCE COUNTY
(B,H,hw) - See Statewide
UNION COUNTY
(B,H,Hw) - See Statewide
VALENCIA COUNTY
(B,H,Hw) - See Statewide

NEW YORK

ALBANY COUNTY
Decision #AR-2064 (B,H,Hw)
39 FR 36799 - 10/11/74
Mod. #1 - 39 FR 38807 - 11/1/74
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #AQ-2107 (B,H,Hw)
39 FR 14887 - 4/26/74
Decision #AQ-2120 (R)
39 FR 17670 - 5/17/74
Mod. #1 - 39 FR 20918 - 6/14/74
Decision #AQ-2125 (D)
39 FR 19143 - 5/31/74
Mod. #1 - 39 FR 36710 - 10/11/74
BROOME COUNTY
Decision #AR-2017 (B,H,Hw)
39 FR 29888 - 8/16/74
Mod. #1 - 39 FR 36718 - 10/11/74
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
CHAUTAUGUA COUNTY
Decision #AR-2014 (B,H,Hw)
39 FR 28735 - 8/9/74
(D) - See Cayuga County
CHEMUNG COUNTY
None
CHENANGO COUNTY
None
CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None

NEW YORK (Cont'd)

DUTCHESS COUNTY
Decision #AR-2060 (B,H,Hw)
39 FR 36777 - 10/11/74
(See Correction) - Page #1
39 FR 37354 - 10/18/74
(D) - See Bronx County
ERIE COUNTY
Decision #AR-2051 (B,H,Hw)
39 FR 33185 - 9/13/74
Mod. #1 - 39 FR 35913 - 10/4/74
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESEE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #AR-2059 (B,H,Hw)
39 FR 36773 - 10/11/74
(D) - See Cayuga County
KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None

NEW YORK (Cont'd)

MONROE COUNTY
Decision #AR-2065 (B,H,Hw)
39 FR 36803 - 10/11/74
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #AR-2062 (B,H,Hw)
39 FR 36787 - 10/11/74
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #AR-2071 (B,H,Hw)
39 FR 38833 - 11/1/74
(D) - See Cayuga County
ONIEDA COUNTY
Decision #AR-2066 (B,H,Hw)
39 FR 36808 - 10/11/74
ONONDAGA COUNTY
Decision #AR-2067 (B,H,Hw)
39 FR 36814 - 10/11/74
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #AR-2063 (B,H,Hw)
39 FR 36792 - 10/11/74
(D) - See Bronx County
ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGA COUNTY
None
PUTNAM COUNTY
None
QUEENS COUNTY
(B,H,Hw,R) - See Bronx County

NEW YORK (Cont'd)

RENSSELAER COUNTY
Decision #AR-2068 (B,H,Hw)
39 FR 36818 - 10/11/74
Mod. #1 - 39 FR 38808 - 11/1/74
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Albany County
ST LAWRENCE COUNTY
(D) - See Cayuga County
SARATOGA COUNTY
•Decision #AR-2020 (B,H,Hw)
39 FR 29903 - 8/16/74
SCHENECTADY COUNTY
Decision #AR-2011 (B,H,Hw)
38 FR 27402 - 7/26/74
Mod. #1 - 38 FR 21028 - 8/3/73
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #AR-2069 (B,H,Hw)
39 FR 38827 - 11/1/74
SUFFOLK COUNTY
Decision #AQ-2112 (B,H,Hw)
39 FR 15673 - 5/3/74
Mod. #1 - 39 FR 22369 - 6/21/74
(D) - See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None

NEW YORK (cont'd)

TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
Decision #AQ-2128 (B,H,Hw)
39 FR 24163 - 6/28/74
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #AR-2021 (B,H,Hw)
39 FR 33979 - 9/20/74
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #AQ-4064 (H,Hw)
39 FR 4371 - 2/1/74
Mod. #1 - 39 FR 7018 - 2/22/74
Mod. #2 - 39 FR 15609 - 5/3/74
Decision #AP-156 (Sewer & Water)
38 FR 4618 - 2/16/73
ALAMANCE COUNTY
Decision #AQ-4078 (R)
39 FR 7010 - 2/22/74
(Sewer & Water, H,Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

ANSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AVERY COUNTY
Decision #AR-4017 (B)
39 FR 28739 - 8/9/74
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #AQ-2039 (D)
39 FR 3395 - 1/25/74
(Sewer & Water, H,Hw) - See Statewide
BERTIE COUNTY
Decision #AQ-4079 (R)
39 FR 7010 - 2/22/74
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
Decision #AR-4031 (R)
39 FR 32441 - 9/6/74
BUNCOMBE COUNTY
Decision #AR-4005 (B)
39 FR 24778 - 7/5/74
(Sewer & Water, H,Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4105 (B)
39 FR 14842 - 4/26/74
Decision #AQ-4117 (R)
39 FR 18397 - 5/24/74
(Sewer & Water, H,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CAMDEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
CARTERET COUNTY
Decision #AQ-4083 (R)
39 FR 8101 - 3/1/74
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CATAWBA COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
CHATHAM COUNTY
Decision #AR-4044 (R)
39 FR 36822 - 10/11/74
(Sewer & Water, H,Hw) - See STatewide
CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

CHOWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
CLAY COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLEVELAND COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
COLUMBUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CRAVEN COUNTY
(R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
CURRICTUCK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DARE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water, H,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
DURHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
FORSYTH COUNTY
Decision #AR-4019 (R)
39 FR 29702 - 8/16/74
(Sewer & Water, H,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
GASTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
GATES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
GRANVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
GREENE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
GUILFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County

NORTH CAROLINA (Cont'd.)

HALIFAX COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
HARNETT COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HAYWOOD COUNTY
(R) - See Cumberland County
(Sewer & Water, H,Hw) - See Statewide
HENDERSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HERTFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
HOKE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HYDE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
IREDELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
JACKSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
JOHNSTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
JONES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
LEE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
LINCOLN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Burke County
MCDOWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
MACON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MADISON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
MECKLENBURG COUNTY
Decision #AP-161 (B)
38 FR 5753 - 3/2/73
Mod. #1 - 38 FR 7166 - 3/16/73
Mod. #2 - 38 FR 31770 - 11/16/73
(Sewer & Water, H,Hw) - See Statewide
MITCHELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
(B) - See Avery County

NORTH CAROLINA (Cont'd)

MONTGOMERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
MOORE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
NASH COUNTY
(Sewer & Water, H,Hw) - See STatewide
NEW HANOVER COUNTY
(R) - See Brunswick County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
NORTHAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
ONSLOW COUNTY
Decision #AR-4048 (B)
39 FR 38078 - 10/25/74
(Sewer & Water, H,Hw) - See Statewide
(R) - See Brunswick County
ORANGE COUNTY
(Sewer & Water, H,Hw) - See Statewide
PAMILICO COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
PASQUOTANK COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PENDER COUNTY
(B) - See Brunswick County
(D) - See Beaufort County
(R) - See Brunswick County
(Sewer & Water, H,Hw) - See Statewide
PERQUIMANS COUNTY
(D) - See Beaufort County
PERSONS COUNTY
(Sewer & Water, H,Hw) - See Statewide
PITT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
POLK COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
RANDOLPH COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
RICHMOND COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROBESON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROCKINGHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
ROWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
RUTHERFORD COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

SAMPSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Chatham County
SCOTLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
STANLY COUNTY
(Sewer & Water, H,Hw) - See Statewide
STOKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Forsyth County
SWAIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
TRANSYLVANIA COUNTY
Decision #AR-4042 (B)
39 FR 34906 - 9/27/74
(Sewer & Water, H,Hw) - See Statewide
TYRRELL COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WAKE COUNTY
Decision #AQ-4032 (B)
38 FR 31093 - 11/9/73
Mod. #1 - 39 FR 5066 - 2/8/74
(Sewer & Water, H,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
WATAUGA COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
WILKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
WILSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
YADKIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #AQ-1000 (Hw)
38 FR 18849 - 7/13/74
Mod. #1 - 38 FR 33800 - 12/7/73
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
BURLEIGH COUNTY
(Hw) - See Statewide
Decision #AR-1036 (B)
39 FR 35038 - 9/27/74
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LAMOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
McHENRY COUNTY
(Hw) - See Statewide
McINTOSH COUNTY
(Hw) - See Statewide
McKENZIE COUNTY
(Hw) - See Statewide
McLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide
RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County

NORTH DAKOTA (Cont'd)

ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

STATEWIDE
Decision #AR-3048 (H,Hw)
39 FR 27992 - 8/2/74
Mod. #1 - 39 FR 29722 - 8/16/74
Mod. #2 - 39 FR 34927 - 9/27/74
Mod. #3 - 39 FR 37330 - 10/18/74
ADAMS COUNTY
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
(H,Hw) - See Statewide
ALLEN COUNTY
(H,Hw) - See Statewide
ASHLAND COUNTY
(H,Hw) - See Statewide
ASHTABULA COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
(H,Hw) - See Statewide
ATHENS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
AUGLAIZE COUNTY
(H,Hw) - See Statewide
BELMONT COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
BUTLER COUNTY
Decision #AR-3033 (B)
39 FR 30774 - 8/23/74
Decision #AP-683 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CHAMPAIGN COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #AR-3034 (B)
39 FR 30776 - 8/23/74
DEcision #AP-684 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CLERMONT COUNTY
Decision #AM-685 (R)
38 FR 14050 - 5/25/73
(B) - See Hamilton County
(D) - See Adams County
(H,Hw) - See Statewide

OHIO (Cont'd)

CLINTON COUNTY
(H,Hw) - See Statewide
COLUMBIANA COUNTY
(H,Hw) - See Statewide
COSHOCTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
CUYAHOGA COUNTY
Decision #AR-3035 (B,R)
39 FR 30778 - 8/23/74
(H,Hw) - See Statewide
DARKE COUNTY
(H,Hw) - See Statewide
DEFIANCE COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
Decision #AM-420 (R)
36 FR 15963 - 8/18/71
Mod. #1 - 38 FR 4630 - 2/16/73
(H,Hw) - See Statewide
ERIE COUNTY
(D) - See Ashtabula County
(H,Hw) - See Statewide
FAIRFIELD COUNTY
(R) - See Delaware County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
Decision #AR-3036 (B)
39 FR 30780 - 8/23/74
(D) - See Delaware County
(H,Hw) - See Statewide
FULTON COUNTY
(B) - See Lucas County
(H,Hw) - See Statewide
GALLIA COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
GEAUGA COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
Decision #AR-3037 (B)
39 FR 30782 - 8/23/74
Decision #AM-422 (R)
36 FR 15965 - 8/18/71
Mod. #1 - 37 FR 8619 - 4/28/72
(H,Hw) - See Statewide
GUERNSEY COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
Decision #AR-3038 (B)
39 FR 30784 - 8/23/74
(D) - See Adams County
(R) - See Clermont County
(H,Hw) - See Statewide

OHIO (Cont'd)

HANCOCK COUNTY
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HIGHLAND COUNTY
(H,Hw) - See Statewide
HOCKING COUNTY
(H,Hw) - See Statewide
HOLMES COUNTY
(H,Hw) - See Statewide
HURON COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(B,R) - See Cuyahoga County
(D) - See Ashtabula County
(B,H,Hw) - See Statewide
LAWRENCE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
LICKING COUNTY
Decision #AR-3039 (B)
39 FR 30786 - 8/23/74
(H,Hw) - See Statewide
(R) - See Delaware County
LOGAN COUNTY
(H,Hw) - See Statewide
LORAIN COUNTY
Decision #AR-3040 (B,R)
39 FR 30663 - 8/23/74
(D) - See Ashtabula County
(H,Hw) - See Statewide
LUCAS COUNTY
Decision #AR-3041 (B)
39 FR 30788 - 8/23/74
Mod. #1 - 39 FR 38810 - 11/1/74
(D) - See Ashtabula County
(H,Hw) - See Statewide
MADISON COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide

OHIO (Cont'd)

MAHONING COUNTY
Decision #AR-3042 (B,R)
39 FR 30790 - 8/23/74
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MEIGS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MIAMI COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
MONROE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(B) - See Greene County
(R) - See Greene County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
MORROW COUNTY
(H,Hw) - See Statewide
MUSKINGUM COUNTY
Decision #AR-3043 (B)
39 FR 30792 - 8/23/74
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
OTTAWA COUNTY
(D) - See Ashtabula County
(H,Hw) - See Statewide
PAULDING COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(H,Hw) - See Statewide
PICKAWAY COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PORTAGE COUNTY
Decision #AR-3044 (B,R)
39 FR 30794 - 8/23/74
(H,Hw) - See Statewide

OHIO (Cont'd.)

PREBLE COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RICHLAND COUNTY
(H,Hw) - See Statewide
ROSS COUNTY
(H,Hw) - See Statewide
SANDUSKY COUNTY
(D) - See Ashtabula County
(H,Hw) - See Statewide
SCIOTO COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
SENECA COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STARK COUNTY
Decision #AR-3045 (B,R)
39 FR 30796 - 8/23/74
(H,Hw) - See Statewide
SUMMITT COUNTY
Decision #AR-3046 (B,R)
39 FR 30798 - 8/23/74
Mod. #1 - 39 FR 34927 - 9/27/74
(H,Hw) - See Statewide
TRUMBULL COUNTY
Decision #AR-3047 (B,R)
39 FR 30800 - 8/23/74
(H,Hw) - See Statewide
TUSCARAWAS COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VAN WERT COUNTY
(H,Hw) - See Statewide
VINTON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(R) - See Butler County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WILLIAMS COUNTY
(H,Hw) - See Statewide
WOOD COUNTY
(H,Hw) - See Statewide
WYANDOT COUNTY
(H,Hw) - See Statewide

OKLAHOMA

STATEWIDE (Except the City of Muskogee)
Decision #AQ-124 (Constr., alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water and sewer utilities)
39 FR 24194 - 6/28/74
ADAIR COUNTY
(H,Hw) - See Statewide
ALFALFA COUNTY
(H,Hw) - See Statewide
ATOKA COUNTY
(H,Hw) - See Statewide
BEAVER COUNTY
(H,Hw) - See Statewide
BECKHAM COUNTY
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BRYAN COUNTY
(H,Hw) - See Statewide
Decision #AP-341 (R)
37 FR 19870 - 9/22/72
CADDO COUNTY
(H,Hw) - See Statewide
CANADIAN COUNTY
(H,Hw) - See Statewide
(B) - See Oklahoma County
(R) - See Oklahoma County
CARTER COUNTY
(H,Hw) - See Statewide
CHEROKEE COUNTY
(H,Hw) - See Statewide
CHOCTAW COUNTY
(H,Hw) - See Statewide
CIMARRON COUNTY
(H,Hw) - See Statewide
CLEVELAND COUNTY
(H,Hw) - See Statewide
(R) - See Oklahoma County
(B) - See Oklahoma County
COAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
Decision #AP-741 (R)
38 FR 18164 - 7/6/73
COTTON COUNTY
(H,Hw) - SEe Statewide
CRAIG COUNTY
(H,Hw) - See Statewide
CREEK COUNTY
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

CUSTER COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(H,Hw) - See Statewide
GARFIELD COUNTY
(H,Hw) - See Statewide
GARVIN COUNTY
(H,Hw) - See Statewide
GRADY COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREER COUNTY
(H,Hw) - See Statewide
HARMON COUNTY
(H,Hw) - See Statewide
HARPER COUNTY
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSTON COUNTY
(H,Hw) - See Statewide
KAY COUNTY
(H,Hw) - See Statewide
KINGFISHER COUNTY
(H,Hw) - See Statewide
KIOWA COUNTY
(H,Hw) - See Statewide
LATIMER COUNTY
(H,Hw) - See Statewide
LEFLORE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
(R) - See Oklahoma County
(B) - See Oklahoma County
LOGAN COUNTY
(H,Hw) - See Statewide
LOVE COUNTY
(H,Hw) - See Statewide
McCLAIN COUNTY
(H,Hw) - See Statewide
McCURTAIN COUNTY
(H,Hw) - See Statewide

OKLAHOMA (cont.'d)

MCINTOSH COUNTY
(H,Hw) - See Statewide
MAJOR COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MAYES COUNTY
(H,Hw) - See Statewide
MURRAY COUNTY
(H,Hw) - See Statewide
MUSKOGEE COUNTY
Decision #AR-35 (B,H,Hw)
39 FR 35043 - 9/27/74
NOBLE COUNTY
(H,Hw) - See Statewide
NOWATA COUNTY
(H,Hw) - See Statewide
OKFUSKEE COUNTY
(H,Hw) - See Statewide
OKLAHOMA COUNTY
Decision #AR-15 (B)
39 FR 29907 - 8/16/74
Mod. #1 - 39 FR 33917 - 9/20/74
Mod. #2 - 39 FR 34928 - 9/27/74
Mod. #3 - 39 FR 36718 - 10/11/74
Mod. #4 - 39 FR 37330 - 10/18/74
Decision #AP-304 (R)
37 FR 15789 - 8/4/72
Mod. #1 - 37 FR 28799 - 12/28/72
Mod. #2 - 38 FR 4078 - 2/9/73
OKMULGEE COUNTY
(H,Hw) - See Statewide
OSAGE COUNTY
(H,Hw) - See Statewide
(R) - See Tulsa County
OTTAWA COUNTY
(H,Hw) - See Statewide
PAWNEE COUNTY
(H,Hw) - See Statewide
PAYNE COUNTY
(H,Hw) - See Statewide
PITTSBURG COUNTY
(H,Hw) - See Statewide
PONTOTOC COUNTY
(H,Hw) - See Statewide
POTTAWATOMIE COUNTY
(H,Hw) - See Statewide
(R) - See Oklahoma County
(B) - See Oklahoma County
PUSHMATAHA COUNTY
(H,Hw) - See Statewide
ROGER MILLS COUNTY
(H,Hw) - See Statewide

OKLAHOMA (Cont'd)

ROGERS COUNTY
(H,Hw) - See Statewide
SEMINOLE COUNTY
(H,Hw) - See Statewide
SEQUOYAH COUNTY
(H,Hw) - See Statewide
STEPHENS COUNTY
(H,Hw) - See Statewide
TEXAS COUNTY
(H,Hw) - See Statewide
TILLMAN COUNTY
(H,Hw) - See Statewide
TULSA COUNTY
Decision #AR-50 (B)
39 FR 35046 - 9/27/74
(H,Hw) - See Statewide
Decision #AP-320 (R)
37 FR 17899 - 9/1/72
Mod. #1 - 38 FR 5099 - 2/23/73
WAGONER COUNTY
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WASHITA COUNTY
(H,Hw) - See Statewide
WOODS COUNTY
(H,Hw) - See Statewide
WOODWARD COUNTY
(H,Hw) - See Statewide

OREGON

STATEWIDE
Decision #AR-1019 (B,H,Hw,D)
39 FR 30802 - 8/23/74
Mod. #1 - 39 FR 33155 - 9/13/74
Mod. #2 - 39 FR 34928 - 9/27/74
Mod. #3 - 39 FR 36719 - 10/11/74
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
Decision #AR-1016 (R)
39 FR 29910 - 8/16/74
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
GILLIAM COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(H,Hw,B,D) - See Statewide
HARNEY COUNTY
(B,H,Hw,D) - See Statewide
HOOD RIVER COUNTY
(H,Hw,B,D) - See Statewide
JACKSON COUNTY
(H,Hw,B,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
JOSEPHINE COUNTY
(B,H,Hw,D) - See Statewide
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
LAKE COUNTY
(B,H,Hw,D) - See Statewide
LANE COUNTY
Decision #AR-1015 (R)
39 FR 29702 - 8/16/74
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
LINN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Lane County

OREGON (Cont'd.)

MALHEUR COUNTY
(B,H,Hw,D) - See Statewide
MARION COUNTY
(R) - See Lane County
(B,H,Hw,D) - See Statewide
MORROW COUNTY
(B,H,Hw,D) - See Statewide
MULTNOMAH COUNTY
(R) - See Clackamas County
(B,H,Hw,D) - See Statewide
POLK COUNTY
(B,H,Hw,D) - See Statewide
SHERMAN COUNTY
(B,H,Hw,D) - See Statewide
TILLAMOOK COUNTY
(B,H,Hw,D) - See Statewide
UMATILLA COUNTY
(B,H,Hw,D) - See Statewide
UNION COUNTY
(B,H,Hw,D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clackamas County
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY
Decision #AR-2029 (H,Hw)
39 FR 31853 - 8/30/74
Decision #AQ-2042 (B)
39 FR 5044 - 2/8/74
Mod. #1 - 39 FR 14121 - 4/19/74
Mod. #2 - 39 FR 24785 - 7/5/74
Mod. #3 - 39 FR 29725 - 8/16/74
Mod. #4 - 39 FR 31780 - 8/30/74
ALLEGHENY COUNTY
Decision #AR-2033 (B)
39 FR 35048 - 9/27/74
Decision #AQ-2049 (R)
39 FR 5043 - 2/8/74
(H,Hw) - See Beaver County
ARMSTRONG COUNTY
Decision #AQ-2058 (H,Hw)
39 FR 9410 - 3/8/74
Mod. #1 - 39 FR 2237 - 6/21/74
Mod. #2 - 39 FR 33918 - 9/20/74
Decision #AR-2034 (B)
39 FR 35051 - 9/27/74
39 FR 35051 - 9/27/74
BEAVER COUNTY
Decision #AQ-2059 (H,Hw)
39 FR 6004 - 2/15/74
Mod. #1 - 39 FR 22370 - 6/21/74
Mod. #2 - 39 FR 26562 - 7/19/74
Mod. #3 - 39 FR 28008 - 8/2/74
Mod. #4 - 39 FR 33918 - 9/20/74
Decision #AQ-2057 (B)
39 FR 5943 - 2/15/74
Mod. #1 - 39 FR 11002 - 3/22/74
Mod. #2 - 39 FR 31780 - 8/30/74
BEDFORD COUNTY
Decision #AQ-2060 (H,Hw)
39 FR 9410 - 3/8/74
Mod. #1 - 39 FR 22372 - 6/21/74
Mod. #2 - 39 FR 33918 - 9/20/74
Decision #AQ-2084 (B)
39 FR 11808 - 3/29/74
Mod. #1 - 39 FR 13411 - 4/12/74
Mod. #2 - 39 FR 20919 - 6/14/74
Mod. #3 - 39 FR 28008 - 8/2/74
Mod. #4 - 39 FR 37332 - 10/18/74
BERKS COUNTY
Decision #AR-2027 (B)
39 FR 31850 - 8/30/74
(H,Hw) - See Adams County
BLAIR COUNTY
Decision #AQ-2083 (B)
39 FR 12578 - 4/5/74
Mod. #1 - 39 FR 20919 - 6/14/74
Mod. #2 - 39 FR 28008 - 8/2/74
Mod. #3 - 39 FR 29725 - 8/16/74
Mod. #4 - 39 FR 37331 - 10/18/74

PENNSYLVANIA (Cont'd)

BLAIR COUNTY (Cont'd.)
(H,Hw) - See Armstrong County
BRADFORD COUNTY
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #AR-2006 (R)
39 FR 25905 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
Mod. #2 - 39 FR 38814 - 11/1/74
Decision #AR-2028 (H,Hw)
39 FR 33984 - 9/20/74
BUTLER COUNTY
Decision #AR-2036 (B)
39 FR 33988 - 9/20/74
Decision #AQ-2062 (H,Hw)
39 FR 6011 - 2/15/74
Mod. #1 - 39 FR 14121 - 4/19/74
Mod. #2 - 39 FR 22373 - 6/21/74
Mod. #3 - 39 FR 33918 - 9/20/74
CAMBRIA COUNTY
Decision #AQ-2081 (B)
39 FR 11805 - 3/29/74
Mod. #1 - 39 FR 20919 - 6/14/74
Mod. #2 - 39 FR 28008 - 8/2/74
Mod. #3 - 39 FR 37331 - 10/18/74
(H,Hw) - See Butler County
CAMERON COUNTY
(H,Hw) - See Bedford County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
Decision #AQ-2061 (H,Hw)
39 FR 6008 - 2/15/74
Mod. #1 - 39 FR 9357 - 3/8/74
Mod. #2 - 39 FR 14121 - 4/19/74
Mod. #3 - 39 FR 22373 - 6/21/74
Mod. #4 - 39 FR 33918 - 9/20/74
CHESTER COUNTY
(H,Hw,R) - See Bucks County
Decision #AR-2003 (B)
39 FR 25895 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
Mod. #2 - 39 FR 38813 - 11/1/74
CLARION COUNTY
(H,Hw) - See Bedford County
CLEARFIELD COUNTY
(H,Hw) - See Centre County
CLINTON COUNTY
(H,Hw) - See Bedford County
COLUMBIA COUNTY
(H,Hw) - See Adams County
CRAWFORD COUNTY
Decision #AQ-2123 (B)
39 FR 19379 - 5/31/74
Mod. #1 - 39 FR 28008 - 8/2/74
Mod. #2 - 39 FR 29725 - 8/16/74
(H,Hw) - See Armstrong County

PENNSYLVANIA (Cont'd)

CUMBERLAND COUNTY
Decision #AR-2009 (B)
39 FR 26619 - 7/19/74
Mod. #1 - 39 FR 29725 - 8/16/74
(H,Hw) - See Adams County
DAUPHIN COUNTY
(H,Hw) - See Adams County
(B) - See Cumberland County
DELAWARE COUNTY
Decision #AR-2002 (B)
39 FR 25892 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
Mod. #2 - 39 FR 38813 - 11/1/74
(R,H,Hw) - See Bucks County.
ELK COUNTY
Decision #AQ-2046 (B)
39 FR 9338 - 3/8/74
Mod. #1 - 39 FR 18408 - 5/24/74
Mod. #2 - 39 FR 20919 - 6/14/74
Mod. #3 - 39 FR 28008 - 8/2/74
Mod. #4 - 39 FR 37333 - 10/18/74
(H,Hw) - See Bedford County
ERIE COUNTY
Decision #AQ-2067 (B)
39 FR 6030 - 2/15/74
(H,Hw) - SEe Butler County
FAYETTE COUNTY
(B) - See Butler County
(H,Hw) - See Butler County
FOREST COUNTY
Decision #AQ-2121 (B)
39 FR 18398 - 5/24/74
Mod. #1 - 39 FR 20920 - 6/14/74
Mod. #2 - 39 FR 28008 - 8/2/74
Mod. #3 - 39 FR 37332 - 10/18/74
Mod. #4 - 39 FR 38812 - 11/1/74
(H,Hw) - See Bedford County
FRANKLIN COUNTY
Decision #AQ-2001 (B)
39 FR 24803 - 7/5/74
Mod. #1 - 39 FR 26562 - 7/19/74
Mod. #2 - 39 FR 28010 - 8/2/74
(H,Hw) - See Bedford County
FULTON COUNTY
(H,Hw) - See Bedford County
GREENE COUNTY
(H,Hw) - See Centre County
HUNTINGDON COUNTY
(H,Hw) - See Bedford County
INDIANA COUNTY
Decision #AR-2037 (B)
39 FR 31859 - 8/30/74
(H,Hw) - See Armstrong County
JEFFERSON COUNTY
(H,Hw) - See Centre County
JUNITA COUNTY
(H,Hw) - See Adams County
(B) - See Cumberland County

PENNSYLVANIA (Cont'd)

LACKAWANNA COUNTY
Decision #AQ-2092 (B)
39 FR 13499 - 4/12/74
Mod. #1 - 39 FR 30667 - 3/23/74
LANCASTER COUNTY
Decision #AR-2030 (B)
39 FR 31857 - 8/30/74
(H,Hw) - See Adams County
LAWRENCE COUNTY
Decision #AR-2045 (B)
39 FR 37345 - 10/18/74
(H,Hw) - See Butler County
LEBANON COUNTY
Decision #AQ-2080 (B)
39 FR 12571 - 4/5/74
Mod. #1 - 39 FR 24785 - 7/5/74
Mod. #2 - 39 FR 26564 - 7/19/74
Mod. #3 - 39 FR 37331 - 10/18/74
LEHIGH COUNTY
Decision #AQ-2099 (B)
39 FR 14175 - 4/19/74
Mod. #1 - 39 FR 30667 - 8/23/74
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #AR-2008 (B)
39 FR 27406 - 7/26/74
(H,Hw) - See Adams County
LYCOMING COUNTY
Decision #AQ-2079 (B)
39 FR 11803 - 3/29/74
Mod. #1 - 39 FR 30667 - 8/23/74
(H,Hw) - See Adams County
MC KEAN COUNTY
(H,Hw) - See Adams County
(B) - See Forest County
MERCER COUNTY
Decision #AR-2046 (B)
39 FR 37349 - 10/18/74
(H,Hw) - See Butler County
MIFFLIN COUNTY
(H,Hw) - See Adams County
MONROE COUNTY
(H,Hw) - See Adams County
MONTGOMERY COUNTY
Decision #AR-2004 (B)
39 FR 25898 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
Mod. #2 - 39 FR 37333 - 10/18/74
Mod. #3 - 39 FR 38813 - 11/1/74
(H,Hw,R) - See Bucks County
MONTOUR COUNTY
(H,Hw) - See Adams County
NORTHAMPTON COUNTY
Decision #AQ-2016 (B)
39 FR 22356 - 8/17/74
Mod. #1 - 39 FR 4289 - 2/1/74
Mod. #2 - 39 FR 30666 - 8/23/74
(H,Hw) - See Adams County
NORTHUMBERLAND COUNTY
Decision #AQ-2044 (B)
39 FR 7014 - 2/22/74
Mod. #1 - 39 FR 10079 - 3/15/74

PENNSYLVANIA (Cont'd.)

NORTHUMBERLAND COUNTY (Cont'd.)
Mod. #2 - 39 FR 16990 - 5/10/74
Mod. #3 - 39 FR 24785 - 7/5/74
Mod. #4 - 39 FR 30666 - 8/23/74
(H,Hw) - See Adams County
PERRY COUNTY
(H,Hw) - See Adams County
PHILADELPHIA COUNTY
Decision #AR-2005 (B)
39 FR 25902 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
Mod. #2 - 39 FR 38814 - 11/1/74
Decision AQ-2125 (D)
39 FR 19143 - 5/31/74
Mod. #1 - 39 FR 36710 - 10/11/74
(H,Hw,R) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(H,Hw) - See Bedford County
SCHUYKILL COUNTY
Decision #AQ-2050 (B)
39 FR 5938 - 2/15/74
Mod. #1 - 39 FR 10079 - 3/15/74
Mod. #2 - 39 FR 16990 - 5/10/74
Mod. #3 - 39 FR 30667 - 8/23/74
(H,Hw) - See Adams County
SNYDER COUNTY
(H,Hw) - See Adams County
SOMERSET COUNTY
(H,Hw) - See Butler County
SULLIVAN COUNTY
Decision #AQ-2070 (B)
39 FR 10070 - 3/15/74
Mod. #1 - 39 FR 26562 - 7/19/74
(H,Hw) - See Adams County
SUSQUEHANNA COUNTY
(H,Hw) - See Adams County
TIOGA COUNTY
(H,Hw) - See Adams County
UNION COUNTY
(H,Hw) - See Adams County
VENANGO COUNTY
Decision #AQ-2043 (B)
39 FR 7011 - 2/22/74
Mod. #1 - 39 FR 18408 - 5/24/74
Mod. #2 - 39 FR 20919 - 6/14/74
Mod. #3 - 39 FR 28008 - 8/2/74
(H,Hw) - See Armstrong County
WARREN COUNTY
Decision #AQ-2085 (B)
39 FR 14115 - 4/19/74
Mod. #1 - 39 FR 20920 - 6/14/74
Mod. #2 - 39 FR 28008 - 8/2/74
Mod. #3 - 39 FR 37332 - 10/18/74
Mod. #4 - 39 FR 38811 - 11/1/74
(H,Hw) - See Armstrong county
WASHINGTON COUNTY
Decision #AR-2039 (B)
39 FR 35054 - 9/27/74
(H,Hw) - See Butler County
WAYNE COUNTY
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.)

WESTMORELAND COUNTY
Decision #AR-2038 (B)
39 FR 31862 - 8/30/74
(H,Hw) - See Butler County
WYCOMING COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(B,H,Hw) - See Adams Co. (Excluding New Cumberland Depot)
(B) - See Cumberland County (New Cumberland Depot)
(H,Hw) - See Adams County (New Cumberland Depot)

PUERTO RICO

PUERTO RICO
Decision #AR-2016 (R)
39 FR 28859 - 8/9/74
Decision #AQ-2052 (B)
39 FR 5161 - 2/8/74
Decision #AQ-2019 (H,Hw)
38 FR 24847 - 9/14/73
Mod. #1 - 39 FR 27395 - 7/26/74

RHODE ISLAND

STATEWIDE
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
Mod. #1 - 39 FR 36710 - 10/11/74
BRISTOL COUNTY
(D) - See Statewide
(B,H,Hw, & Marine) - See Providence Co.
KENT COUNTY
(B,H,Hw, & Marine) - See Providence Co.
(D) - See Statewide
NEWPORT COUNTY
Decision #AR-3078 (B,H,Hw,R, & Marine)
39 FR 28087 - 8/2/74
Mod. #1 - 39 FR 29726 - 8/16/74
Mod. #2 - 39 FR 36720 - 10/11/74
(D) - See Statewide
PROVIDENCE COUNTY
Decision #AR-3077 (B,H,Hw,R, & Marine)
39 FR 28083 - 8/2/74
Mod. #1 - 39 FR 29726 - 8/16/74
Mod. #2 - 39 FR 34929 - 9/27/74
(D) - See Statewide
WASHINGTON COUNTY
Decision #AR-3079 (B,H,Hw,R, & Marine)
39 FR 28090 - 8/2/74
Mod. #1 - 39 FR 29726 - 8/16/74
Mod. #2 - 39 FR 36720 - 10/11/74
(D) - See Statewide

SOUTH CAROLINA

STATEWIDE
Decision #AQ-4065 (H,Hw)
39 FR 4381 - 2/1/74
Mod. #1 - 39 FR 7018 - 2/22/74
Mod. #2 - 39 FR 15610 - 5/3/74
Decision #AP-157 (Sewer & Water)
38 FR 4619 - 2/16/73
ABBEVILLE COUNTY
Decision #AR-4003 (B)
39 FR 26554 - 7/19/74
(Sewer & Water, H,Hw) - See Statewide
AIKEN COUNTY
Decision #AR-4008 (R)
39 FR 26555 - 7/19/74
Mod. #1 - 39 FR 37334 - 10/18/74
(Sewer & Water, H,Hw) - See Statewide
ALLENDALE COUNTY
Decision #AR-4006 (R)
39 FR 24780 - 7/5/74
(Sewer & Water, H,Hw) - See Statewide
ANDERSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
BAMBERG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
BARNWELL COUNTY
(R) - See Aikin County
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #AQ=2039 (D)
39 FR 3395 - 1/25/74
(Sewer & Water, H,Hw) - See Statewide
BERKELEY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #AR-4045 (B)
39 FR 37327 - 10/18/74
Decision #AQ-4029 (R)
38 FR 31153 - 11/9/73
CALHOUN COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
CHARLESTON COUNTY
(B) - See Berkeley County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Berkeley County
CHEROKEE COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
CHESTER COUNTY
Decision #AR-4009 (B)
39 FR 25778 - 7/12/74
(Sewer & Water, H,Hw) - See Statewide
CHESTERFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLARENDON COUNTY
(Sewer & Water, H,Hw) - See Statewide
COLLETON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd)

DARLINGTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DILLON COUNTY
(Sewer & Water, H,Hw) - See Statewide
EDGEFIELD COUNTY
(R) - See Aikin County
(Sewer & Water, H,Hw) - See Statewide
FAIRFIELD COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
FLORENCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
GEORGETOWN COUNTY
(D) - See Beaufort
(Sewer & Water, H,Hw) - See Statewide
GREENVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water, H,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water, H,Hw) - See Statewide
LANCASTER COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
LAURENS COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(Sewer & Water, H,Hw) - See Statewide
LEXINGTON COUNTY
Decision #AR-4049 (R)
39 FR 38078 - 10/25/74
Decision #AR-4004 (B)
39 FR 24779 - 7/5/74
(Sewer & Water, H,Hw) - See Statewide
McCORMICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARION COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARLBORO COUNTY
(Sewer & Water, H,Hw) - See Statewide
NEWBERRY COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
OCONEE COUNTY
(Sewer & Water, H,Hw) - See Statewide
ORANGEBURG COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Allendale County
PICKENS COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.)

RICHLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
(B) - See Lexington County
(R) - See Lexington County
SALUDA COUNTY
(Sewer & Water, H,Hw) - See Statewide
SPARTANBURG COUNTY
(Sewer & Water, H,Hw) - See Statewide
SUMTER COUNTY
Decision #AQ-4097 (B)
39 FR 12581 - 4/5/74
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
(B) - See Abbeville County
WILLIAMSBURG COUNTY
(Sewer & Water, H,Hw) - See Statewide
YORK COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #AR-1041 (Hw)
38 FR 15807 - 6/15/73
AURORA COUNTY
(Hw) - See Statewide
BEADLE COUNTY
Decision #AR-1028 (H)
39 FR 31867 - 8/30/74
(Hw) - See Statewide
BENNETT COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BON HOMME COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BROOKINGS COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BROWN COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BRULE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BUFFALO COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BUTTE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CHARLES MIX COUNTY
(H) - See Beadle County
(Hw) - See Statewide
CLAY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
CLARK COUNTY
(Hw) - See Statewide
CODINGTON COUNTY
(Hw) - See Statewide
(H) - See Beadle County
CORSON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
CUSTER COUNTY
(H) - See Statewide
(Hw) - See Statewide
DAVISON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
DAY COUNTY
(Hw) - See Statewide
DEUEL COUNTY
(Hw) - See Statewide
DEWEY COUNTY
(H) - See Beadle County
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

DOUGLAS COUNTY
(Hw) - See Statewide
EDMUNDS COUNTY
(H) - See Beadle County
(Hw) - See Statewide
FALL RIVER COUNTY
(H) - See Beadle County
(Hw) - See Statewide
FAULK COUNTY
(Hw) - See Statewide
GRANT COUNTY
(H) - See Beadle County
(Hw) - See Statewide
GREGORY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
HAAKON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
HAMLIN COUNTY
(Hw) - See Statewide
HAND COUNTY
(Hw) - See Statewide
HANSON COUNTY
(Hw) - See Statewide
HARDING COUNTY
(H) - See Beadle County
(Hw) - See Statewide
HUGHES COUNTY
(H) - See Beadle County
(Hw) - See Statewide
HUTCHINSON COUNTY
(Hw) - See Statewide
HYDE COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
JERAULD COUNTY
(Hw) - See Statewide
JONES COUNTY
(H) - See Beadle County
(Hw) - See Statewide
KINGSBURY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
LAKE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
LAWRENCE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
LINCOLN COUNTY
(H) - See Beadle County
(Hw) - See Statewide
LYMAN COUNTY
(H) - See Beadle County
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

Mc COOK COUNTY
(Hw) - See Statewide
Mc PHERSON COUNTY
(Hw) - See Statewide
MARSHALL COUNTY
(Hw) - See Statewide
MEADE COUNTY
Decision #AR-1027 (B)
39 FR 31866 - 8/30/74
(H) - See Beadle County
(Hw) - See Statewide
MELLETTE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
MINER COUNTY
(Hw) - See Statewide
MINNEHAHA COUNTY
Decision #AQ-1091 (R)
39 FR 8146 - 3/1/74
Mod. #1 - 39 FR 14856 - 4/26/74
Decision #AR-1026 (B)
39 FR 31865 - 8/30/74
(H) - See Beadle County
(Hw) - See Statewide
MOODY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
PENNINGTON COUNTY
(B) - See Meade County
(H) - See Beadle County
(Hw) - See Statewide
PERKINS COUNTY
(H) - See Beadle County
(Hw) - See Statewide
POTTER COUNTY
(H) - See Beadle County
(Hw) - See Statewide
ROBERTS COUNTY
(H) - See Beadle County
(Hw) - See Statewide
SANBORN COUNTY
(Hw)- See Statewide
SHANNON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
SPINK COUNTY
(H) - See Beadle County
(Hw) - See Statewide
STANLEY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
SULLY COUNTY
(H) - See Beadle County
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

TODD COUNTY
(H) - See Beadle County
(Hw) - See Statewide
TRIPP COUNTY
(H) - See Beadle County
(Hw) - See Statewide
TURNER COUNTY
(Hw) - See Statewide
UNION COUNTY
(H) - See Beadle County
(Hw) - See Statewide
WALWORTH COUNTY
(H) - See Beadle County
(Hw) - See Statewide
WASHABAUGH COUNTY
(H) - See Beadle County
(Hw) - See Statewide
YANKTON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
ZIEBACH COUNTY
(H) - See Beadle County
(Hw) - See Statewide

TENNESSEE

STATEWIDE
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
Mod. #1 - 39 FR 15602 - 5/3/74
Decision #AQ-4049 (Hw)
39 FR 1712 - 1/11/74
Mod. #1 - 39 FR 3373 - 1/25/74
Mod. #2 - 39 FR 25788 - 7/12/74
Mod. #3 - 39 FR 35914 - 10/4/74
ANDERSON COUNTY
Decision #AR-4007 (B) (Oak Ridge and Atomic Energy Commission)
39 FR 24806 - 7/5/74
Mod. #1 - 39 FR 26564 - 7/19/74
Mod. #2 - 39 FR 28013 - 8/2/74
Mod. #3 - 39 FR 31782 - 8/30/74
Mod. #4 - 39 FR 38814 - 11/1/74
(Hw) - See Statewide
(F) - See Statewide
BEDFORD COUNTY
(F) - See Statewide
(Hw) - See Statewide
BENTON COUNTY
(F) - See Statewide
(Hw) - See Statewide
BLEDSOE COUNTY
(F) - See Statewide
(Hw) - See Statewide
BLOUNT COUNTY
(F) - See Statewide
(Hw) - See Statewide
BRADLEY COUNTY
(F) - See Statewide
(Hw) - See Statewide
CAMPBELL COUNTY
(F) - See Statewide
(Hw) - See Statewide
CANNON COUNTY
(F) - See Statewide
(Hw) - See Statewide
CARROLL COUNTY
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
(F) - See Statewide
(Hw) - See Statewide
CARTER COUNTY
Decision #AP-104 (B)
37 FR 13915 - 7/14/72
Decision #AQ-4128 (R)
39 FR 24198 - 6/28/74
(F) - See Statewide
(Hw) - See Statewide
CHEATHAM COUNTY
Decision #AQ-4061 (R)
39 FR 3426 - 1/25/74
(F) - See Statewide
(Hw) - See Statewide
CHESTER COUNTY
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (CONT'D.)

CLAIBORNE COUNTY
(F) - See Statewide
(Hw) - See Statewide
CLAY COUNTY
(F) - See Statewide
(Hw) - See Statewide
COCKE COUNTY
(F) - See Statewide
(Hw) - See Statewide
COFFEE COUNTY
(F) - See Statewide
(Hw) - See Statewide
CROCKETT COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
CUMBERLAND COUNTY
(F) - See Statewide
(Hw) - See Statewide
DAVIDSON COUNTY
Decision #AR-4021 (B)
39 FR 31868 - 8/30/74
Mod. #1 - 39 FR 38815 - 11/1/74
(R) - See Cheatham County
(F) - See Statewide
(Hw) - See Statewide
DECATUR COUNTY
(F) - See Statewide
(Hw) - See Statewide
DEKALB COUNTY
(F) - See Statewide
(Hw) - See Statewide
DICKSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
DYER COUNTY
Decision #AQ-4073 (B)
39 FR 5947 - 2/15/74
Mod. #1 - 39 FR 9357 - 3/8/74
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
FAYETTE COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
FENTRESS COUNTY
(F) - See Statewide
(Hw) - See Statewide
FRANKLIN COUNTY
(F) - See Statewide
(Hw) - See Statewide
GIBSON COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
(B) - See Dyer County

TENNESSEE (Cont'd)

GILES COUNTY
(F) - See Statewide
(Hw) - See Statewide
GRAINGER COUNTY
(F) - See Statewide
(Hw) - See Statewide
GREENE COUNTY
(F) - See Statewide
(Hw) - See Statewide
GRUNDY COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAMBLEN COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAMILTON COUNTY
Decision #AR-4035 (B,H)
39 FR 33191 - 9/13/74
Mod. #1 - 39 FR 34929 - 9/27/74
Mod. #2 - 39 FR 37334 - 10/18/74
Mod. #3 - 39 FR 38815 - 11/1/74
(F) - See Statewide
(Hw) - See Statewide
HANCOCK COUNTY
(F) - See Statewide
(Hw) - See Statewide
HARDEMAN COUNTY
(D) - See Carroll County
(Hw) - See Statewide
(F) - See Statewide
HARDIN COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAWKINS COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAYWOOD COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
HENDERSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
HENRY COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
HICKMAN COUNTY
(F) - See Statewide
(Hw) - See Statewide
HOUSTON COUNTY
(F) - See Statewide
(Hw) - See Statewide
HUMPHREYS COUNTY
(F) - See Statewide
(Hw) - See Statewide
JACKSON COUNTY
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (CONT'D)

JEFFERSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
JOHNSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
KNOX COUNTY
Decision #AR-4022 (B)
39 FR 31869 - 8/30/74
Mod. #1 - 39 FR 38815 - 11/1/74
Decision #AQ-4051 (R)
39 FR 2321 - 1/18/74
(F) - See Statewide
(Hw) - See Statewide
LAKE COUNTY
Decision #AQ-4074 (R)
39 FR 5947 - 2/15/74
(F) - See Statewide
(Hw) - See Statewide
LAUDERDALE COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
LAWRENCE COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
LEWIS COUNTY
(F) - See Statewide
(Hw) - See Statewide
LINCOLN COUNTY
(F) - See Statewide
(Hw) - See Statewide
LOUDON COUNTY
(F) - See Statewide
(Hw) - See Statewide
MC MINN COUNTY
(F) - See Statewide
(Hw) - See Statewide
MC NAIRY COUNTY
(F) - See Statewide
(Hw) - See Statewide
MACON COUNTY
(F) - See Statewide
(Hw) - See Statewide
MADISON COUNTY
Decision #AQ-4094 (B)
39 FR 10997 - 3/22/74
Mod. #1 - 39 FR 34929 - 9/27/74
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
MARION COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (Cont'd)

MARSHALL COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
MAURY COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
MEIGS COUNTY
(F) - See Statewide
(Hw) - See Statewide
MONROE COUNTY
(F) - See Statewide
(Hw) - See Statewide
MONTGOMERY COUNTY
(F) - See Statewide
(Hw) - See Statewide
MOORE COUNTY
(F) - See Statewide
(Hw) - See Statewide
MORGAN COUNTY
(F) - See Statewide
(Hw) - See Statewide
OBION COUNTY
(R) - See Lake County
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
OVERTON COUNTY
(F) - See Statewide
(Hw) - See Statewide
PERRY COUNTY
(F) - See Statewide
(Hw) - See Statewide
PICKETT COUNTY
(F) - See Statewide
(Hw) - See Statewide
POLK COUNTY
(F) - See Statewide
(Hw) - See Statewide
PUTNAM COUNTY
(F) - See Statewide
(Hw) - See Statewide
RHEA COUNTY
(F) - See Statewide
(Hw) - See Statewide
ROANE COUNTY
(B) - See Anderson Co. (Oak Ridge and attomic energy commission)
(F) - See Statewide
(Hw) - See Statewide
ROBERTSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd)

RUTHERFORD COUNTY
Decision #AQ-4114 (B)
39 FR 16980 - 5/10/74
Mod. #1 - 39 FR 28013 - 8/2/74
Mod. #2 - 39 FR 29726 - 8/16/74
Mod. #3 - 39 FR 31782 - 8/30/74
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
SCOTT COUNTY
(F) - See Statewide
(Hw) - See Statewide
SEQUATCHIE COUNTY
(F) - See Statewide
(Hw) - See Statewide
SEVIER COUNTY
(F) - See Statewide
(Hw) - See Statewide
SHELBY COUNTY
Decision #AR-4036 (B,H, & Utility)
39 FR 33193 - 9/13/74
Mod. #1 - 39 FR 34929 - 9/27/74
Mod. #2 - 39 FR 37334 - 10/18/74
Mod. #3 - 39 FR 38815 - 11/1/74
Decision #AP-152 (R)
38 FR 4176 - 2/9/73
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
SMITH COUNTY
(F) - See Statewide
(Hw) - See Statewide
STEWART COUNTY
(F) - See Statewide
(Hw) - See Statewide
SULLIVAN COUNTY
Decision #AM-8623 (B)
37 FR 12013 - 6/16/72
Mod. #1 - 37 FR 23065 - 10/27/72
Mod. #2 - 39 FR 11815 - 3/29/74
Mod. #3 - 39 FR 17655 - 5/17/74
(F) - See Statewide
(Hw) - See Statewide
(R) - See Carter County
SUMNER COUNTY
(Hw) - See Statewide
(F) - See Statewide
(R) - See Cheatham County
TIPTON COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
TROUSDALE COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (cont'd)

UNICOI COUNTY
(F) - See Statewide
(Hw) - See Statewide
UNION COUNTY
(F) - See Statewide
(Hw) - See Statewide
VAN BUREN COUNTY
(F) - See Statewide
(Hw) - See Statewide
WARREN COUNTY
(F) - See Statewide
(Hw) - See Statewide
WASHINGTON COUNTY
Decision #AP-100 (B)
37 FR 13419 - 7/7/72
Mod. #1 - 37 FR 17316 - 8/25/72
Mod. #2 - 37 FR 22708 - 10/20/72
(R) - See Carter County
(F) - See Statewide
(Hw) - See Statewide
WAYNE COUNTY
(F) - See Statewide
(Hw) - See Statewide
WEAKLEY COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
WHITE COUNTY
(F) - See Statewide
(Hw) - See Statewide
WILLIAMSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
WILSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County

TEXAS

STATEWIDE (Excluding Dallas-Fort Worth Regional Airport)
Decision #AR-36 (H (Excluding tunnels and dams), Hw
Incidental shore work, and paving and utilities incidental to general building construction)
39 FR 33992 - 9/20/74
Mod. #1 - 39 FR 36720 - 10/11/74
Mod. #2 - 39 FR 37335 - 10/18/74
ANDERSON COUNTY
(H,Hw) - See Statewide
ANDREWS COUNTY
(H,Hw) - See Statewide
ANGELINA COUNTY
(H,Hw) - See Statewide
ARANSAS COUNTY
(H,Hw) - See Statewide
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
ARCHER COUNTY
(H,Hw) - See Statewide
ARMSTRONG COUNTY
Decision #AR-52 (B)
39 FR 35066 - 9/27/74
Mod. #1 - 39 FR 36721 - 10/11/74
Mod. #2 - 39 FR 37336 - 10/18/74
(H,Hw) - See Statewide
Decision #AR-53 (R)
39 FR 35069 - 9/27/74
Mod. #1 - 39 FR 36721 - 10/11/74
Mod. #2 - 39 FR 37336 - 10/18/74
ATASCOSA COUNTY
(H,Hw) - See Statewide
AUSTIN COUNTY
(H,Hw) - See Statewide
BAILEY COUNTY
(H,Hw) - See Statewide
Decision #AP-352 (R)
37 FR 21786 - 10/13/72
BANDERA COUNTY
(H,Hw) - See Statewide
BASTROP COUNTY
Decision #AR-1 (R)
39 FR 24809 - 7/5/74
(H,Hw) - See Statewide
BAYLOR COUNTY
(H,Hw) - See Statewide
BEE COUNTY
Decision #AR-16 (R)
39 FR 29703 - 8/16/74
(H,Hw) - See Statewide
BELL COUNTY
(H,Hw) - See Statewide
Decision #AR-54 (B)
39 FR 35071 - 9/27/74
Mod. #1 - 39 FR 37336 - 10/18/74

TEXAS (Cont'd)

BEXAR COUNTY
Decision #AR-45 (B)
39 FR 34015 - 9/20/74
Mod. #1 - 39 FR 35915 - 10/4/74
(H,Hw) - See Statewide
Decision #AR-44 (R)
39 FR 34013 - 9/20/74
BLANCO COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
BORDEN COUNTY
(H,Hw) - See Statewide
BOSQUE COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
BOWIE COUNTY
Decision #AR-55 (B)
39 FR 35901 - 10/4/74
(H,Hw) - See Statewide
BRAZORIA COUNTY
(H,Hw) - See Statewide
Decision #AR-11 (R)
39 FR 29910 - 8/16/74
(D) - See Aransas County
BRAZOS COUNTY
(H,Hw) - See Statewide
BREWSTER COUNTY
(H,Hw) - See Statewide
BRISCOE COUNTY
(H,Hw) - See Statewide
BROOKS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BURLESON COUNTY
(H,Hw) - See Statewide
BURNETT COUNTY
(H,Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CALLAHAN COUNTY
(H,Hw) - See Statewide
CAMERON COUNTY
Decision #AR-40 (B)
39 FR 34004 - 9/20/74
Mod. #1 -39 FR 38816 - 11/1/74
(D) - See Aransas County
(H,Hw) - See Statewide
Decision #AR-39 (R)
39 FR 34002 - 9/20/74
Mod. #1 - 39 FR 38816 - 11/1/74
CAMP COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

CARSON COUNTY
(B) - See Armstrong County
(H,Hw) - See Statewide
(R) - See Armstrong County
CASS COUNTY
(H,Hw) - See Statewide
CASTRO COUNTY
(B) - See Armstrong County
(H,Hw) - See Statewide
(R) - See Armstrong County
CHAMBERS COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CHEROKEE COUNTY
(H,Hw) - See Statewide
CHILDRESS COUNTY
(B) - See Armstrong County
(H,Hw) - See Statewide
(R) - See Armstrong County
CLAY COUNTY
(H,Hw) - See STatewide
COCHRAN COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
COKE COUNTY
(H,Hw) - See Statewide
COLEMAN COUNTY
(H,Hw) - See Statewide
COLLIN COUNTY
Decision #AR-43 (B-excluding Dallas-Fort Worth Regional Airport)
39 FR 34009 - 9/20/74
Mod. #1-39 FR 35915 - 10/4/74
Mod. #2 - 39 FR 37335 - 10/18/74
Decision #AQ-87 (R)
39 FR 10106 - 3/15/74
(H,Hw) - See Statewide
COLLINGSWORTH COUNTY
(B) - See Armstrong County
(H,Hw) - See Statewide
(R) - See Armstrong County
COLORADO COUNTY
(H,Hw) - See Statewide
COMAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
CONCHO COUNTY
(H,Hw) - See Statewide
COOKE COUNTY
(H,Hw) - See Statewide
CORYELL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
COTTLE COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd.)

CRANE COUNTY
(H,Hw) - See Statewide
Decision #AP-347 (R)
37 FR 20499 - 9/29/72
CROCKETT COUNTY
(H,Hw) - See Statewide
CROSBY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
CULBERSON COUNTY
(H,Hw) - See Statewide
DALLAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DALLAS COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DEAF SMITH COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DELTA COUNTY
(H,Hw) - See Statewide
DENTON COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
DE WITT COUNTY
(H,Hw) - See Statewide
DICKENS COUNTY
(H,Hw) - See Statewide
DIMMIT COUNTY
Decision #AR-70 (B,R)
39 FR 38836 - 11/1/74
(H,Hw) - See Statewide
DONLEY COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DUVAL COUNTY
(H,Hw) - See Statewide
EASTLAND COUNTY
(H,Hw) - See Statewide
ECTOR COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
EDWARDS COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
EL PASO COUNTY
Decision #AR-69 (B)
39 FR 37352 - 10/18/74
Mod. #1 - 39 FR 38816 - 11/1/74
(H,Hw) - See Statewide
ERATH COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

FALLS COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
FANNIN COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
FISHER COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
FOARD COUNTY
(H,Hw) - See Statewide
FORT BEND COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FREESTONE COUNTY
(H,Hw) - See Statewide
FRIO COUNTY
(H,Hw) - See Statewide
GAINES COUNTY
(H,Hw) - See Statewide
GALVESTON COUNTY
Decision #AR-41 (B)
39 FR 34005 - 9/20/74
Mod. #1 - 39 FR 35915 - 10/4/74
Mod. #2 - 39 FR 38082 - 10/25/74
Mod. #3 - 39 FR 38816 - 11/1/74
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
GARZA COUNTY
(R) - See BAiley County
(H,Hw) - See Statewide
GILLESPIE COUNTY
(H,Hw) - See Statewide
GLASSOCK COUNTY
(H,Hw) - See Statewide
GOLIAD COUNTY
(H,Hw) - See Statewide
GONZALES COUNTY
(H,Hw) - See Statewide
GRAY COUNTY
(R&B) - See Armstrong County
(H,Hw) - See Statewide
GRAYSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
GREGG COUNTY
Decision #AQ-112 (B)
39 FR 22360 - 6/21/74
Mod. #1 - 39 FR 28769 - 8/9/74
Mod. #2 - 39 FR 34929 - 9/27/74
(H,Hw) - See Statewide

TEXAS (Cont'd)

GRIMES COUNTY
(H,Hw) - See Statewide
GUADALUPE COUNTY
(H,Hw) - See Statewide
HALE COUNTY
(R) - See BAiley County
(H,Hw) - See Statewide
HALL COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANSFORD COUNTY
(R&B) - See Armstrong County
(H,Hw) - See Statewide
HARDEMAN COUNTY
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRIS COUNTY
(B) - See Galveston County
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HARTLEY COUNTY
(R&B) - See Armstrong County
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HAYS COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
HEMPHILL COUNTY
(R&B) - See Armstrong County
(H,Hw) - See Statewide
HENDERSON COUNTY
(H,Hw) - See Statewide
HIDALGO COUNTY
(R&B) - See Cameron County
(H,Hw) - See Statewide
HILL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
HOCKLEY COUNTY
(R) - See BAiley County
(H,Hw) - See Statewide
HOOD COUNTY
(B) - See Collin County
Decision #AP-301 (R)
37 FR 15232 - 7/28/72
Mod. #1 - 37 FR 20395 - 9/29/72
(H,Hw) - See Statewide

TEXAS (Cont'd)

HOPKINS COUNTY
(H,Hw) - See Statewide
HOUSTON COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
Decision #AR-68 (B,R)
39 FR 37328 - 10/18/74
(H,Hw) - See Statewide
HUDSPETH COUNTY
(H,Hw) - See Statewide
HUNT COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
IRION COUNTY
(H,Hw) - See Statewide
JACK COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JEFF DAVIS COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
Decision #AR-48 (B,R)
39 FR 35060 - 9/27/74
Mod. #1 - 39 FR 38082 - 10/25/74
(D) - See Aransas County
(Hw) - See Statewide
JIM HOGG COUNTY
(H,Hw) - See Statewide
(B,R) - See Dimmit County
JIM WELLS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
JONES COUNTY
(H,Hw) - See Statewide
KARNES COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

KAUFMAN COUNTY
(R&B) - See Collin County
(H,Hw) - See Statewide
KENDALL COUNTY
(H,Hw) - See Statewide
KENEDY COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
KENT COUNTY
(H,Hw) - See Statewide
KERR COUNTY
(H,Hw) - See Statewide
KIMBLE COUNTY
(H,Hw) - See Statewide
KING COUNTY
(H,Hw) - See Statewide
KINNEY COUNTY
(H,Hw) - See Statewide
KLEBERG COUNTY
Decision #AR-38 (B)
39 FR 34000 - 9/20/74
Mod. #1 - 39 FR 35915 - 10/4/74
Mod. #2 - 39 FR 37335 - 10/18/74
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
KNOX COUNTY
(H,Hw) - See Statewide
LAMAR COUNTY
(H,Hw) - See Statewide
LAMB COUNTY
(R) - See BAiley County
(H,Hw) - See Statewide
LAMPASAS COUNTY
(H,Hw) - See Statewide
LA SALLE COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
LAVACA COUNTY
(H,Hw) - See Statewide
LEE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County

TEXAS (Cont'd)

LEON COUNTY
(H,Hw) - See Statewide
LIBERTY COUNTY
(H,Hw) - See Statewide
LIMESTONE COUNTY
(H,Hw) - See Statewide
LIPSCOMB COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
LIVE OAK COUNTY
(H,Hw) - See Statewide
LLANO COUNTY
(H,Hw) - See Statewide
LOVING COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
LUBBOCK COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
Decision #AR-47 (B)
39 FR 35059 - 9/27/74
Mod. #1 - 39 FR 36720 - 10/11/74
LYNN COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
McCULLOCH COUNTY
(H,Hw) - See Statewide
McLENNAN COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
McMULLEN COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

MASON COUNTY
(H,Hw) - See Statewide
MATAGORDA COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
(D) - See Aransas County
MAVERICK COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MENARD COUNTY
(H,Hw) - See Statewide
MIDLAND COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
MILAM COUNTY
(H,Hw) - See Statewide
MILLS COUNTY
(H,Hw) - See Statewide
MITCHELL COUNTY
(H,Hw) - See Statewide
MONTAGUE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
MOORE COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
MORRIS COUNTY
(H,Hw) - See Statewide
MOTLEY COUNTY
(H,Hw) - See Statewide
NACOGDOCHES COUNTY
(H,Hw) - See Statewide
NAVARRO COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

NEWTON COUNTY
(H,Hw) - See Statewide
NOLAN COUNTY
(H,Hw) - See Statewide
NUECES COUNTY
(B) - See Kleberg County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
OCHILTREE COUNTY
(R) (B) - See Armstrong County
(H,Hw) - See Statewide
OLDHAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
ORANGE COUNTY
(R)(B) - See Jefferson County
(Hw) - See Statewide
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
PANOLA COUNTY
(H,Hw) - See Statewide
PARKER COUNTY
(H,Hw) - See Statewide
(R) - See Hood County
PARMER COUNTY
(H,Hw) - See Statewide
PECOS COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
POLK COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
PRESIDIO COUNTY
(H,Hw) - See Statewide
RAINS COUNTY
(H,Hw) - See Statewide
RANDALL COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
REAGAN COUNTY
(H,Hw) - See Statewide
REAL COUNTY
(H,Hw) - See Statewide
RED RIVER COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

REEVES COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
REFUGIO COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
ROBERTSON COUNTY
(H,Hw) - See Statewide
ROCKWALL COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
RUNNELS COUNTY
(H,Hw) - See Statewide
RUSK COUNTY
(H,Hw) - See Statewide
SABINE COUNTY
(H,Hw) - See Statewide
SAN AUGUSTINE COUNTY
(H,Hw) - See Statewide
SAN JACINTO COUNTY
(H,Hw) - See Statewide
SAN PATRICIO COUNTY
(R) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
SAN SABA COUNTY
(H,Hw) - See STatewide
SCHLEICHER COUNTY
(H,Hw) - See Statewide
SCURRY COUNTY
(H,Hw) - See Statewide
SHACKELFORD COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
SMITH COUNTY
(H,Hw) - See Statewide
SOMERVELL COUNTY
(H,Hw) - See Statewide
STARR COUNTY
(H,Hw) - See Statewide
(B)(R) - See Cameron County
STEPHENS COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

STERLING COUNTY
(H,Hw) - See Statewide
STONEWALL COUNTY
(H,Hw) - See Statewide
SUTTON COUNTY
(H,Hw) - See Statewide
SWISHER COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
Decision #AQ-117 (R)
39 FR 22400 - 6/21/74
TAYLOR COUNTY
Decision #AR-72 (B)
39 FR 38799 - 11/1/74
(H,Hw) - See Statewide
TERRELL COUNTY
(H,Hw) - See Statewide
TERRY COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
THROCKMORTON COUNTY
(H,Hw) - See Statewide
TITUS COUNTY
(H,Hw) - See Statewide
TOM GREEN COUNTY
(H,Hw) - See Statewide
TRAVIS COUNTY
Decision #AR-42 (B)
39 FR 34007 - 9/20/74
Mod. #1 - 39 FR 35915 - 10/4/74
Mod. #2 - 39 FR 37335 - 10/18/74
Mod. #3 - 39 FR 38082 - 10/25/74
(R) - See Bastrop County
(H,Hw) - See Statewide
TRINITY COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(H,Hw) - See Statewide
UPTON COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
UVALDE COUNTY
(H,Hw) - See STatewide
VAL VERDE COUNTY
(H,Hw) - See Statewide
VAN ZANDT COUNTY
(H,Hw) - See Statewide
VICTORIA COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
WALKER COUNTY
(H,Hw) - See Statewide
(R) - See Brazoria County

TEXAS (Cont'd.)

WALLER COUNTY
(H,Hw) - See Statewide
WARD COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WASHINGTON COUNTY
(H,Hw) - See Statewide
WEBB COUNTY
(B,R) - See Dimmit County
(H,Hw) - See STatewide
WHARTON COUNTY
(H,Hw) - See Statewide
WHEELER COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
WICHITA COUNTY
Decision #AR-51 (R)
39 FR 35064 - 9/27/74
Decision #AR-46 (B)
39 FR 35057 - 9/27/74
Mod. #1 - 39 FR 36720 - 10/11/74
(H,Hw) - See Statewide
WILBARGER COUNTY
(H,Hw) - See Statewide
WILLACY COUNTY
(R)(B) - See Cameron County
(H,Hw) - See Statewide
(D) - See Aransas County
WILLIAMSON COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
WILSON COUNTY
(H,Hw) - See Statewide
WINKLER COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
WOOD COUNTY
(H,Hw) - See Statewide
YOAKUM COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
YOUNG COUNTY
(H,Hw) - See Statewide
ZAPATA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
ZAVALA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide

UTAH

STATEWIDE
Decision #AR-1040 (B,H,Hw)
39 FR 35940 - 10/4/74
Mod. #1 - 39 FR 38082 - 10/25/74
BEAVER COUNTY
(B,H,Hw) - See Statewide
BOX ELDER COUNTY
(B,H,Hw) - See Statewide
CACHE COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
DAGGETT COUNTY
(B,H,Hw) - See Statewide
DAVIS COUNTY
(B,H,Hw) - See Statewide
DUCHESNE COUNTY
(B,H,Hw) - See Statewide
EMERY COUNTY
(B,H,Hw) - See Statewide
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GRAND COUNTY
(B,H,Hw) - See Statewide
IRON COUNTY
(B,H,Hw) - See Statewide
JUAB COUNTY
(B,H,Hw) - See Statewide
KANE COUNTY
(B,H,Hw) - See Statewide
MILLARD COUNTY
(B,H,Hw) - See Statewide
MORGAN COUNTY
(B,H,Hw) - See Statewide
PIUTE COUNTY
(B,H,Hw) - See Statewide
RICH COUNTY
(B,H,Hw) - See Statewide
SALT LAKE COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw) - See Statewide
SANPETE COUNTY
(B,H,Hw) - See Statewide
SEVIER COUNTY
(B,H,Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Statewide
TOOELE COUNTY
(B,H,Hw) - See Statewide
UNITAH COUNTY
(B,H,Hw) - See Statewide
UTAH COUNTY
(B,H,Hw) - See Statewide
WASATCH COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

UTAH (Cont'd)

WAYNE COUNTY
(B,H,Hw) - See Statewide
WEBER COUNTY
(B,H,Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)
Decision #AQ-3184 (Hw)
39 FR 24203 - 6/28/74
Mod. #1 - 39 FR 27397 - 7/26/74
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Decision #AQ-2039 (D)
39 FR 3395 - 1/25/74
ALBERMARLE COUNTY
Decision #AM-1874 (Hw)
36 FR 16342 - 8/20/71
ALEXANDRIA CITY
Decision #AR-2025 (B)
39 FR 30763 - 8/23/74
Mod. #1 - 39 FR 32444 - 9/6/74
Mod. #2 - 39 FR 35916 - 10/4/74
Mod. #3 - 39 FR 37337 - 10/18/74
Mod. #4 - 39 FR 38816 - 11/1/74
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
ALLEGHANY COUNTY
Decision #AM-1875 (Hw)
36 FR 16343 - 8/20/71
Mod. #1 - 37 FR 5169 - 3/10/72
AMELIA COUNTY
Decision #AR-2032 (Hw)
39 FR 31871 - 8/30/74
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 32259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(R) - See Alexandria City
(D) - See Accomack County
AGUSTA COUNTY
Decision #AM-9320 (R)
37 FR 10267 - 5/19/72
(Hw) - See Alleghany County
BATH COUNTY
(Hw) - See Alleghany County
BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
BLAND COUNTY
Decision #AQ-2020 (Hw)
38 FR 27744 - 10/5/73
BOTECOURT COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

BRISTOL CITY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA COUNTY
(Hw) - See Allegheny County
CAMPBELL COUNTY
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTSVILLE CITY
(Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #AR-2047 - (B)
39 FR 32472 - 9/6/74
Mod. #1 - 39 FR 36721 - 10/11/74
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARK COUNTY
Decision #AP-406 (R)
37 FR 15234 - 7/28/72
(Hw) - See Alleghany County
CLIFTON FORGE CITY
(Hw) - See Alleghany County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Alleghany County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

CULPEPER COUNTY
(Hw) - See Albermarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKENSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
EMPORIA CITY
(Hw) - See Accomack County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(R) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
(R) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
(R) - See Alexandria City
FAUQUIER COUNTY
(Hw) - See Albermarle County
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
(Hw) - See Albermarle County
FORT MONROE CITY
(Hw) - See Accomack County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County
FREDERICK COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County

VIRGINIA (Cont'd)

FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bedford County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GRAYSON COUNTY
(Hw) - See Bland County
GREENE COUNTY
(Hw) - See Albermarle County
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
Decision #AQ-2103 (R)
39 FR 14119 - 4/19/74
Mod. #1 - 15612 - 5/3/74
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Alleghany County
HENRICO COUNTY
Decision #AR-2048 (B)
39 FR 32474 - 9/6/7
Mod. #1 - 39 FR 36722 - 10/11/74
(Hw) - See Amelia County

VIRGINIA (Cont'd.)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
(Hw) - See Alleghany County
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
JAMES CITY COUNTY
Decision #AP-407 (R)
37 FR 15235 - 7/28/72
(Hw) - See Accomack County
(D) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
(Hw) - See Albermarle County
LOUISA COUNTY
(Hw) - See Albemarle County
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County
MADISON COUNTY
(Hw) - See Alemarle County
MARTINSVILLE CITY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
(R) - See Hampton County
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
NORTON CITY
(Hw) - See Bland County
NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
(Hw) - See Albemarle County

VIRGINIA (Cont'd)

PAGE COUNTY
(Hw) - See Alleghany County
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG CITY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amherst County
PORTSMOUTH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(Hw) - See Albermarle County
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
(Hw) - See Bedford County
RAPAHANNOCK COUNTY
(Hw) - See Albermarle County
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
(Hw) - See Alleghany County
ROCKINGHAM COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
RUSSELL COUNTY
(Hw) - See Bland County
SALEM CITY
(Hw) - See Bedford County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(Hw) - See Alleghany County
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County

VIRGINIA (Cont'd.)

SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Alleghany County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
Decision #AM-9321 (R)
37 FR 10266 - 5/19/72
(Hw,B) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Allegheny County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Alleghany County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
Decision #AR-2049 (B,H,S&W)
39 FR 32476 - 9/6/74
Mod. #1 - 39 FR 36722 - 10/11/74
(R) - See James County
(Hw) - See Accomack County
(D) - See Accomack County

WASHINGTON

STATEWIDE
Decision #AR-1031 (B,H,Hw,D)
39 FR 35074 - 9/27/74
Mod. #1 - 39 FR 36723 - 10/11/74
Mod. #2 - 39 FR 38083 - 10/25/74
ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CHELAN COUNTY
(B,H,Hw,D) - See Statewide
CLALLAM COUNTY
Decision #AR-1030 (R)
39 FR 34017 - 9/20/74
(B,H,Hw,D) - See Statewide
CLARK COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COWLITZ COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
FERRY COUNTY
(B,H,Hw,D) - See Statewide
FRANKLIN COUNTY
(B,H,Hw,D) - See Statewide
GARFIELD COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
ISLAND COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KING COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
KITSAP COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KITTITAS COUNTY
(B,H,Hw,D) - See Statewide
KLICKITAT COUNTY
(B,H,Hw,D) - See Statewide

WASHINGTON (Cont'd)

LEWIS COUNTY
(B,H,Hw,D)-See Statewide
LINCOLN COUNTY
(B,H,Hw,D)-See Statewide
MASON COUNTY
(B,H,Hw,D)-See Statewide
(R) - See Clallam County
OKANOGAN COUNTY
(B,H,Hw,D)-See Statewide
PACIFIC COUNTY
(B,H,Hw,D)-See Statewide
(R) - See Clallam County
PEND OREILLE COUNTY
(B,H,Hw,D)-See Statewide
PIERCE COUNTY
(R) - See Clallam County
(B,H,Hw,D)-See Statewide
SAN JUAN COUNTY
(B,H,Hw,D)-See Statewide
SKAGIT COUTNY
(B,H,Hw,D)-See Statewide
(R) - See Clallam County
SKAMANIA COUNTY
(B,H,Hw,D)-See Statewide
SNOHOMISH COUNTY
(R) - See Clallam County
(B,H,Hw,D)-See Statewide
SPOKANE COUNTY
(B,H,Hw,D)-See Statewide
STEVENS COUNTY
(B,H,Hw,D)-See Statewide
THURSTON COUNTY
(B,H,Hw,D)-See Statewide
(R) - See Clallam County
WAHKIAKUM COUNTY
(B,H,Hw,D)-See Statewide
WALLA WALLA COUNTY
(B,H,Hw,D)-See Statewide
WHATCOM COUNTY
(B,H,Hw,D)-See Statewide
(R) - See Clallam County
WHITMAN COUNTY
(B,H,Hw,D)-See Statewide
YAKIMA COUNTY
Decision #AQ-1109 (R)
39 FR 18416 - 5/24/74
(B,H,Hw,D)-See Statewide

WASHINGTON, D. C.

WASHINGTON, D. C.
Decision #AR-2026 (B,Hw, W&S)
39 FR 30814 - 8/23/74
Mod. #1 - 39 FR 32444 - 9/6/74
Mod. #2 - 39 FR 35916 - 10/4/74
Mod. #3 - 39 FR 37337 - 10/18/74
Mod. #4 - 39 FR 38817 - 11/1/74
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
Decision #AQ-2039 (D)
39 FR 3395 - 1/25/74

WEST VIRGINIA

STATEWIDE
Decision #AQ-2086 (H,Hw)
39 FR 11838 - 3/29/74
BARBOUR COUNTY
Decision #AR-2055 (B)
39 FR 34907 - 9/27/74
(H,Hw) - See Statewide
BERKELEY COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
BRAXTON COUNTY
(H,Hw) - See Statewide
BROOKE COUNTY
(H,Hw) - See Statewide
CABELL COUNTY
Decision #AQ-2087 (B)
39 FR 11843 - 3/29/74
Mod. #1 - 39 FR 24187 - 6/28/74
Mod. #2 - 39 FR 28770 - 8/9/74
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
(H,Hw) - See Statewide
CALHOUN COUNTY
Decision #AR-2007 (B)
39 FR 25779 - 7/12/74
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
DODDRIDGE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
GILMER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREENBRIER COUNTY
(H,Hw) - See Statewide
HAMPSHIRE COUNTY
(H,Hw) - See Statewide
HANCOCK COUNTY
(H,Hw) - See Statewide
HARDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Calhoun County

WEST VIRGINIA (Cont'd)

JEFFERSON COUNTY
(H,Hw) - See Statewide
KANAWHA COUNTY
Decision #AQ-2088 (B)
39 FR 11845 - 3/29/74
Mod. #1 - 39 FR 20922 - 6/14/74
Mod. #2 - 39 FR 24188 - 6/28/74
(H,Hw) - See Statewide
Decision #AR-2058 (R)
39 FR 35948 - 10/4/74
(H,Hw) - See Statewide
LEWIS COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LOGAN COUNTY
(H,Hw) - See Statewide
MC DOWELL COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MASON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MINERAL COUNTY
(H,Hw) - See Statewide
MINGO COUNTY
(H,Hw) - See Statewide
MONOGALIA COUNTY
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NICHOLAS COUNTY
(H,Hw) - See Statewide
OHIO COUNTY
(H,Hw) - See Statewide
PENDLETON COUNTY
(H,Hw) - See Statewide
PLEASANT COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Calhoun County

WEST VIRGINIA (Cont'd.)

PRESTON COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RALEIGH COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RITCHIE COUNTY
(H,Hw) - See Statewide
(B) - See Calhoun County
ROANE COUNTY
(H,Hw) - See Statewide
SUMMERS COUNTY
(H,Hw) - See Statewide
TAYLOR COUNTY
(H,Hw) - See Statewide
TUCKER COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WAYNE COUNTY
Decision #AQ-2051 (B)
39 FR 10072 - 3/15/74
Mod. #1 - 39 FR 24186 - 6/28/74
Mod. #2 - 39 FR 28770 - 8/9/74
(H,Hw) - See Statewide
WEBSTER COUNTY
(H,Hw) - See Statewide
WETZEL COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
WIRT COUNTY
(B) - See Calhoun County
(H,Hw) - See Statewide
WOOD COUNTY
(B) - See Calhoun County
(D) - See Cabell County
(H,Hw) - See Statewide
WYOMING COUNTY
(H,Hw) - See Statewide

WISCONSIN

STATEWIDE
Decision #AR-3146 (H,Hw,W&S)
39 FR 35092 - 9/27/74
Mod. #1 - 39 FR 37337 - 10/18/74
Mod. #2 - 39 FR 38817 - 11/1/74
ADAMS COUNTY
(H,Hw,W&S) - See Statewide
ASHLAND COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
(H,Hw,W&S) - See Statewide
Decision #AR-3151 (B,R)
39 FR 36706 - 10/11/74
BARRON COUNTY
(B) - See Polk County
(H,Hw,W&S) - See Statewide
BAYFIELD COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
(B,R) - See Ashland County
BROWN COUNTY
Decision #AR-3153 (B)
39 FR 36825 - 10/11/74
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
BUFFALO COUNTY
(H,Hw,W&S) - See Statewide
BURNETT COUNTY
(H,Hw,W&S) - See Statewide
CALUMET COUNTY
(H,Hw,W&S) - See Statewide
CHIPPEWA COUNTY
(H,Hw,W&S) - See Statewide
(B,R) - See Eau Clair County
CLARK COUNTY
(H,Hw,W&S) - See Statewide
COLUMBIA COUNTY
(H,Hw,W&S) - See Statewide
CRAWFORD COUNTY
(H,Hw,W&S) - See Statewide
DANE COUNTY
(H,Hw,W&S) - See Statewide
Decision #AR-3155 (B,R)
39 FR 36829 - 10/11/74
DODGE COUNTY
(H,Hw,W&S)-See Statewide
DOOR COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
DOUGLAS COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
(B,R) - See Ashland County
DUNN COUNTY
(B) - See Polk County
(H,Hw,W&S) - See Statewide
EAU CLAIRE COUNTY
Decision #AR-3154 (B,R)
39 FR 36827 - 10/11/74
(H,Hw,W&S) - See Statewide

WISCONSIN (Cont'd.)

FLORENCE COUNTY
(H,Hw,W&S) - See Statewide
FOND DU LAC COUNTY
(H,Hw,W&S) - See Statewide
FOREST COUNTY
(H,Hw,W&S) - See Statewide
GRANT COUNTY
(H,Hw,W&S) - See Statewide
GREEN COUNTY
(B) - See Rock County
(H,Hw,W&S) - See Statewide
GREEN LAKE COUNTY
(H,Hw,W&S) - See Statewide
(B) - See Winnebago County
IOWA COUNTY
(B) - See Dane County
(H,Hw,W&S) - See Statewide
IRON COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
JACKSON COUNTY
(H,Hw,W&S) - See Statewide
JEFFERSON COUNTY
(H,Hw,W&S) - See Statewide
JUNEAU COUNTY
(H,Hw,W&S) - See Statewide
Decision #AR-3158 (B)
39 FR 36835 - 10/11/74
KENOSHA COUNTY
(H,Hw,W&S) - See Statewide
Decision #AR-3159 (B,R)
39 FR 36837 - 10/11/74
KEWAUNEE COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
LA CROSSE COUNTY
Decision #AR-3160 (B,R)
39 FR 36839 - 10/11/74
(H,Hw,W&S) - See Statewide
LA FAYETTE COUNTY
(H,Hw,W&S) - See Statewide
LANGLADE COUNTY
(B) - See Marathon County
(H,Hw,W&S) - See Statewide
LINCOLN COUNTY
(B) - See Marathon County
(H,Hw,W&S) - See Marathon County
MANITOWOC COUNTY
(H,Hw,W&S) - See Statewide
MARATHON COUNTY
Decision #AR-3161 (B)
39 FR 36840 - 10/11/74
(H,Hw,W&S) - See Statewide
MARINETTE COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
MARQUETTE COUNTY
(B) - See Winnebago County
(H,Hw,W&S) - See Statewide
MENOMINEE COUNTY
(H,Hw,W&S) - See Statewide

WISCONSIN (Cont'd.)

MILWAUKEE COUNTY
Decision #AR-3162 (B,R)
39 FR 36843 - 10/11/74
(H,Hw,W&S) - See Statewide
MONROE COUNTY
(H,Hw,W&S) - See Statewide
OCONTO COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
ONIEDA COUNTY
(H,Hw,W&S) - See STatewide
OUTAGAMIE COUNTY
(H,Hw,W&S) - See Statewide
OZAUKEE COUNTY
(B,R) - See Milwaukee County
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
PEPIN COUNTY
(B,R) - See Eau Claire County
(H,Hw,W&S) - See Statewide
PIERCE COUNTY
(H,Hw,W&S) - See Statewide
POLK COUNTY
Decision #AR-3152 (B)
39 FR 36823 - 10/11/74
(H,Hw,W&S) - See Statewide
PORTAGE COUNTY
(H,Hw,W&S) - See Statewide
PRICE COUNTY
(H,Hw,W&S) - See Statewide
RACINE COUNTY
Decision #AR-3163 (B,R)
39 FR 36845 - 10/11/74
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
RICHLAND COUNTY
(H,Hw,W&S) - See Statewide
ROCK COUNTY
Decision #AR-3156 (B)
39 FR 36831 - 10/11/74
(H,Hw,W&S) - See Statewide
RUSK COUNTY
(H,Hw,W&S) - See STatewide
SAINT CROIX COUNTY
(B) - See Polk County
(H,Hw,W&S) - See Statewide
SAUK COUNTY
(B) - See Dane County
(H,Hw,W&S) - See Statewide
SAWYER COUNTY
(H,Hw,W&S) - See Statewide
SHAWANO COUNTY
(H,Hw,W&S) - See Statewide
SHEBOYGAN COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
TAYLOR COUNTY
(H,Hw,W&S) - See Statewide
TREMPEALEAU COUNTY
(H,Hw,W&S) - See Statewide

WISCONSIN (Cont'd.)

VERNON COUNTY
(H,Hw,W&S) - See Statewide
VILAS COUNTY
(H,Hw,W&S) - See STatewide
WALWORTH COUNTY
(H,Hw,W&S) - See Statewide
WASHBURN COUNTY
(H,Hw,W&S) - See Statewide
WASHINGTON COUNTY
(B,R) - See Milwaukee county
(H,Hw,W&S) - See Statewide
WAUKESHA COUNTY
(B,R) - See Milwaukee County
(H,Hw,W&S) - See STatewide
WAUPACA COUNTY
(B) - See Winnebago County
(H,Hw,W&S) - See Statewide
WAUSHARA COUNTY
(B) - See Winnebago County
(H,Hw,W&S) - See Statewide
WINNEBAGO COUNTY
Decision #AR-3157 (B)
39 FR 36833 - 10/11/74
(H,Hw,W&S) - See Statewide
WOOD COUNTY
(H,Hw,W&S) - See Statewide

WYOMING

STATEWIDE
Decision #AQ-1078 (Hw)
39 FR 5163 - 2/8/74
Mod. #1 - 39 FR 11003 - 3/22/74
ALBANY COUNTY
(Hw) - See Statewide
BIG HORN COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CARBON COUNTY
(Hw) - See Statewide
CONVERSE COUNTY
Decision #AR-1004 (B,H)
39 FR 27415 - 7/26/74
Mod. #1 - 39 FR 30670 - 8/23/74
(Hw) - See Statewide
CROOK COUNTY
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GOSHEN COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
HOT SPRINGS COUNTY
(Hw) - See Statewide
JOHNSON COUNTY
(Hw) - See Statewide
LARAMIE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
NATRONA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
NIOBRARA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
PARK COUNTY
(Hw) - See Statewide
PLATTE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SUBLETTE COUNTY
(Hw) - See Statewide
SWEETWATER COUNTY
(Hw) - See Statewide
TETON COUNTY
(Hw) - See Statewide
UINTA COUNTY
(Hw) - See Statewide
WASHAKIE COUNTY
(Hw) - See Statewide
WESTON COUNTY
(Hw) - See Statewide
YELLOWSTONE NATIONAL PARK
(Hw) - See Statewide

[FR Doc.74-28315 Filed 12-5-74;8:45 am]

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of October 1, 1974)

Title 42—Public Health $4.45

Title 49—Transportation (Parts 1–99) 1.90

Title 49—Transportation (Parts 1000–1199) 3.40

[*A Cumulative checklist of CFR issuances for 1974 appears in the first issue of the Federal Register each month under Title 1*]

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United States Government Printing Office,
Washington, D.C. 20402