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Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

Crop Insurance; Appendix; Counties Designated for Pea (Canning and Freezing)

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published December 2, 1974, (39 FR 41722), which were designated for pea (canning and freezing) crop insurance for the 1975 crop year.

WISCONSIN

Manitowoc	Sauk	Walworth
Rock	Sheboygan	

(Secs. 506, 516, 52 Stat. 78, as amended, 77, as amended; (7 U.S.C. 1506, 1516))

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-29731 Filed 12-19-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

Counties Designated for Dry Bean Crop Insurance; Appendix

The appendix designating counties for dry bean crop insurance for the 1975 crop year which was published in the FEDERAL REGISTER on December 2, 1974, (39 FR 41721), is hereby amended by adding light and dark, kidney, cranberry, turtle and pintos to the classes of beans on which insurance is offered in the following counties:

MICHIGAN

Bay	Sanilac
Gratiot	Shiawassee
Huron	Tuscola
Saginaw	

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

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-29732 Filed 12-19-74;8:45 am]

CHAPTER VI—SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

PART 650—COMPLIANCE WITH NEPA

Subpart B—Related Environmental Concerns

On September 3, 1974, the Soil Conservation Service (SCS) published in the FEDERAL REGISTER (39 FR 31909) for comment, proposed 7 CFR Part 650, Compliance with NEPA, Subpart B—Related Environmental Concerns.

Comments received have been incorporated into the final Subpart B where appropriate. Written comments received are available for public inspection in Room 5125, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

SCS herewith publishes final 7 CFR Part 650, Subpart B—Related Environmental Concerns, which are to be effective on December 20, 1974. Section 650.20 is reserved for archeological and historical data and historical sites to be published at a later date.

Dated: December 11, 1974.

KENNETH E. GRANT,
Administrator, Soil Conservation Service.

Subpart B—Related Environmental Concerns

Sec.
650.20 [Reserved]
650.21 Working relations with the U.S. Environmental Protection Agency (EPA) and related state environmental agencies.
650.22 Rare, threatened, and endangered species of plants and animals.
650.23 Natural areas.
650.24 Scenic beauty (visual resource).

AUTHORITY: Pub. L. 86-523, 74 Stat. 220 as amended, Pub. L. 93-291, 88 Stat. 174 (16 U.S.C. 469); Pub. L. 89-665, 80 Stat. 915 (16 U.S.C. 470); Pub. L. 93-205, 87 Stat. 884 (16 U.S.C. 1531 et seq.); Secretary of Agriculture Memorandum 1695, May 28, 1970.

Subpart B—Related Environmental Concerns

§ 650.20 [Reserved]

§ 650.21 Working relations with the U.S. Environmental Protection Agency (EPA) and related state environmental agencies.

(a) *Background.* The authorities and missions of SCS, EPA, and state environmental agencies make it imperative that an effective cooperative and coordinative working relationship be developed and maintained in areas of mutual concern. These common areas include air quality, water quality, pesticides, waste recycling and disposal, environmental considerations in land use, Environmental Impact Statements (EIS's) and environmental considerations in the conservation and development of natural resources.

(b) *Policy.* SCS will work closely with EPA in accordance with the provisions of the EPA-USDA Memorandum of Understanding July 31, 1974, at all administrative levels and with related state agencies to meet statutory requirements and to achieve harmonious implementation of all actions of mutual concern directed to improving or maintaining the quality of the environment.

(c) *Responsibility.*—(1) *SCS national office.* The Deputy Administrator for Field Services is responsible for overall coordination with EPA at the national office level. The Deputy Administrator for Water Resources is responsible for contacts with EPA in relation to activities of the Water Resources Council on water and related land resource planning and for coordinating work with EPA on EIS development.

(2) *Technical service center.* The TSC director is responsible for contacts and coordination with EPA regional offices within the group of states served by the TSC.

(3) *SCS state office.* The state conservationist is responsible for contacts and coordination with regional representatives of EPA and state environmental agencies in matters of mutual concern within his state.

(d) *Coordination and implementation.* (1) The SCS national office will:

(i) Within the framework of USDA agreements and guidelines, develop agreements for undertaking specific activities or projects of national significance and mutual advantage.

(ii) Assist EPA as requested in developing EPA policy, guidelines, and standards.

(iii) Consider EPA needs in soil survey and land, inventory, and monitoring activities.

(iv) Maintain needed liaison and develop mutual guidelines with EPA on water resources work and in coordinating EIS's.

(v) Advise EPA regarding soils, plant materials, and soil and water conservation techniques.

(vi) Establish procedures for periodic review of SCS national standards for treatment systems and practices for agricultural pollution abatement, including wind and water erosion and sediment control, transport of pesticides, organic matter and fertilizers, and burning of residues or clearing debris.

(2) The TSC director will:

(i) Within the framework of SCS memorandums and guidelines coordinate with the EPA regional administrator(s) the development of needed agreements for undertaking specific activities or projects of multistate significance and mutual advantage.

(3) The state conservationist will:

(i) Obtain early input of EPA and interested state and local environmental agencies in the planning process for projects or measures within the state impacting on the environment.

(ii) Coordinate preparation of SCS practice standards and procedures for

agricultural pollution abatement within the state with EPA and related state agencies.

(iii) Encourage the development of a coordinated review and approval process within the state with EPA and appropriate state and local agencies including conservation districts for actions of mutual concern.

(iv) Attempt to resolve all EPA areas of concern on SCS assisted project-type actions within the state before a final EIS is prepared.

§ 650.22 Rare, threatened, and endangered species of plants and animals.

(a) *Background.* (1) A variety of plant and animal species of the United States are so reduced in numbers that they are threatened with extinction. The disappearance of any of these would be a biological, cultural, and in some instances an economic loss. Their existence contributes to scientific knowledge and understanding, and their presence adds interest and variety to life.

(2) The principal hazard to threatened and endangered species is the destruction or deterioration of their habitats by human activities such as industrialization, urbanization, agriculture, lumbering, recreation, and transportation. These activities of man will continue but the necessity of recognizing their adverse impacts and selecting alternatives that minimize or eliminate such impacts on threatened and endangered species is imperative.

(3) The Endangered Species Act of 1973 (Pub. L. 93–205, 87 Stat. 884 (16 U.S.C. 1531 et seq.)) provides a means whereby the ecosystems upon which endangered and threatened species depend may be maintained and a program for the conservation of such species. The Act also provides that, in addition to the Department of the Interior, "All other federal departments and agencies shall, in consultation with and with the assistance of the Secretary (of Interior), utilize their authorities for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected states, to be critical." The Act also:

(i) Defines endangered species as any species in danger of extinction throughout all or a significant portion of its range and threatened species as any species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act uses the category "threatened." The term "rare" is not used.

(ii) Further defines species as including any subspecies of fish or wildlife or plants and any other group of fish and wildlife of the same species or smaller taxa in common spatial arrangements that interbreed when mature.

(iii) Provides for the Secretary of the Interior to enter into cooperative agreements with states for the purpose of implementing state programs for the conservation of endangered and threatened fish and wildlife. This assistance may include financial grants.

(iv) Provides national lists of endangered and threatened animal and plant species to be maintained by the Secretary of the Interior and published in the FEDERAL REGISTER. When resident fish and wildlife are added to the list, the affected states are to be consulted by the Secretary. The Secretary of the Smithsonian Institution is preparing a list of endangered or threatened plant species.

(b) *Policy.* The Act gives SCS additional direction for participation in the conservation and protection of endangered and threatened species. As the principal federal agency concerned with land use planning of privately owned rural land and with professional conservation employees headquartered in almost every county, SCS is uniquely capable of playing a vital role. Additional training will be provided as needed to meet SCS responsibilities. SCS will assist in the conservation of threatened and endangered species and consistent with legal requirements avoid or prevent activities detrimental to such species. SCS concern for these species will not be limited to those listed by the Secretary of the Interior and published in the FEDERAL REGISTER, but will include species designated by state agencies as rare, threatened, endangered, etc.

(c) *Responsibility.*—(1) *SCS national office.* The Administrator will arrange for consultation and coordination of SCS national office activities with the U.S. Fish and Wildlife Service, other federal agencies, and national organizations.

(2) *Technical service center.* The TSC director will, within the group of states served by the TSC arrange for consultation and coordination with regional representatives of the U.S. Fish and Wildlife Service, other federal agencies, and national and regional organizations.

(3) *SCS state office.* The state conservationist will arrange for consultation and coordination with the state fish and game or conservation agency, other state agencies, state organizations and foundations, conservation districts, and state representatives of federal agencies and national organizations.

(d) *Coordination and implementation.* (1) The SCS national office will:

(i) Within the framework of national legislation, USDA agreements, and SCS objectives, develop SCS policies and directives for guiding agency efforts that will protect threatened and endangered species and for avoiding actions that jeopardize the continued existence of such species and their critical habitats.

(ii) Maintain needed liaison and develop mutual understanding with the U.S. Fish and Wildlife Service and other concerned federal agencies.

(iii) Establish procedures for periodic review of SCS participation in the national effort to conserve these species.

(2) The TSC director will: (i) Within the framework of SCS policies and guidelines, arrange for needed liaison and understanding with regional counterparts of other federal agencies within the group of states served by the TSC and keep state conservationists informed of developments within such states.

(ii) Provide guidance and assistance to state conservationists in carrying out SCS policies and guidelines.

(3) The state conservationist will develop procedures to establish working relationships with other concerned federal agencies, state fish and wildlife or conservation agencies, conservation districts, concerned scientists in state university systems and natural history museums, and other informed persons and organizations to offer assistance in:

(i) Preparing or maintaining lists of the state's threatened and endangered species.

(ii) Determining the geographic occurrence of endangered and threatened species, the nature of their habitat, and that portion of the habitat that is critical to the survival, maintenance, or increase of these species.

(iii) Discussing the kinds of measures important to preserve their habitat.

(iv) A monitoring program that would obtain advanced warning of actions or conditions that could further endanger these species, thereby enabling SCS and others to take appropriate protective action.

(v) Assisting recovery teams, as appropriate, in preparing species recovery plans of those endangered and threatened species included in Federal lists.

(4) The state conservationist will also:

(i) Keep SCS area and field offices informed of species listed as being threatened or endangered, geographic area in which they are found, and information such as their numbers, preferred habitat, and critical factors.

(ii) Review the status of threatened and endangered species each December and send a report of the review to the Administrator.

(5) SCS district conservationists within the geographic range of threatened and endangered species will examine conservation district programs and SCS operations to evaluate their effects on these species, and recommend to district officials and the state conservationist any action needed for their protection.

(6) SCS field employees within the geographic range of threatened and endangered species will be continually alert to conditions, actions, or trends that may adversely affect the welfare of these species and report adverse situations to the state conservationist.

§ 650.23 Natural areas.

(a) *Background.* (1) Natural areas are defined as land or water units where natural conditions are maintained insofar as possible. Natural conditions usually result from allowing ordinary physical and biological processes to operate with a minimum of human intervention. Manipulations may be required on natural areas to maintain or restore features that the areas were established to protect.

(2) Natural areas may be designated areas of federal, nonfederal government, or privately controlled land. Designation may be formal as provided for under federal regulations for areas of federal

land to be administered as natural areas or by foundations or conservation organizations specifically created to acquire and maintain natural areas. Designation may be informal in the case of private landowners who designate a specific area as a natural area and manage it accordingly. Several professional societies concerned with renewable natural resources encourage establishment of natural areas withdrawn from economic uses and recognition of natural areas maintained and managed in economic enterprises.

(3) Natural areas are established and maintained for a variety of purposes including:

(i) *Furthering science and education.* Natural areas provide sites for research and outdoor classrooms for study of plant and animal communities in environments with particular ecological conditions.

(ii) *Monitoring the surrounding environment.* Natural areas serve as gauges against which to evaluate changes in land use, vegetation, animal life, air quality, or other environmental values.

(iii) *Providing recreation attractions.* Natural areas are valued by many people for their scenic, wild, and undisturbed character but must be protected, as needed, to prevent disturbance or alteration of the resources.

(iv) *Preserving unique values.* Natural areas may be established to protect scenic, biologic, geologic, or paleontologic features.

(v) *Serving as a genetic base for native plants and animals.* Natural areas may be established to preserve examples of land and water ecosystems with their full range of genetic diversity of native plants and animals including threatened and endangered species.

(b) *Policy.* SCS will recognize natural areas, if so dedicated, as a land use, and will support the designation of appropriate natural areas.

(c) *Responsibility.*—(1) *SCS national office.* The Administrator will designate a member of the national office staff to act as SCS representative on the Federal Committee for Ecological Preserves and to provide appropriate liaison with other federal agencies and nonfederal groups concerned with natural areas.

(2) *Technical service center.* The TSC director will designate a TSC plant sciences discipline leader to provide leadership, appropriate liaison, and assistance on natural areas to SCS state offices.

(3) *SCS state office.* The state conservationist will designate an appropriate SCS representative to work with other agencies and groups, and will coordinate assistance on natural areas needed by area and field offices.

(d) *Coordination and implementation.* (1) SCS technical assistance will be furnished to representatives of administering agencies, foundations, groups, and individuals when requested through conservation districts. Conservation district officers will be encouraged to recognize appropriate natural areas concepts and programs and to participate in them.

(2) SCS employees will report to state conservationists abuses and potential or actual damages to natural areas that may be found in the course of ordinary business.

(3) SCS will cooperate with professional societies, groups, and individuals in locating areas suitable for and needed as natural areas.

(4) SCS employees providing technical assistance to land users must inform them about the impact their decisions may have on adjacent or nearby natural areas. Land users will be encouraged to consult with concerned agencies, societies, and individuals to arrive at mutually satisfactory land use and treatment.

(5) Recommended classification systems for characterizing areas designated as ecological preserves or as natural areas are contained in the following publications:

Soil Taxonomy, a Basic System of Soil Classification for Making and Interpreting Soil Surveys, USDA–SCS Agricultural Handbook 436.

Forest Cover Types of North America Exclusive of Mexico, Report of the Committee on Forest Cover Types, Society of American Foresters, 1964.

Potential Natural Vegetation of Conterminous United States, A. W. Kuchler, American Geographical Society Special Publication 36, 1964.

Wetlands classification described by the U.S. Fish and Wildlife Service in its Circular 39.

SCS will, to the extent feasible, use these classification systems when providing technical assistance on public and private natural areas and ecological preserves.

(6) The SCS published National List of Scientific Plant Names will be used when scientific names or name symbols are needed for automatic data processing.

§ 650.24 Scenic beauty (visual resource).

(a) *Background.* Contributions to scenic beauty are a normal product of SCS work. Strip-cropping, field borders, field windbreaks, and ponds are examples. Emphasis is given to those soil and water conservation measures that contribute to a productive and efficient agriculture and increase the attractiveness of rural America and are in line with goals and objectives of conservation districts. This is best accomplished by considering the landscape visual resource when providing planning assistance to individual landowners, groups, units of government, and watershed and resource conservation development project sponsors. SCS responsibilities in recreation also offer opportunities to develop the scenic beauty of the rural landscape. Department of Agriculture Secretary's Memorandum 1695, May 28, 1970, "Protecting and Improving The Quality of the Environment," includes scenic beauty as an objective of the Department's programs.

(b) *Policy.* SCS will: (1) Provide technical assistance with full consideration of alternative management and development systems that preserve scenic beauty or improve the visual resource; (2) emphasize the application of conservation practices having scenic beauty or visual resource values particularly in waste management systems; field borders, field windbreaks wetland management, access roads, critical area treatment; design and management of ponds, stream margins odd areas, and farmsteads; siting or positioning of structures and buildings to be in harmony with the landscape while reducing the potential for erosion; using native and other adaptable plants for conservation which enhance scenic beauty and create variety while linking beauty with utility; (3) promote personal pride in landowners in the installation, maintenance, and appearance of conservation practices and their properties; (4) select suitable areas for waste products and use of screens to hide "eyesore" areas, and (5) encourage conservation districts to include practices which promote scenic beauty in their annual and long-range programs.

(c) *Responsibility.* The Soil Conservation Service will provide technical assistance through conservation districts to landowners, operators, communities, and state and local governments in developing programs relating to scenic beauty.

(1) *SCS national office.* The Administrator will:

(i) Assign appropriate SCS national office leadership to insure that enhancement of scenic beauty is included in national information, policy, guidelines, standards, guides to specifications for conservation practices without impairing basic soil and water conservation functions.

(ii) Emphasize in plant material center management and in plant materials functions that locating and evaluating plants for forage, erosion control, and recreation or wildlife uses be carried out with full attention to visual resource value.

(2) *SCS state office.* The state conservationist will:

(i) Assign appropriate staff member(s) to provide leadership in carrying out scenic beauty policy and procedure within the state.

(ii) Develop and keep current a landscape management plan to improve and maintain the appearance of all real properties under SCS control, and provide appropriate assistance to owners and managers of properties leased or rented by SCS.

(iii) Give emphasis to preserving scenic beauty and contributing to the visual resource in the SCS information program whenever opportunities exist.

(d) *Coordination and implementation.* (1) The governing body of each conservation district will be encouraged to revise or update its district program to appropriately provide for beautification of the countryside through applicable land use changes and effective soil and water conservation treatment.

(2) In providing assistance to watershed and resource conservation and development project sponsors and other resource planning groups for soil, water, and related resources, emphasis will be given to measures that preserve natural beauty or contribute to the quality of the visual resource.

(3) Local organizations and groups interested in scenic beauty will be contacted and consulted for cooperation in and coordination with SCS and conservation district efforts.

[FR Doc.74–29614 Filed 12–19–74;8:45 am]

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

SUBCHAPTER F—ENVIRONMENTAL PROTECTION

PART 799—PREPARATION OF ENVIRONMENTAL STATEMENTS—GUIDELINES

On June 11, 1974, the Agricultural Stabilization and Conservation Service (ASCS) published in the FEDERAL REGISTER (Vol. 39 No. 113) for comment, proposed guidelines for Preparation of Environmental Statements in compliance with the National Environmental Policy Act (NEPA) (42 U.S.C. 4321), in accordance with the guidelines of the Council on Environmental Quality (CEQ) appearing as 40 CFR Part 1500, published in the FEDERAL REGISTER August 1, 1973, (38 FR 20549) and the guidelines of the Department of Agriculture appearing May 29, 1974 (39 FR 18678).

Written comments received on the proposed ASCS guidelines were given full consideration in developing the final guidelines. ASCS also consulted with CEQ, Office of Environmental Quality Activities of USDA, and other agencies in finalizing these guidelines. The text of all comments are on file and available for public inspection in Room 4702, South Building, U.S. Department of Agriculture, Washington, D.C.

The more substantive comments received and their considerations are as follows:

(1) Section 799.4(a)(2). *Identifying major actions significantly affecting the environment.* Comment suggests that the requirement to prepare an EIS where the environmental impact of projects are individually limited but cumulatively significant appears to be contradicted under (b)(2)(i–iv).

We concur that the listing of actions normally excluded from the preparation of an EIS as provided in (b)(2) (ii), (iii), and (iv) appears to conflict somewhat with the provisions in (a)(2). Paragraph (a)(2) is intended to be applicable where several individual farms are participating in a project effort to solve a conservation or pollution problem and there will not be a major impact on the project this year, but if other farms are added to the project in future years the cumulative effect may be a significant impact on the environment. This section has been rewritten to clarify.

(2) Section 799.4(b)(2). *Actions normally excluded from the preparation of an EIS.* Comment notes that individual farm projects are exempt from EIS process and suggests that they are likely to have a cumulatively significant environmental effect.

It is not feasible to require an EIS on each individual farmer's participation in a program. In addition, participation is often dispersed within an area, therefore not creating significant impact within a given area. As noted above where a number of farms join together in a project effort, which may be on a watershed basis, a statement may be required. To avoid the conflict discussed in item (1) above, (b)(2) (ii), (iii) and (iv) have been deleted.

(3) Section 799.5(c)(2). *Preparation of Environmental Statements.* Comment noted the environment includes both the natural environment and the social and economic environment and questioned whether Congress intended, by the enactment of NEPA, that economic factors were to be considered environmental factors for the purpose of the environmental impact analysis and stated that economic environment should be deleted in the final guidelines.

Since the passage of NEPA and the development of the EIS process, Congress in various actions has indicated that the economic is one of the factors to be considered as an environmental impact. In addition, this provision is the same as that provided in the USDA guidelines issued by the Secretary of Agriculture on May 22, 1974 and published in the FEDERAL REGISTER on May 29, 1974. The suggestion to delete was not accepted.

(4) Section 799.6(d)(2). *Consultation, review and public involvement.* Comment notes that the regulation provides that "the agency *may* utilize timely and effective procedures such as direct verbal contact, public meetings, printed materials, news media, *public notices,* and hearings as appropriate." (Italics added by commenter). Suggests that something more than the catalogue of possibilities is needed. This provision has been reworded to be more direct.

(5) Section 799.6(d)(2). *Consultation, review and public involvement.* Comment suggested that for informing the public the use of public notices in newspapers serving the area upon which the environmental impact is being assessed.

We concur in requiring the use of the public notice where a public hearing is to be held. Paragraph (d)(3) has been rewritten to clarify. The catalogue of actions to be carried out to inform the public has been expanded to include radio, a very useful media for informing the public of public meetings relating to agricultural/environmental concerns.

(6) Section 799.6(d)(3). *Consultation, review and public involvement.* Comment suggested more definite guidelines on announcing availability of environmental statement. This portion of the regulations has been rewritten to expand the guidelines.

(7) Section 799.6(f). *Consultation, review and public involvement.* Comment suggested that the listing of those to receive environmental statements should include newspapers.

This recommendation has not been adopted. News releases will be furnished to newspapers on the availability of an EIS.

(8) Suggestion that ASCS familiarize State and local personnel with the NEPA regulations.

The agency has been carrying out a NEPA awareness program with personnel including those at State and local level. It is our plan to expand the environmental awareness program among agency professional employees and committeemen.

These final regulations will be issued to State and county offices as published in the FEDERAL REGISTER. They will also be placed in the operating procedures issued to State and county offices as published in the FEDERAL REGISTER. They will also be placed in the operating procedures issued to State and county offices.

(9) The agency in reviewing the proposed guidelines has found a need to clarify the filing of an EIS on legislation. Section 799.4 has therefore been expanded.

The ASCS hereby publishes its final guidelines by issuing a new Subchapter F and a new Part 799 as set out below, to be effective January 15, 1975.

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

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

Sec.

799.1 Purpose and authority.
799.2 Policy.
799.3 Implementing in ASCS.
799.4 Identifying major actions significantly affecting the environment.
799.5 Preparation of environmental statements.
799.6 Consultation, review and public involvement.
799.7 Lead agency.
799.8 Review of EIS prepared by another agency.
799.9 CEQ requests.
Appendix 1—Cover page format.
Appendix 2—Summary sheet format.
Appendix 3—Outline of environmental statement content.
Appendix 4—Circulation of environmental statements.

AUTHORITY: Pub. L. 91–190, 83 Stat. 852 (42 U.S.C. 4321); E.O. 11514, 35 FR 4247; 38 FR 20549.

§ 799.1 Purpose and Authority.

(a) Section 102(2)(C) of the National Environmental Policy Act (Pub. L. 91–190) requires the submission of an environmental statement with "every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment". The act and Executive Order 11514 mandate that Federal agencies, to the fullest extent possible, direct their policies, plans and programs to protect and enhance environmental quality. Agencies are required to view their actions in a manner calculated to encourage productive and enjoyable harmony between man and his environment, to promote efforts preventing or eliminating damage to the environment and biosphere and stimulating the health and welfare of man, and to enrich the understanding of the ecological systems and natural resources important to the Nation.

(b) The Council on Environmental Quality (CEQ) issued Guidelines for Preparation of Environmental Impact Statements in the FEDERAL REGISTER on

August 1, 1973. The USDA guidelines for filing environmental statements (EIS) were published in the FEDERAL REGISTER on May 29, 1974 (39 FR 18678).

(c) These guidelines provide for the implementation of section 102(2)(C) of the National Environmental Policy Act (NEPA) in administering programs of the Agricultural Stabilization and Conservation Service.

§ 799.2 Policy.

(a) *ASCS mission.* The mission of the Agricultural Stabilization and Conservation Service is to provide services both to the farmers and consumers through the administration of domestic agricultural programs as provided by law. These programs are designed to:

(1) Encourage a level of agricultural production which will assure ample supplies of food and fiber for American consumers and for an adequate response to improved export sales opportunities;

(2) Provide farmers with production freedom so that they may use their resources in the way they feel will earn them the most income from the marketplace;

(3) Protect farm income—through guaranteed prices with deficiency payments which would be triggered by depressed market prices, through commodity loans to producers to help assure orderly crop marketing, and through payments to eligible farmers compensating for crop production losses suffered due to natural disasters; and

(4) Assist farmers in their long-term role as conservationists in protecting basic natural resources and improving the quality of the environment.

In carrying out this mission under the authority of the Agriculture and Consumer Protection Act of 1973, which continues the market-oriented approach to farm programs established by the Agricultural Act of 1970, ASCS has the added responsibility of helping farmers gain a better understanding of modern marketing methods to enable them to utilize the marketplace as a source of income.

(b) *General.* ASCS administers various commodity and related land use programs through State, county, and community committees established in accordance with provisions of section 8(b) of the Soil Conservation and Domestic Allotment Act of 1935, as amended. The programs are based upon specific legislative authorities; provisions for national programs within these authorities are developed by the Washington staffs in specified program divisions under the supervision of the agency Administrator. A number of the programs administered by ASCS provide direct and/or indirect financial assistance to individual landowners and operators. In some instances, the assistance may be to a combination of such producers or an organization composed of landowners and operators. The environmental assessment and EIS process shall be carried out in harmony with the intent of the various programs and of those to whom assistance is to be provided to the extent feasible.

(c) *Assessing environmental quality and impacts of proposed actions.* (1) In accordance with national policy and directives, and as early as possible and in all cases prior to the agency decision concerning recommendations for or favorable reports on proposals for legislation and other major actions (administrative actions) significantly affecting the quality of the human environment, ASCS will assess in detail the potential environmental impact in order to avoid or minimize adverse effects wherever possible and to restore or enhance environmental quality to the fullest extent practicable. Alternative actions that will avoid or minimize adverse impacts should be explored. The long- and short-range implications of the proposed actions to man, his physical and social surroundings and to nature should be evaluated. ASCS may, in preparing the EIS, consult with other appropriate Federal, State and local agencies and the public.

(2) Assessments of the environmental impacts of the proposed action should be undertaken as early as possible and should be considered along with the economic, technical and other related studies of the proposed action or program provisions. A draft EIS should be prepared on administrative actions where provided for in these guidelines and accompany the proposal through the agency review process. The draft statement is to be submitted to CEQ and circulated for comments as outlined in § 799.5(e).

§ 799.3 Implementing in ASCS.

(a) *Responsible official.* The administrator of ASCS, or his designee, is the responsible Federal official for carrying out the purpose of NEPA for all ASCS programs. County committees, State committees, and directors of Washington Divisions, within their respective areas of responsibility, through the ASCS member of the USDA Environmental Quality Executive Committee (EQEC), shall assist the Administrator in assessing compliance with the policies and purposes of NEPA generally, and, in particular, in determining whether the quality of the human environment will be significantly affected in implementing agency programs and whether an environmental statement is or is not needed.

(b) *Offices responsible for preparing environmental statements.* (1) *Washington divisions.* Legislative proposals and favorable legislative reports, and multi State and national programs or major revisions of national programs.

(2) *State committees.* Major actions on a State or area basis within a State.

(3) *County committees.* Major actions within a county. The environmental statement will be forwarded through the appropriate agency channels to the ASCS member of EQEC for review and submission to the Administrator.

§ 799.4 Identifying major actions significantly affecting the environment.

(a) (1) The identification of major actions significantly affecting the quality of the environment is to be carried out against the background of ASCS' own program responsibility.

(2) In considering what constitutes a major action significantly affecting the environment, the responsible official should bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when over a period of years a small project, consisting of a number of producers joining together to solve a conservation problem, is expanded putting into the overall project individually minor but collectively major resources. In such cases, an EIS should be prepared if it is reasonable to anticipate a cumulatively significant impact on the environment from such project. In all cases where the proposed environmental impact of which is likely to be highly controversial a statement shall be prepared. Broad public reaction will generally be necessary for deeming that a controversy exists.

(b) *ASCS actions covered or excluded.* (1) *Actions which normally require an EIS.* Environmental statements will normally be prepared on all national commodity programs for which a set-aside or diverted acreage program is in effect and all conservation programs. The programs in this category include:

(i) Wheat, feed grains, cotton or any other commodity program for which a set-aside or diverted acreage program is in effect.

(ii) Rural Environmental Conservation Program.

(iii) Emergency Conservation Program.

(iv) Water Bank Program.

(v) Other conservation type programs.

(2) *Actions normally excluded from the preparation of an EIS.* The following or similar types of actions will not generally be considered as major federal actions significantly affecting the human environment and are excluded from the EIS process and negative determination.

(i) Individual farm participation in ASCS programs.

(ii) Rehabilitation of farmlands as a result of a natural disaster or other work of improvement which is covered by a program statement such as the Emergency Conservation Measures Program.

(3) *Other major ASCS actions which may require an EIS.* Major actions (programs or projects) which do not fall under the criteria established by paragraph (b)(1) or (2) of this section will require a decision by the responsible Federal official whether to prepare an EIS based on individual considerations. The decision made is to be based on an appropriate environmental assessment of environmental factors and significant effects, including beneficial and adverse effects. Significant adverse effects may be those which degrade the environment, curtail the use of the environment, or serve only short-term needs. Assessment is to cover secondary effects such as socioeconomic impacts as well as direct effects.

(i) Identifying major actions which may or may not significantly affect the

environment. At least the following environmental factors are to be assessed by the committee as appropriate to determine whether an EIS is needed:

Upland wildlife habitat.
Bottom land wildlife habitat.
Wildlife migration routes.
Bottom land hardwoods.
Stream fisheries including potential not presently productive.
Wetlands.
Endangered animals and plants.
Natural streams.
Man-altered streams.
Archeological and historical resources.
Water quantity.
Air quality.
Appearance of the landscape.

(ii) The degree of public interest, potential controversy, urban or rural setting, and economic and social impacts should also be assessed. Factors are to be quantified and qualified to the extent practicable as to the total amount in the area, the amount affected by the proposed actions, and the percent of the total resources in the area which will be affected. No single or multiple effect of factors can give the absolute answer. The data, once assembled will provide an indication of the probable impact and aid in making a judgment as to whether an EIS is needed.

(4) *Negative determination.* On major ASCS actions which under paragraph (b)(1) of this section would normally require an EIS, but where an assessment indicates no significant impact on the environment and no major controversy, the decision office should document the basis for the negative determination. This may include the State or county committee minutes where that level is the decision office. Information assembled in assessing the environmental impacts should be retained in appropriate files. A list of actions on which EIS's will not be prepared will be maintained and available for public inspection.

(5) *Statement on continuing programs.* Where a final EIS has been issued on a program, a new EIS will not be required in the next program year unless significant changes are made in the operations of the program. If significant changes are made, a new draft statement shall be prepared and circulated as provided in § 799.5.

(i) Significant changes in operations may include, but are not limited to, important changes in the conduct of the program, scope of the program is significantly expanded, the program changed as a result of controversial impacts on the environment, etc. The CEQ should be advised of the decision that a new EIS is not required.

(6) *Legislative actions.* A draft EIS will be prepared for legislative proposals or favorable reports on legislation where a national program is being developed or a major change in a program is being considered and the carrying out of the program could significantly affect the quality of the human environment.

(i) The EIS when required shall, to the extent feasible, accompany the legislative proposal or report to OMB. The proposal or report should make reference to the EIS.

(ii) Upon transmittal of the legislative proposal or report to Congress, the draft EIS will be forwarded to CEQ and the Congress. Copies of the EIS will be distributed as provided in § 799.5. Comments received on the legislative EIS will be forwarded to the appropriate Congressional Committees, through the ASCS Member of the EQEC. If deemed appropriate, the agency may respond to specific comments, and such response forwarded with the comments to the Congressional committees. Since legislation undergoes changes in Congress, a final legislative EIS need not be prepared.

§ 799.5 Preparation of environmental statements.

(a) *Types of statements.* An EIS is prepared in two stages. A draft EIS is the first formal statement for filing with CEQ and for review and comment by Federal and State agencies and the public as outlined in Appendix 4 of this part. A final EIS reflects the results of the draft review process. It is also filed with CEQ and each Federal and State agency, organization, group or individual who furnished substantive comments on the draft EIS or who requests a copy.

(b) *EIS development.* (1) The draft EIS is to be prepared early in the decisionmaking process in conjunction with other technical and economic studies. It should be circulated for public review before the significant program or project provisions are announced. The draft EIS must fulfill and satisfy to the fullest extent possible, at the time the draft is prepared, the requirements established for the final EIS by section 102(2)(C) of NEPA. Comments received during preliminary consultations on the draft EIS and the final EIS will be carefully evaluated and considered in the decisionmaking process.

(2) Applicants or consultants on certain type projects may be requested to furnish analyses and information in connection with the project. This material may be used in the preparation of the EIS.

(3) A systematic, interdisciplinary approach integrating the natural, economic, social science, and environmental design arts should be used in the preparation of the EIS. Alternative actions that will reduce adverse impacts or enhance positive effects will be thoroughly explored. Long- and short-range implications to man, to his physical and social surroundings and to nature will be examined.

(4) The EIS's will be documents complete enough to stand on their own, yet they should be succinct and understandable as possible. Highly technical and specialized analyses and data should, if needed, be appended to the body of the statement. Attention should be given to the substance of the information conveyed rather than to the particular form, length or detail of the EIS.

(c) *Content of environmental statements.* The following points must be addressed in the EIS: (See Appendix 3 of this part for outline.)

(1) *Description.* The proposed action or alternative should be clearly described by including enough information and technical data to give readers a clear understanding of the nature of the proposed action or program. Where relevant, maps, photographs, and other materials may be used. Give the relevant background information on the project or program including its purpose, the origin of the proposal, the social, economic or environmental objective. The description should include, as appropriate, population and growth assumption used to justify the project or program or to determine secondary population and growth impacts resulting from the proposed action and its alternatives. The sources of data used should be identified (i.e., OBERS projection). The relationship of the proposal to land use plans, policies and controls for the affected area must be described. Where conflicts exist, the proposed resolution of these conflicts or the reasons why they can't be resolved must be thoroughly addressed. If appropriate, describe the present environment, location, size, landownership, and status, physiography, ecosystems, climate, and other special features. The interrelationships of this proposed action with other projects and possible cumulative effects shall be presented.

(2) *Environmental impacts.* This requires an analysis of both the anticipated favorable and adverse impacts of the proposed action as it affects both the national and international environment. The environment in this case includes both the natural environment and the social and economic environment. Discuss both primary and secondary effects.

(i) Identify, analyze, and discuss the full range of social, physical, and biological factors which change as a result of direct or indirect effects of the proposed program or project. Examples of areas of environmental impact are: air quality, weather modification, water quality, fish and wildlife, noise, radiation, hazardous substances, energy supply, land use, soil, plants, outdoor recreation, historic, architectural and archeological preservation, impacts on low-income populations, and employment. Refer to CEQ Guidelines. Appendix II.

(ii) Both primary and secondary consequences should be considered in the analysis. The implications, if any, of the proposed program or project on population distribution or concentration should be objectively estimated and an assessment made of the probable effects of such changes in population patterns upon the resource bases, including land use and public services of the area in question as well as economic impacts on employment, unemployment, changes in local culture, social and other economic factors.

(iii) The distinction between primary and secondary impacts is important for insuring consideration of all alternatives. One way to describe the distinction is

that project inputs generally cause primary impacts and projects outputs generally cause secondary impacts. Primary impacts are generally easier to analyze and measure, while secondary impacts may require analyses by a number of agencies because they generally are not within any single agency area of responsibility or expertise. Secondary impact may, in fact, be more important or more damaging than primary impacts.

(iv) Summarize any environmental effects which are considered as favorable. This listing should contain only sufficient detail to identify the items.

(v) Discuss any planned measures to minimize and mitigate any probable adverse environmental impacts of the proposed action.

(3) *Summary of probable adverse environmental effects which cannot be avoided.* Identify and discuss the nature and extent of probable adverse effects and explain why they cannot be avoided. Such adverse effects may include water, air, sound, or visual pollution; undesirable land use patterns; damage to life systems; threats to health; or urban congestion consequences adverse to the environmental goals set out in section 101 (b) of NEPA.

(4) *Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations. Discuss the extent of trade-offs between short- and long-term impacts.

(5) *Irreversible and irretrievable commitment of resources.* This requires the agency to identify the extent to which the action curtails the range of potential beneficial uses of the environment.

(6) *Alternatives to the proposed action.* The intent of this section is to assure that the responsible officer has identified the objective(s) and formulated the alternatives to achieve the objectives based upon a rigorous exploration and objective evaluation. The range of alternative means to reach the objectives of the proposed action may include alternatives as to location, design, scale, sequence, and timing. All reasonable alternatives and their environmental impacts should be discussed. The alternatives should be described, and an analysis presented, including costs and impacts on the environment. The viable alternatives should not be foreclosed prematurely in the agency review and decision process. Creativity is required in recognizing and developing alternatives. Examples of categories of alternatives that must be considered in connection with specific actions are as follows:

(i) The alternative of taking no action.

(ii) Alternatives requiring actions of a significantly different nature which would provide similar benefits with different environmental impacts.

(iii) Alternatives related to different designs or details of the proposed program or project which would present different environmental impacts. In each case, the analysis of alternatives should be sufficiently detailed and rigorous to permit independent and comparative evaluation of the benefits, costs, and environmental risks of the proposed action and each alternative.

(7) *Other Federal policies and considerations.* There should be included an indication of what other interests and considerations of Federal policy are thought to offset the adverse environmental effects.

(8) *Consultation with appropriate Federal agencies and review by States and the public.* (i) In the draft environmental statement, list the agencies, groups, and individuals consulted in the preliminary consultation phases. Also, list the agencies and groups to whom the draft environmental statement will be sent.

(ii) In the final environmental statement, this section will include a discussion of comments on the draft environmental statement. Comments received from Federal, State and local agencies, leading national organizations and substantive comments received from individuals which influence decisionmaking are to be attached.

(d) *Cover page and summary sheet for environmental statements.* The EIS will include a cover page and a summary sheet constructed as shown in Appendix 1 and 2 of this Part.

(e) *Distribution of environmental statements.*

(1) The EIS is to be forwarded to the CEQ and then made available to other Federal agencies, State Clearinghouses, known interested organizations or groups, and the public. Statements issued by this agency will be forwarded to CEQ by the Administrator or his designee, where required under the USDA Guidelines, through the USDA Coordinator of Environmental Quality Activities. Preparing offices will submit the prepared EIS to the ASCS member of EQEC for review, assigning report number, and preparation of transmittal memorandum before submission to the Administrator for approval.

(2) Five (5) copies of the draft EIS and five (5) copies of the final EIS will be supplied to CEQ. The EIS's will be circulated for review and comment as required by the CEQ Guidelines, as summarized in Appendix 4 of this part.

(3) EIS prepared on legislation is to accompany the legislative proposal or report. The proposal or report should make reference to the EIS. The Office of Management and Finance will forward the copies to CEQ. Following clearance of the legislative proposal or report by OMB the EIS will be made available to the Congress and the public.

§ 799.6 Consultation, review and public involvement.

(a) *Consultation.* (1) Prior to the development of draft environmental statements, preparing office shall consult with interested parties, including appropriate Federal, State and local agencies. Comments and views of such interested parties may be considered in developing the draft environmental statement. Appendix II, CEQ Guidelines, should be reviewed for agencies which are to be consulted.

(2) In addition, the NEPA process is to the extent possible to meet the consulting and coordinating requirements of the Fish and Wildlife Coordination Act or the wildlife requirement of the Watershed Protection and Flood Prevention Act, National Historic Preservation Act and section 4(f) of the Department of Transportation Act, 49 U.S.C. 1653(f).

(b) *Circulation for review and comment, Federal, State and local agencies and time limit.* (1) The draft EIS shall be circulated for review and comment by Federal, State and local agencies having jurisdiction by law or special expertise with respect to environmental impacts and shall be made available for comment by the public.

(2) A time limit of not less than sixty (60) days from the date of transmittal to CEQ will be observed to receive comments by reviewers. To the maximum extent practicable no administrative action is to be taken for 30 days after the final statement has been furnished to CEQ and made available to all who commented on the draft statement or who requests a copy. The EIS's will be circulated for review and comment as outlined in Appendix 4 of this part.

(c) *Expedited procedures.* Where emergency circumstances make it necessary to take action with significant environmental impact without observing the provisions of paragraphs (a) and (b) of this section, the agency will work through the Office of the Coordinator of Environmental Quality Activities in consulting with the CEQ about alternative arrangements.

(d) *Public Information and involvement.* (1) The agency will use appropriate procedures to insure the fullest practicable provision of timely public information, understanding and involvement in plans and programs with environmental impact in order to obtain views and information on alternative courses of action as required in Executive Order No. 11514.

(2) It is an objective of the USDA to involve the public in developing its policies and in formulating and implementing its programs. To assist in accomplishing these objectives, the agency will utilize timely and effective procedures such as public meetings, news media, radio, public notices, hearings, and printed materials in mail outs, as needed for the particular type program or project.

(3) When public hearings are held relating to environmental concern, the draft environmental statement should be available at least fifteen (15) days in advance of the hearing and a public notice placed in the local newspapers serving the area upon which the environmental impact is being assessed. The public notice is to be placed on three different days at least fifteen (15) days prior to the public hearing. The notice shall contain information on the project or program proposal, the date, time, and

location of the hearing, and where information on the environmental considerations, including the proposed draft environmental statement, may be obtained.

(4) In determining whether a recorded public hearing is needed the officials responsible for the program or activity should consider (i) the magnitude of the proposal in terms of potential environmental impact, (ii) the degree of controversy or opposing views, (iii) complexity of issues and (iv) the degree of public review of the proposal already achieved.

(e) *List of statements.* The ASCS member of EQEC will maintain a list of the environmental statements under preparation by this agency. The list will be furnished to CEQ on a quarterly basis as required in the CEQ Guidelines and will be available for public inspection. A listing of those major actions for which it has been decided an EIS is not required will be maintained.

(f) *Availability of EIS's.* Draft and final EIS's will be made available to the public as required in the CEQ guidelines as summarized in Appendix 4 of this part. A notice will be placed in the FEDERAL REGISTER to advise the public of the proposed program or activity, the availability of the draft or final EIS and where a copy may be obtained. A press release will be prepared and issued to newspaper and radio media, the extent of issuance depending upon scope of the program or project. This action will be coordinated by the ASCS Member of EQEC.

§ 799.7 Lead Agency.

In certain instances, several USDA agencies may have program responsibilities relative to a major Federal action with significant environmental impact. If ASCS is designated as the lead agency, the ASCS Member of EQEC will coordinate the input of all concerned agencies in development of the EIS. In actions involving several departments the role of ASCS will be determined in consultation with the USDA Office of the Coordinator of Environmental Quality Activities and the CEQ.

§ 799.8 Review of EIS prepared by another agency.

ASCS will review and comment on EIS's initiated by other agencies as requested by the Office of the Coordinator. This review and development of comments will be coordinated by the ASCS Member of EQEC.

§ 799.9 CEQ requests.

In order to assist the CEQ in fulfilling its responsibilities under NEPA and Executive Order 11514, ASCS will give careful consideration to requests by CEQ for reports, and other information and actions dealing with issues arising in connection with the implementation of NEPA. This involvement will be coordinated by the ASCS Member of EQEC.

APPENDIX 1

COVER PAGE FORMAT

The cover page should not include the description title shown on the left margin, but only that information within the box, which is given as an example:

	DRAFT (OR FINAL) ENVIRONMENTAL STATEMENT
Title [1]	Rural Environmental Conservation Program
Report No.[2]	USDA–ASCS–ES (Adm.) 74–1–D
Responsible official.[3]	Kenneth E. Frick, Administrator, Agricultural Stabilization and Conservation Service
Performing organization.[4]	Agricultural Stabilization and Conservation Service, State and County Offices
Date prepared	January __, 1974
Sponsoring agency	Prepared by _____
Name and address [5]	U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250

[1] Name of program or project on which EIS is prepared.
[2] Indicates the following: USDA–ASCS-Environmental Statement, Administrative type statement (Leg. for legislative statement), program year 1974, sequential number 1 within that year, draft or "F" for final statement. The sequential number will be assigned by the Washington office.
[3] Name and title of responsible official.
[4] For State or county statement show appropriate title.
[5] Address of responsible official.

APPENDIX 2

FORMAT—SUMMARY SHEET

USDA Environmental Statement

(Statement Title)

Prepared in Accordance with
Section 102(2)(C) of Public Law 91–190

SUMMARY SHEET

I ( ) Draft ( ) Final

II Agricultural Stabilization and Conservation Service (ASCS) (Name, address and telephone number of individual who can be contacted for additional information about the proposed action or the statement.)

III ( ) Administrative ( ) Legislative

IV Brief description of action:

(This should indicate what States (and counties) are particularly affected and other Federal actions in the area, if any, are discussed in the statement.)

V Summary of Environmental Impacts:

VI Summary of Alternatives Considered:

VII Comments:

For draft statements, list all Federal, State, and local agencies and other sources from which comments have been requested.

For final statements, list all Federal, State, and local agencies and other sources from which written comments have been received.

VIII Date Statement Made Available to CEQ and the Public:

Draft statement on _____ [1]

Final statement on _____ [1]

[1] Leave date blank for completion when delivered to CEQ. Enter final statement only when appropriate.

APPENDIX 3

OUTLINE OF ENVIRONMENTAL STATEMENT CONTENT

USDA (ASCS) Environmental Statement

(Statement Title)

Type of Statement: Draft ( ) Final ( )

Type of Action: Administrative ( ) Legislative ( )

I *Description:* [1]

II *Environmental Impacts:* [1]

III *Summary of Probable Adverse Environmental Effects Which Cannot be Avoided:* [1]

IV *Relationship Between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity:*

V *Any Irreversible and Irretrievable Commitments of Resources:* [1]

VI *Alternatives to the Proposed Action:* [1]

VII *Other Interests and Consideration of Federal Policy Thought to Offset the Adverse Environmental Effects of the Proposed Action:* [1]

VIII *Consultation with Appropriate Federal Agencies and Review by States and the Public:* [1]

[1] See § 799.5(c) for discussion of the content of each section of the statement.

APPENDIX 4

CIRCULATION OF ENVIRONMENTAL STATEMENTS

After sign-off by the responsible ASCS official, and where required, the USDA Coordinator of Environmental Quality Activities, the draft and final EIS's will be forwarded for review and comment as follows:

Draft environmental statements:

Federal and State agencies, interested organizations, public:	Copies
Council on Environmental Quality	5
Environmental Protection Agency	5
Department of the Interior	5
Department of Commerce	5
Department of Health, Education, and Welfare	5
Other Federal agencies having special expertise or jurisdiction by law on areas of environmental impact (each)	1
State clearinghouses (OMB Circular A-95, attachment D) (for national programs having national scope circulate to all States, otherwise only to States where the program or project EIS is applicable).	
Organizations, groups, individuals with expertise or known special interest in the program or project and its environmental impacts (each)	1
Public upon request (each)	1

Final Environmental Statement.—To the Federal and State agencies, organizations and groups listed above for the draft statement and to any other public body, private organization or individual who made substantive comments on the draft statement.

Statements on Legislation.—Following clearance by OMB of the related legislative proposal or report, the EIS will be circulated as provided above and made available to the Congress.

[FR Doc.74-29700 Filed 12-19-74;8:45 am]

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

[Lemon Reg. 671]

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 22-28, 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.

§ 910.971 Lemon Regulation 671.

(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 orders, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons has been very active thus far this week. Overall supply is in line with demand and most auctions have a good balance between lemon supplies and demand. Average f.o.b. price was $4.27 per carton the week ended December 14, 1974, compared to $4.49 per carton the previous week. Track and rolling supplies at 143 cars were down 11 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 17, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period December 22, 1974, through December 28, 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 20, 1974.

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

[FR Doc.74-29905 Filed 12-19-74;8:45 am]

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

[Milk Order No. 63]

PART 1063—MILK IN THE QUAD CITIES-DUBUQUE MARKETING AREA

Order Suspending a Certain Provision

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 Quad Cities-Dubuque marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 41987) concerning a proposed suspension of a certain provision 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, none in opposition thereto, it is hereby found and determined that for the months of December 1974 and January 1975 the following provision of the order does not tend to effectuate the declared policy of the Act:

Section 1063.13(b)(2)—"In any of the months of September through January, milk diverted from the farm of a producer on days in excess of the number of days that milk was delivered to a pool plant from such farm during the month shall not be producer milk."

Statement of Consideration

This suspension will permit unlimited diversions of producer milk under the Quad Cities-Dubuque order during December 1974 and January 1975.

Two cooperatives representing a substantial majority of producers filed views and arguments in support of this action.

Reserve milk supplies in this market are customarily diverted from pool distributing plants to nonpool manufacturing plants. The reserve milk supplies during December 1974 and January 1975 are expected to exceed the quantity of milk that could be diverted to nonpool manufacturing plants under the present diversion limitations and still maintain producer status for all such milk. To maintain producer status for all their member milk, during these two months, it will be necessary for cooperative associations to move much of the reserve milk supply from farms to pool distributing plants and then reship to nonpool manufacturing plants, unless this action is taken.

This suspension will permit the economical movement of milk directly from farms to manufacturing plants while maintaining producer status for all dairy farmers regularly associated with the market.

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 supplies is by direct movement from producers' farms to nonpool manufacturing plants. This suspension allows such economical movement of milk 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.

Therefore, good cause exists for making this order effective December 20, 1974.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for December 1974 and January 1975.

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

Effective date. December 20, 1974.

Signed at Washington, D.C., on: December 16, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.74-29702 Filed 12-19-74;8:45 am]

[Milk Order No. 65; Docket No. AO-86-A32]

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of 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 the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Nebraska-Western Iowa marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Nebraska-Western Iowa marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1065.7, the introductory text and paragraph (a) are revised as follows:

§ 1065.7 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) A distributing plant from which there is:

(1) Route disposition (except filled milk) in the marketing area during the month equal to not less than 15 percent of the Grade A milk received at such plant from dairy farmers, supply plants (exclusive of plants qualifying as pool plants pursuant to this paragraph), and handlers described in § 1065.9(c); and

(2) Total route disposition (except filled milk) during the month or the immediately preceding month equal to not less than 35 percent of the Grade A milk received at the plant during such month from the sources specified in paragraph (a)(1) of this section.

* * * * *

§ 1065.73 [Amended]

2. In § 1065.73, *Payments to producers and to cooperative associations*, the term "advance payment" in paragraph (b)(2) is changed to "partial payment."

3. In § 1065.73, a new paragraph (d–1) is added to read as follows:

* * * * *

(d–1) To a cooperative association for fluid milk products received from a pool plant operated by the cooperative association as follows:

(1) On or before the 26th day of the month, for fluid milk products received during the first 15 days of the month not less than the value at the Class III price for the preceding month, adjusted by the butterfat differential pursuant to § 1065.74 for the preceding month; and

(2) On or before the 14th day after the end of each month for fluid milk products received during the month not less than the value at the class prices pursuant to § 1065.50, adjusted for the location of the transferee plant and by the butterfat differential pursuant to § 1065.74, less payment made pursuant to paragraph (d–1)(1) of this section;

* * * * *

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

Effective date: February 1, 1975.

Signed at Washington, D.C., on: December 16, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.74–29701 Filed 12–19–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Dooket No. 74–SO–97]

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

Alteration of Transition Area

On October 24, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 37779), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Savannah, Tenn., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 27, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Savannah, Tenn., transition area is amended. "* * * longitude 88°13'00" W. * * *" is deleted and "* * * longitude 88°13'00" W.); within 3 miles each side of the 197° bearing from Savannah RBN (latitude 35°10'13" N., longitude 88°12'50" W.), extending from the 7-mile radius area to 8.5 miles south of the RBN * * *" is substituted therefor.

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

Issued in East Point, Ga., on December 10, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74–29629 Filed 12–19–74;8:45 am]

[Airspace Docket No. 74–SW–45]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Mt. Pleasant, Tex., transition area.

On October 30, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 38238) stating the Federal Aviation Administration proposed to designate a transition area at Mt. Pleasant, Tex.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 27, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

MT. PLEASANT, TEXAS

That airspace extending from 700 feet above the surface within a 5-mile radius of Mt. Pleasant Municipal Airport (latitude 33°07'45.4" N., longitude 94°58'31.3" W.) and within 3.5 miles each side of the Quitman, Tex., VORTAC 052° radial extending from the 5-mile radius area to a point 11 miles southwest of the airport.

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

Issued in Fort Worth, Tex., on December 10, 1974.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.74–29632 Filed 12–19–74;8:45 am]

[Airspace Docket No. 74–SO–102]

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

Designation of Control Zone and Transition Area

On November 4, 1974, a Notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 38910), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Oak Grove, N.C., temporary control zone and transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 22, 1975, as hereinafter set forth.

In § 71.171 (40 FR 354), the following control zone is added:

OAK GROVE, NORTH CAROLINA

Within a 5-mile radius of Oak Grove HOLF (Navy), N.C. (Lat. 35°01'15" N., Long. 77°15'12" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (40 FR 441), the following transition area is added:

OAK GROVE, NORTH CAROLINA

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Oak Grove HOLF (Navy), N.C. (Lat. 35°01'15" N., Long. 77°15'12" W.), excluding the portion within New Bern, N.C., transition area. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

Issued in East Point, Ga., on December 11, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74–29628 Filed 12–19–74;8:45 am]

[Docket No. 14196; Amdt. No. 947]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

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

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA

in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

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

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

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

1. Section 97.23 is amending by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective January 30, 1975:*

Beloit, Wisc.—Beloit Arpt., VOR-A, Orig.
Dubuque, Iowa—Dubuque Municipal Arpt., VOR Rwy 36, Orig.
Plymouth, Ind.—Plymouth Municipal Arpt., VOR Rwy 10, Amdt. 5.
Plymouth, Ind.—Plymouth Municipal Arpt., VOR Rwy 28, Amdt. 4.
Sacramento, Calif.—Sacramento Metropolitan Arpt., VOR/DME-B, Orig.
Sacramento, Calif.—Sacramento Metropolitan Arpt., VOR/DME Rwy 34, Amdt. 6, canceled.
Selma, Ala.—Selfield Arpt., VOR-A, Orig.
Selma, Ala.—Selfield Arpt., VOR-A Orig., canceled.
South St. Paul, Minn.—South St. Paul Municipal-Richard E. Fleming Field, VOR-A, Amdt. 7.
South St. Paul, Minn.—South St. Paul Municipal-Richard E. Fleming Field, VOR-B, Amdt. 7.
Sparta, Mich.—Sparta Arpt., VOR-A, Orig.
Westminster, Md.—Clearview Airpark, VOR-A, Orig.

* * * *effective December 5, 1974:*

Anniston, Ala.—Anniston-Calhoun Co. Arpt., VOR-A, Amdt. 4, canceled.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective January 30, 1975.

Dubuque, Iowa—Dubuque Municipal Arpt., LOC/DME (BC) Rwy 13, Orig.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective January 30, 1975:

Sidney, Mont.—Sidney-Richland Municipal, Arpt., NDB RWY 1, Orig.
Sidney, Mont.—Sidney-Richland Municipal, Arpt., NDB Rwy 1, Amdt. 2, canceled.
Sidney, Mont.—Sidney-Richland Municipal, Arpt., NDB Rwy 19, Amdt. 1.
Sidney, Mont.—Sidney-Richland Municipal, Arpt., NDB Rwy 28, Orig., canceled.
Wolf Point, Mont.—Wolf Point Int'l. Arpt., NDB-A, Amdt. 1.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective January 30, 1975:*

Dubuque, Iowa—Dubuque Municipal Arpt., ILS Rwy 31, Amdt. 5.
Helena, Mont.—Helena Arpt., ILS Rwy 26, Amdt. 3.

Correction:

In Docket Nr. 14127, Amendment 943, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated November 21, 1974, on page 40848, under § 97.29 effective January 2, 1975—Change effective date of Fairbanks, Alaska—Fairbanks Int'l. Arpt., ILS/DME Rwy 1L, Orig., to February 27, 1975.

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

Issued in Washington, D.C., on December 12, 1974.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

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

[FR Doc. 74-29627 Filed 12-19-74;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 363—CHINA TRADE ACT CORPORATIONS

Editorial Revisions

Part 363 of Chapter III of Title 15 of the Code of Federal Regulations implements the responsibilities of the Secretary of Commerce under the China Trade Act, 1922, as amended, and section 941 of the Internal Revenue Code. This part has been rewritten to eliminate obsolete wording and reflect nonsubstantive changes in position titles, nomenclature, and form designations. The relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are omitted as unnecessary because the changes are procedural and editorial in nature. Accordingly, Part 363 of Chapter III of Title 15 of the Code of Federal Regulations is revised to read as follows:

Sec.
363.1 Purpose.
363.2 Definitions.
363.3 Application for certificate of incorporation.
363.4 Holding shares of stock in other corporations prohibited.
363.5 Accredited agent.
363.6 Certificates of property value.
363.7 Issuance of certificate of incorporation.
363.8 Certificate of amendment to articles of incorporation.
363.9 Certificate of authorization for extension.
363.10 Certificate of authorization for voluntary dissolution.
363.11 Fees.
363.12 Stockholders' meeting.
363.13 Bylaws.
363.14 Special dividend.
363.15 Annual report.
363.16 Appeal from decision of Registrar.
363.17 Forms.
363.18 Inspection of records.

AUTHORITY: Sec. 17 of the China Trade Act, 1922 (15 U.S.C. 157 (42 Stat. 854)); and sec. 941 of the Internal Revenue Code of 1954, (26 U.S.C. 941).

§ 363.1 Purpose.

The regulations in this part implement the responsibilities of the Secretary of Commerce under the China Trade Act, 1922, as amended (15 U.S.C. 141 et seq.), and section 941 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 941), concerning District of Columbia corporations organized to engage in business within China. The statutory authority and responsibilities of the Secretary of Commerce relating to China Trade Act corporations have been delegated to the Deputy Assistant Secretary for International Commerce of the Department of Commerce, with power of redelegation.

§ 363.2 Definitions.

For the purposes of the regulations in this part and the forms issued to implement it, unless the context otherwise indicates:

(a) "Act" means the China Trade Act, 1922, as amended, 15 U.S.C. 141 et seq. (42 Stat. 849).

(b) "China Trade Act corporation" and "corporation" mean a District of Columbia corporation organized under the provisions of the Act.

(c) "China" means China including Manchuria, Tibet, Mongolia, and any territory leased by China to any foreign government; the Crown Colony of Hong Kong; and the Province of Macao.[1]

(d) "Deputy Assistant Secretary" means the Deputy Assistant Secretary for International Commerce of the Department of Commerce, or such official as may be designated by him to act in his behalf.

(e) "Registrar" means the individual, designated Registrar or Acting Registrar,

[1] Under section 941 of the Internal Revenue Code of 1954, the special deduction allowed in computing the taxable income of a China Trade Act corporation is based on income derived from sources within Formosa (Taiwan) and Hong Kong.

authorized by the Deputy Assistant Secretary to perform the duties of the Registrar as authorized by the Act, the regulations of this part, and the directions of the Deputy Assistant Secretary.

(f) "Person" includes individual, partnership, corporation, and association.

(g) "Applicants" means incorporators of a District of Columbia corporation who apply for certification of incorporation under the provisions of the Act.

§ 363.3 Application for certificate of incorporation.

Applicants desiring to qualify a District of Columbia corporation for certification under the Act shall file an application, in duplicate, in accordance with the provisions of the Act and this part on Form DIB–491P (see § 363.17 for titles of forms, where obtained, and place of filing). The application shall be accompanied by the corporation's articles of incorporation, in quintuplicate, which articles shall:

(a) State the names, addresses, and nationalities of the incorporators;

(b) State the particular business in which the corporation is to engage and clearly indicate how the corporation will aid in developing markets in China for goods produced in the United States;

(c) State the name and address of the corporation's accredited agent, any successor of whom may be later appointed as provided by § 363.5(b) without amendment to the articles of incorporation;

(d) If more than one class of stock is contemplated, provide a method for the apportionment of any "special dividend" between or among such classes; and

(e) Otherwise conform to the requirements of subsection 144(b) of title 15, U.S.C.

§ 363.4 Holding shares of stock in other corporations prohibited.

No China Trade Act corporation shall purchase or acquire, either directly or indirectly, for investment purposes, shares of stock of any corporation engaged in any activity prohibited by subsection 144(c) of title 15, U.S.C.

§ 363.5 Accredited agent.

(a) In accordance with section 160 of title 15, U.S.C., every China Trade Act corporation shall maintain in the District of Columbia a person, who shall be domiciled within the District of Columbia, as its accredited agent. Power of attorney appointing the agent shall be filed in duplicate with the Registrar at the time of filing the application for certificate of incorporation. Before issuance of the certificate of incorporation a letter of consent to act shall be filed by the agent with the Registrar, in duplicate.

(b) No corporation shall remove, or accept the resignation of, its accredited agent until a successor has been appointed by the corporation, and a power of attorney appointing the successor agent and the written consent of such successor have been filed in duplicate.

(c) In the event of the death of the agent, or his inability to serve, the corporation shall, within 30 days after notice thereof, appoint a successor in the same manner as set forth in paragraph (b) of this section.

§ 363.6 Certificates of property value.

(a) No share of stock of a China Trade Act corporation shall be held paid in real or personal property unless:

(1) A certificate describing the property and stating the value at which it is to be received has been filed by the corporation in duplicate on Form DIB–492P (see § 363.17);

(2) The fee prescribed by § 363.11 has been paid; and

(3) The Deputy Assistant Secretary has found and certified to the corporation that the value at which the property is to be received is not more than the fair market value of the property.

(b) There shall be filed with each certificate of property value a statement in duplicate by the owner of any property to be received by the corporation in payment for its stock, showing the date he purchased the property, the price paid therefor, and the amount, if any, of any lien, mortgage, or other encumbrance against the property at the time it is placed in the custody of the directors as provided for by sections 144, 147 and 148 of title 15, U.S.C.

(c) There shall be filed, with the corporation's certificate of property value, a certificate of property value, in duplicate, on Form DIB–493P (see § 363.17), of two disinterested persons acceptable to the Deputy Assistant Secretary.

§ 363.7 Issuance of certificate of incorporation.

(a) Upon the filing of an application and payment of the fee prescribed by § 363.11, the Deputy Assistant Secretary shall issue a certificate of incorporation on Form DIB–494 (see § 363.17) if he finds that:

(1) The application and articles of incorporation and statements therein conform to the requirements of the Act and the regulations of this part;

(2) The incorporation is authorized by the act; and

(3) The corporation will aid in developing markets in China for goods produced in the United States.

(b) A copy of the articles of incorporation shall be made a part of the certificate of incorporation. The original certificate shall be retained by the Registrar as official records. A copy of the certificate, certified by the Deputy Assistant Secretary, shall be transmitted to the corporation.

(c) In accordance with subsection 144(d) of title 15, U.S.C., no certificate of incorporation shall be delivered to a China Trade Act corporation and no incorporation shall be complete until the applicants have filed a statement, under oath, and in duplicate, with the Registrar that at least 25 per centum of the corporation's authorized capital stock has been paid in in cash, or in real or personal property as provided for by section 148 of title 15, U.S.C.

§ 363.8 Certificate of amendment to articles of incorporation.

(a) No amendment to the articles of incorporation shall take effect until:

(1) The corporation files a certificate on Form DIB–495P (see § 363.17) stating the action taken;

(2) The fee prescribed by § 363.11 has been paid; and

(3) The amendment is found and certified to by the Deputy Assistant Secretary to conform to the requirements of the Act.

(b) The certificate of amendment to articles of incorporation shall be signed by the president or other authorized officer, and attested by the secretary of the corporation, and filed in quintuplicate with the Registrar.

(c) When a certificate of amendment to articles of incorporation is for the purpose of increasing the capital stock of the corporation, an authorized officer thereof shall file with the certificate, in duplicate, a certified statement that an amount equal to 25 per centum of the increased capital stock has been subscribed to in good faith.

(d) No certificate authorizing the increase of capital stock shall be delivered to a China Trade Act corporation until it has filed a statement, under oath, and in duplicate, with the Registrar that at least 25 per centum of the increased capital stock has been paid in in cash, or in real or personal property as provided for by section 148 of title 15, U.S.C.

§ 363.9 Certificate of authorization for extension.

(a) No authorization for extension of the period of duration of a China Trade Act corporation shall take effect until:

(1) The corporation files a certificate on Form DIB–496P (see § 363.17) stating the action taken; and

(2) The authorization for extension is found and certified to by the Deputy Assistant Secretary to conform to the requirements of the Act.

(b) The certificate of authorization for extension shall be signed by the president or other authorized officer and attested by the secretary of the corporation and filed, in quintuplicate, with the Registrar.

§ 363.10 Certificate of authorization for voluntary dissolution.

(a) No authorization for voluntary dissolution of a China Trade Act corporation shall take effect until:

(1) The corporation files a certificate on Form DIB–497P (see § 363.17) stating the action taken; and

(2) The authorization for dissolution is found and certified to by the Deputy Assistant Secretary to conform to the requirements of the Act.

(b) The certificate of authorization for voluntary dissolution shall be signed by the president or other authorized officer and attested by the secretary of the corporation and filed, in quintuplicate, with the Registrar.

§ 363.11 Fees.

The following fees are prescribed and shall be payable in the form of a draft payable to the Treasurer of the United States of America, upon the filing by the corporation of any of the following documents:

Application for certificate of incorporation	US$100
Certificate of amendment to articles of incorporation	25
Certificate of property value (minimum) (fee based on value of property and nature of investigation made)	25

§ 363.12 Stockholders' meeting.

Except as otherwise provided in § 363.15, concerning meetings wherein the annual report is adopted, within 30 days of each stockholders' meeting, the following documents, signed by an authorized officer of the corporation, shall be filed with the Registrar:

(a) Two copies of the minutes of the meeting, which shall set forth in detail the action taken or business transacted. The minutes shall also show that notice of call (unless waived) was delivered or mailed to each stockholder of record and the date thereof. In lieu of filing two copies of the notice, it may be incorporated, verbatim, in the minutes.

(b) Notice of call of a stockholders' meeting may be waived by the stockholders filing with a proper officer of the corporation waivers of the notice in writing, signed by each stockholder of record. When notice is so waived the secretary or other authorized officer of the corporation shall either:

(1) Sign and file a statement, in duplicate, that waivers of notice of the particular meeting have been signed by each stockholder and filed with him; or

(2) Sign and file a copy of each waiver filed by each stockholder with the corporation.

(c) When any share of stock is voted by proxy, the secretary or other authorized officer of the corporation shall either:

(1) Sign and file a statement in duplicate, showing the total number of shares voted by proxy at the meeting, the name and address of each stockholder represented by proxy, the name and address of each proxy voting at the meeting, the number of shares voted by each proxy, and that the proxies so voted were authorized by an instrument in writing signed and filed by each stockholder represented by proxy; or

(2) Sign and file a copy of each proxy filed with the corporation.

(d) Two copies of a list of current officers and directors of the corporation, stating the name, residence, and nationality of each. This document need not be filed if the information required is incorporated in the minutes.

(e) Statement, in duplicate, that all shares of stock voted at the meeting were fully paid. This statement need not be filed if the information required is incorporated in the minutes.

§ 363.13 Bylaws.

In accordance with section 150 of title 15, U.S.C., a China Trade Act corporation shall, within 30 days of their adoption by the stockholders, submit to the Registrar two certified copies of its bylaws and any amendments thereto.

§ 363.14 Special dividend.

(a) Section 941 of the Internal Revenue Code of 1954, as amended, allows a special deduction in computing the taxable income of a China Trade Act corporation, based on the amount of taxable income derived from sources within Formosa and Hong Kong. Rules pertaining to the tax treatment of China Trade Act corporations are published in 26 CFR Part 1, § 1.941 to § 1.943–1.

(b) The special deduction is not allowed unless the Deputy Assistant Secretary certifies to the Commissioner of Internal Revenue:

(1) The amount which, during the year ending on the date fixed by law for filing the return, including the period of any extension of time granted for filing the return, the corporation has distributed as a special dividend to or for the benefit of such persons as on the last day of the taxable year were resident in Formosa, Hong Kong, the United States, or possessions of the United States, or were individual citizens of the United States, and owned shares of stock of the corporation;

(2) That such special dividend was in addition to all other amounts, payable or to be payable to such persons or for their benefit, by reason of their interest in the corporation; and

(3) That such distribution has been made to or for the benefit of such persons in proportion to the par value of the shares of stock of the corporation owned by each. However, if the corporation has more than one class of stock, the certificate shall state that the articles of incorporation provide a method for the apportionment of the special dividend among such persons, and that the amount certified has been distributed in accordance with the method so provided.

(c) A China Trade Act corporation desiring to obtain the special deduction referred to in paragraph (a) of this section shall file, after the close of the taxable year, a certificate of distribution of special dividend on Form DIB–498P (see § 363.17).

(d) The certificate of distribution of special dividend shall be signed by the president, or other authorized officer, and attested by the secretary of the corporation, and filed in duplicate with the Registrar.

(e) Dividends declared by a China Trade Act corporation shall be derived wholly from the surplus profits of its business, as required in section 153 of title 15, U.S.C.

§ 363.15 Annual report.

(a) The fiscal year of a China Trade Act corporation shall end December 31, and on or before March 15 of each succeeding year the corporation shall file with the Registrar a report of its business for the fiscal year showing the financial condition of the corporation at the close of the year. An extension of time in which to file the annual report may, in the discretion of the Registrar, be obtained upon written request received by the Registrar prior to March 15. Any corporation engaged in business for a period of less than one year, or any corporation which is in process of dissolution or liquidation, shall file an annual report for such period as it is operated as a China Trade Act corporation.

(b) The annual report shall be adopted at a meeting of the stockholders or directors, in accordance with the articles of incorporation or the bylaws of the corporation, and filed in duplicate on Form DIB–499P (see § 363.17) by the secretary of the corporation. The following documents shall be attached to Form DIB–499P and made a part of the annual report:

(1) Minutes of meeting, in duplicate, which shall show, in addition to other business transacted, the adoption of an audited balance sheet and statement of profit and loss for the fiscal year. In lieu of filing, in duplicate, notice of call, the notice may be incorporated in the minutes as provided for by § 363.12(a). When notice of call of meeting is waived or any votes are voted by proxy at the meeting, documentation of such shall be provided as prescribed by § 363.12(b) and (c).

(2) Two copies of balance sheet and two copies of statement of profit and loss for the fiscal year, audited and certified by an accredited public accountant.

(3) Whenever the articles of incorporation or bylaws of the corporation provide for the adoption of the annual report by the stockholders, there shall be filed, in duplicate, a statement by an authorized officer of the corporation showing that all shares of stock voted were fully paid. This statement need not be filed if the information required is incorporated in the minutes as provided for by § 363.12(e).

(4) Statement, in duplicate, setting forth the names, addresses, and nationalities of all stockholders of the corporation on the last day of the fiscal year, including number of shares and classes of stock held by each. This statement need not be filed if the information required is incorporated in the minutes.

(5) Statement, in duplicate, setting forth the names, residences, and nationalities of directors and officers elected for the current year. This statement need not be filed if the information required is incorporated in the minutes. However, when directors and officers are elected subsequent to the adoption of the annual report, or when there is a change of directors and officers, the corporation shall file a statement, in duplicate, with the Registrar immediately upon such election or change of directors and officers. The statement shall be signed by the secretary or other authorized officer of the corporation.

(6) Certificate of distribution of special dividend, in duplicate, provided such dividend is declared.

§ 363.16 Appeal from decision of Registrar.

(a) Any decision or action of the Registrar may be appealed to the Deputy Assistant Secretary within six months, except that the time for filing an appeal may be extended at the discretion of the Deputy Assistant Secretary.

(b) The person presenting an appeal shall submit to the Deputy Assistant Secretary a written statement setting forth, in full, the alleged facts upon which the appeal is based, simultaneously submitting a copy to the Registrar.

(c) The Deputy Assistant Secretary may request additional information from the person presenting the appeal or from the Registrar, or both. Information provided to the Deputy Assistant Secretary by the person presenting the appeal must also be provided to the Registrar, and vice versa.

(d) The Deputy Assistant Secretary, as soon as practicable, shall render a decision based on the record to the person presenting the appeal and to the Registrar.

§ 363.17 Forms.

(a) For the convenience and guidance of interested persons, the following printed forms are available for use in connection with submissions under this part in connection with China Trade Act corporations:

Form DIB–491P	Application for Certificate of Incorporation Under the China Trade Act.
Form DIB–492P	Certificate of Property Value.
Form DIB–493P	Certificate of Property Value by Disinterested Persons.
Form DIB–494	Certificate of Incorporation.
Form DIB–495P	Certificate of Amendment to Articles of Incorporation.
Form DIB–496P	Certificate of Authorization for Extension.
Form DIB–496P	Certificate of Authorization for Voluntary Dissolution.
Form DIB–498P	Certificate of Distribution of Special Dividend.
Form DIB–499P	China Trade Act Corporation Annual Report.

(b) Copies of blank forms, and instructions for their preparation and filing, may be obtained upon request from the Registrar, China Trade Act, U.S. Department of Commerce, Washington, D.C. 20230. Applications, certificates, related material, and inquiries concerning China Trade Act corporations should be submitted to the Registrar at the address given in this paragraph.

§ 363.18 Inspection of records.

Applications for a certificate of incorporation, certificates, certified copies, and reports received or issued by the Registrar and Deputy Assistant Secretary under the China Trade Act shall be available for public inspection as provided for by section 152 of Title 15, U.S.C. Rules concerning public access to information are published in Part 4, Subtitle A, of this title.

Dated: December 11, 1974.

CHARLES W. HOSTLER,
Deputy Assistant Secretary for International Commerce.

[FR Doc.74-29616 Filed 12-19-74;8:45 am]

Title 18—Conservation of Water and Power Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-432 (A)]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Monthly Report of Cost and Quality of Fuels for Electric Plants

DECEMBER 13, 1974.

On September 12, 1974 the Commission amended § 141.61 of the Commission's rules and regulations under the Federal Power Act by Order No. 512. Order No. 512 enacted a revised Form 423 providing for increased reporting of fossil-fuel deliveries to electric power generating plants. Under the amending Order No. 512, utilities must now file Form 423 for all fossil-fueled plants of 25 megawatts or greater generating capacity. The 25 megawatts may consist of steam generation only, gas turbine and internal combustion engine generation only, or all three types of generation at the same plant.

On November 18, 1974, Ohio Edison Company filed with the Commission a motion for an order staying the required report with respect to coal in accordance with Instruction (6) on the revised Form 423, as adopted in Attachment A to the Commission's Order No. 512, issued September 12, 1974. Ohio Edison supports their motion with the contention that the language—"For coal, show name of mine and county from which coal originated;" —constitutes an amendment to Form 423, as proposed by the Commission's Notice of Proposed Rulemaking, Docket No. R-432(A), issued July 19, 1973 Ohio Edison further states that "[t]his amendment is on a subject not addressed in the Commission's notice of proposed rulemaking of July 19, 1973, its Notices of staff conference on October 10 and October 23, 1973, or its Order No. 512."

In the notice of proposed rulemaking, Docket No. R-432(A), issued July 19, 1973, the attached proposed revision to Form 423 contained the following instructions:

* * * * *

(5) Show state and Bureau of Mines coal producing district and if available the name and county of the mine shall be shown in a footnote.

(6) For oil show supplier and refinery or port of entry; for gas show pipeline (supplier) or distributor, producing area by state, and port of entry if LNG.

The revised Form 423, as enacted by our Order No. 512, reads in relevant part as follows:

* * * * *

(5) Show state and Bureau of Mines coal producing district.

(6) For coal, show name of mine and county from which coal originated; for oil, show supplier and refinery or port of entry; for gas, show pipeline (supplier) or distributor, producing area by state or port of entry.

It is clear from a comparison of the relevant provisions of the proposed and enacted Form 423 that the substance of the first clause of Instruction (6) of revised Form 423 was previously noticed as part of Instruction (5) of the proposed revision to Form 423. Ohio Edison, having been provided with opportunity to comment on Instruction (5) as it appeared in the notice of proposed rulemaking of July 19, 1973, cannot now complain that the incorporation of part of Instruction (5) in the ultimately enacted Instruction (6) of revised Form 423 constitutes an amendment on "a subject not addressed" by the Commission.

It will be useful to here point out that Instruction (6) of revised Form 423, as issued, has been amended by Erratum Notice, dated November 29, 1974, to include the phrase, "if available," in order that the revised Form 423 more accurately convey the Commission's intent, as expressed in the revisd Form 423. Nevertheless, we find the objections of Ohio Edison, as stated in their motion, without substance.

The Commission finds:

(1) The notice and opportunity to participate in the proceeding in Docket No. R-432(A) through the submission in writing of data, views, comments and suggestions have been consistent and in accordance with the procedural requirements prescribed in 5 U.S.C. 553.

(2) Revised Form 423 is necessary and appropriate in the administration of the Federal Power Act.

(3) The objections raised by Ohio Edison Company in their motion to stay reporting under Instruction (6) of revised Form 423 is without substance and the granting of such motion would not be in the public interest.

The Commission orders:

(1) The Motion to Stay Reporting with Respect to Coal in Accordance with Instruction (6) on New Form 423, filed by Ohio Edison Company, be hereby denied.

(2) Reporting on the Revised Form 423 shall proceed according to the schedule outlined in Order No. 512, issued September 12, 1974.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-29674 Filed 12-19-74;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7336]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Bonds and Other Evidences of Indebtedness

The Income Tax Regulations (26 CFR Part 1) currently require that holders of face-amount certificates issued after December 31, 1974, include the original

issue discount in income ratably over the term of the certificate in accordance with section 1232(a)(3) of the Internal Revenue Code of 1954. The following amendments to the regulations make these ratable inclusion rules apply only to face-amount certificates issued after June 30, 1975.

Based on the foregoing, the Income Tax Regulations (26 CFR Part 1) are amended as set forth below:

PARAGRAPH 1. Paragraph (c)(3) of § 1.1232–1 is amended to read as follows:

§ 1.1232–1 Bonds and other evidences of indebtedness; scope of section.

* * * * *

(c) * * *

(3) *Certificates issued after June 30, 1975.* In the case of a face-amount certificate issued after June 30, 1975 (other than such a certificate issued pursuant to a written commitment which was binding on such date and at all times thereafter), the provisions of section 1232(a)(3) (relating to the ratable inclusion of original issue discount in gross income) shall apply. See § 1.1232–3A(f). For treatment of any increase in basis under section 1232(a)(3)(A) as consideration paid for purposes of computing the investment in the contract under section 72, see § 1.72–6(c)(4).

* * * * *

PAR. 2. Paragraph (f)(1) of § 1.1232–3A is amended to read as follows:

§ 1.1232–3A Inclusion as interest of original issue discount on certain obligations issued after May 27, 1969.

* * * * *

(f) *Application of section 1232(a)(3) to face-amount certificates*—(1) *In general.* Under paragraph (c)(3) of § 1.1232–1, the provisions of section 1232(a)(3) and this section apply in the case of a face-amount certificate issued after June 30, 1975 (other than such a certificate issued pursuant to a written commitment which was binding on such date and at all times thereafter).

* * * * *

Because this Treasury decision only postpones the date on which section 1232(a)(3) of the Internal Revenue Code of 1954 applies to face-amount certificates, it is found unnecessary to issue the Treasury decision with notice and public procedure thereon under section 553(b) of title 5 of the United States Code, or subject to the effective date limitation of subsection (d) of such section.

(Section 7805, Internal Revenue Code of 1954 (68A Stat. 917 (26 U.S.C. 7805)))

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: December 16, 1974.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

[FR Doc.74–29244 Filed 12–19–74;8:45 am]

[T.D. 7335]

PART 11—TEMPORARY INCOME TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Regulations Relating to Election With Respect to Bonds and Other Evidences of Indebtedness When Valuing Assets of Retirement Plans

This document contains temporary regulations under the Employee Retirement Income Security Act of 1974 (26 CFR Part 11) in order to provide rules for an election with respect to bonds and other evidences of indebtedness for purposes of valuing assets of certain retirement plans.

Section 412(c)(2)(A) of the Internal Revenue Code of 1954 provides that the value of a retirement plan's assets is to be determined on the basis of any reasonable actuarial method of valuation which takes into account fair market value.

Section 412(c)(2)(B) of the Code and section 302(c)(2)(B) of the Act provide that an alternative method of valuing plan assets with respect to bonds or other evidences of indebtedness may be used at the election of the plan administrator. If this election is made, the value of such debt instruments may be determined on an amortized basis running from initial cost at purchase to par value at maturity or the earliest call date. The Code provides that this election is to be made in such manner and at such time as provided by regulations, and that the election, once made, may be revoked only with the consent of the Secretary of the Treasury or his delegate.

The temporary regulations provide, in general, that an election may be made by filing a statement that such evidences of indebtedness have been valued under the alternative method. This statement is filed as a part of the annual return of the plan required under section 6058 of the Code.

The election, once made, will affect all evidences of indebtedness not in default as to principal or interest and which are plan assets for the plan year for which the election is made and all evidences of indebtedness subsequently acquired by the plan unless consent to revoke the election is obtained.

In order to prescribe temporary regulations relating to an election with respect to valuation of bonds or other evidences of indebtedness pursuant to section 412(c)(2)(B) of the Internal Revenue Code of 1954, as added by section 1013 of the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406, 88 Stat. 914), and section 302(c)(2)(B) of the Act (88 Stat. 871) the following temporary regulations are hereby prescribed:

§ 11.412(c)-11 Election with respect to bonds.

(a) *In general.* Section 412(c)(2)(B) provides that, at the election of the administrator of a plan which includes a trust qualified under section 401(a) or of a plan which satisfies the requirements of section 403(a) or section 405(a), the value of a bond or other evidence of indebtedness which is held by the plan and which is not in default as to principal or interest may be determined on an amortized basis running from initial cost at purchase to the amount payable at maturity (or, in the case of a bond which is callable prior to maturity, the earliest call date). So long as this election is in effect, the value of any such evidence of indebtedness shall, for purposes of section 412, be determined on such an amortized basis rather than on a method taking into account fair market value as described in section 412(c)(2)(A).

(b) *Manner of making election.* The election to value evidences of indebtedness in accordance with paragraph (a) of this section shall be made by a statement to that effect attached to and filed as a part of the annual return of the plan required under section 6058 of the Code.

(c) *Effect of election.* The election provided by section 412(c)(2)(B), once made, will affect the valuation of all evidences of indebtedness, not in default as to principal or interest, which are held by the plan for the plan year for which the election is made and any evidences of indebtedness which are subsequently acquired by the plan. The value of any evidence of indebtedness which is in default as of the valuation date for the plan year must be determined on the basis of any reasonable actuarial method of valuation which takes into account fair market value in accordance with section 412(c)(2)(A) and must continue to be so valued until the indebtedness is no longer in default.

(d) *Consent to revoke required*—(1) *In general.* An election made in accordance with paragraph (a) of this section may be revoked only if consent to revoke the election is obtained from the Secretary or his delegate.

(2) *Manner of obtaining permission for revocation.* [Reserved].

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(This Treasury decision is issued under the authority contained in section 412(c)(2)(B) and 7805 of the Internal Revenue Code of 1954, 68A Stat. 917; 88 Stat. 829, 916; 26 U.S.C. 412(c)(2)(B), 7805))

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: December 16, 1974.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

[FR Doc.74-29745 Filed 12-19-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-177]

PART 135—LIGHTS FOR COAST GUARD VESSELS OF SPECIAL CONSTRUCTION

Correction

In FR Doc. 74-27746 appearing at page 41362 in the issue for Wednesday, November 27, 1974, as corrected on page 43057 in the issue for Tuesday, December 10, 1974, the headings should read as set forth above.

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1204]

PART 1033—CAR SERVICE

Chicago, Milwaukee, St. Paul and Pacific Railroad Co.

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

It appearing, that because of unserviceable track conditions the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) is unable to operate over its line between Fairmont, Minnesota and Welcome, Minnesota, a distance of approximately 7.1 miles; that MILW service between these two points can be continued through the use of Chicago and North Western Transportation Company (CNW) between milepost No. 185 at Fairmont, Minnesota, and milepost No. 192 at Welcome, Minnesota, a distance of 7.1 miles all within Martin County, Minnesota; that the CNW has consented to the use of their tracks by the MILW; that the MILW has filed concurrent applications with the Commission for abandonment of this portion of its line in AB-7, Sub No. 19 and for permanent authority to operate over that portion of the line of the CNW in Finance Docket No. 27754; that continued operation by the MILW in this area is necessary and in the interest of the public and commerce of the people, pending disposition of the aforementioned application. Accordingly, the Commission finds that notice and public procedure herein are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1204 *Service Order No. 1204,* (Chicago, Milwaukee, St. Paul and Pacific Railroad Co. authorized to operate over tracks of Chicago and North Western Transportation Co.)

(a) The Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) be, and it is hereby, authorized to operate over tracks of the Chicago and North Western Transportation Company (CNW) between milepost No. 185 at Fairmont, Minnesota, and milepost No. 192 at Welcome, Minnesota, a distance of 7.1 miles, all within Martin County, Minnesota.

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

(c) Nothing herein shall be considered as pre-judgement of the applications of the MILW in AB-7, Sub No. 19 seeking authority for abandonment of a portion of their line, nor Finance Docket No. 27754 seeking permanent authority to operate over that portion of the CNW.

(d) *Effective date.* This order shall become effective at 12:01 a.m., December 16, 1974.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1975, unless otherwise modified, changed or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-29735 Filed 12-19-74;8:45 am]

[S.O. No. 1139; Amdt. 4]

PART 1033—CAR SERVICE

The Atchison, Topeka and Santa Fe Railway Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 11th day of December 1974.

Upon further consideration of Service Order No. 1139 (38 FR 14944, 27354, and 39 FR 1046 and 24373), and good cause appearing therefor:

It is ordered, That: § 1033.1139 *Service Order No. 1139,* (The Atchison, Topeka and Santa Fe Railway Co. authorized to operate over tracks of Union Pacific Railroad Co.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1974.

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

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

By the Commission, Railroad Service Board.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-29737 Filed 12-19-74;8:45 am]

[S.O. No. 1148; Amdt. 3]

PART 1033—CAR SERVICE

Graham County Railroad Co.

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

Upon further consideration of Service Order No. 1148 (38 FR 22482, 34664; and 39 FR 24016), and good cause appearing therefor:

It is ordered, That: § 1033.1148 *Service Order No. 1148,* (Graham County Railroad Co. authorized to operate over trackage in Graham County, North Carolina) be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1974.

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

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that

agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-29736 Filed 12-19-74;8:45 am]

[Revised S.O. No. 995; Amdt. 5]

PART 1033—CAR SERVICE

Appointment of Embargo Agents

At a Session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 11th day of December 1974.

Upon further consideration of Revised Service Order No. 995 (35 FR 7016; 36 FR 23726; 37 FR 28301; and 38 FR 35002), and good cause appearing therefor:

It is ordered, That: § 1033.995 Revised Service Order 995, Amdt. 5 (Appointment of Embargo Agents) be, and it is hereby amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1974.

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

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

By the Commission, Division 3.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-29738 Filed 12-19-74;8:45 am]

[Revised S.O. No. 1002; Amdt. 5]

PART 1033—CAR SERVICE

Car Distribution Directions—Appointment of Agents

At a Session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 11th day of December 1974.

Upon further consideration of Revised Service Order No. 1002 (35 FR 7016; 36 FR 23803; 37 FR 28301; and 38 FR 35002), as amended, and good cause appearing therefor:

It is ordered, That: § 1033.1002 Revised Service Order 1002, Amdt. 5 (Car distribution directions—Appointment of Agents) be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1974.

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

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

By the Commission, Division 3.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-29739 Filed 12-19-74;8:45 am]

[Revised S. O. No. 994; Amdt. 5]

PART 1034—ROUTING OF TRAFFIC

Rerouting of Traffic—Appointment of Agents

At a Session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 11th day of December 1974.

Upon further consideration of Revised Service Order No. 994 (35 FR 7017; 36 FR 23726; 37 FR 28301; and 38 FR 35002), and good cause appearing therefor:

It is ordered, That: § 1034.994 Revised Service Order 994, Amdt. 5 rerouting of traffic—Appointment of agents be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1974.

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

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

By the Commission, Division 3.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-29740 Filed 12-19-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Phenylbutazone

The Commissioner of Food and Drugs has evaluated a new animal drug application (48-391V) filed by D-M Pharmaceuticals Inc., Rockville, MD 20850, proposing the safe and effective use of phenylbutazone injection for the treatment of horses. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135b.47 is amended by revising paragraph (b)(2) to insert the sponsor code number "088", to read as follows:

§ 135b.47 Phenylbutazone injection, veterinary.

* * * * *

(b) * * *

(2) Approval for use of the 200 milligrams per milliliter drug in horses: See sponsor code Nos. 054, 059, 087, 088, 092, and 099 in § 135.501(c) of this chapter.

* * * * *

Effective date. This order shall be effective December 20, 1974.

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

Dated: December 12, 1974.

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

[FR Doc.74-29655 Filed 12-19-74;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

CEPHACETRILE SODIUM

Miscellaneous Amendments

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under

section 507 of the Federal Food, Drugs, and Cosmetic Act, as amended, with respect to approval of the antibiotic drug cephacetrile sodium.

The Commissioner concludes that data supplied by the manufacturer concerning the subject antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for the certification of this drug.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows to provide for certification of the antibiotic drug cephacetrile sodium:

PART 430—ANTIBIOTIC DRUGS: GENERAL

1. Part 430 is amended:

a. In § 430.5 by adding new paragraphs (a)(54) and (b)(54), as follows:

§ 430.5 Definitions of master and working standards.

(a) * * *

(54) *Cephacetrile.* The term "cephacetrile master standard" means a specific lot of cephacetrile that is designated by the Commissioner as the standard of comparison in determining the potency of the cephacetrile working standard.

(b) * * *

(54) *Cephacetrile.* The term "cephacetrile working standard" means a specific lot of a homogeneous preparation of cephacetrile.

b. In § 430.6 by adding a new paragraph (b)(57), as follows:

§ 430.6 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

* * * * *

(b) * * *

(57) *Cephacetrile.* The term "microgram" applied to cephacetrile means the cephacetrile activity (potency) contained in 1.13 micrograms of the cephacetrile master standard.

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

2. Part 436 is amended:

a. In § 436.33(b) by alphabetically inserting a new item in the table, as follows:

§ 436.33 Safety test.

* * * * *

(b) * * *

Antibiotic drug	Diluent (diluent number as listed in § 436.31)	Test dose: Concentration in units or milligrams of activity per milliliter (milligrams)	Test dose: Volume in milliliters to be administered to each mouse	Route of administration as described in paragraph (c) of this section
*	*	*	*	*
Cephacetrile sodium.		3	60	0.5 Intravenous.
*	*	*	*	*

b. In § 436.105(a) and (b) by alphabetically inserting a new item in the respective tables, as follows:

§ 436.105 Microbiological agar diffusion assay.

* * * * * * *

(a) * * *

Antibiotic	Media to be used (as listed by medium number in § 436.102(b)): Base layer	Media to be used (as listed by medium number in § 436.102(b)): Seed layer	Milliliters of media to be used in the base and seed layers: Base layer	Milliliters of media to be used in the base and seed layers: Seed layer	Test organism	Suggested volume of standardized inoculum to be added to each 100 milliliters of seed agar	Incubation temperature for the plates
						Milliliters	*Degrees C.*
*	*	*	*	*	*	*	*
Cephacetrile...	2	1	21	4	A	0.5	32-35
*	*	*	*	*	*	*	*

(b) * * *

Antibiotic	Working standard stock solutions: Drying conditions (method number listed in § 436.200)	Working standard stock solutions: Initial solvent	Working standard stock solutions: Diluent (solution number as listed § 436.101(a))	Working standard stock solutions: Final concentration units or milligrams per milliliter (milligrams)	Working standard stock solutions: Storage time under refrigeration	Standard response line concentrations: Diluent	Standard response line concentrations: Final concentrations, units or micrograms of antibiotic activity per milliliter
*	*	*	*	*	*	*	*
Cephacetrile...	Not dried		1	1	1 week	1	6.4,8.0, 10.0, 12.5, 15.6 μg.
*	*	*	*	*	*	*	*

c. In § 436.205 (b) and (c) by alphabetically inserting a new item in the respective tables, as follows:

§ 436.205 Hydroxylamine colorimetric assay.

* * * * *

(b) * * *

Antibiotic	Diluent (solution number as listed in § 436.101(a))	Final concentration in milligrams per milliliter of standard solution
*	*	*
Cephacetrile...	Distilled water...	2.0
*	*	*

(c) * * *

Antibiotic	Diluent (solution number as listed in § 436.101(a))	Final concentration in milligrams per milliliter of sample
*	*	*
Cephacetrile sodium.	Distilled water.	2.0
*	*	*

d. In § 436.213(c) by alphabetically inserting a new item in the table, as follows:

§ 436.213 Nonaqueous titrations.

* * * * *

(c) * * *

Antibiotic	Weight in milligrams of sample	Solvent
• • •	•	• • •
Cephacetrile sodium-base titration.	50	50 milliliters glacial acetic acid.
• • •	•	• • •

• • • • •

e. By adding to Subpart F a new section, as follows:

§ 436.313 Thin layer chromatographic identity test for cephacetrile sodium.

Using the sample solution prepared as described in the section for the antibiotic drug to be tested, proceed as described in paragraphs (a), (b), (c), (d), and (e) of this section.

(a) *Equipment*—(1) *Chromatography tank.* A rectangular tank, approximately 23 centimeters long, 23 centimeters high, and 9 centimeters wide, equipped with a glass solvent trough in the bottom and a tight-fitting cover for the top. Line the inside walls of the tank with chromatographic paper (Whatman 3MM, or equivalent).

(2) *Plates.* Use a 20x20 centimeter thin layer chromatography plate coated with silica gel G or equivalent to a thickness of 250 microns.

(b) *Developing solvent.* Mix ethyl acetate, pyridine, *n*-butanol, acetic acid, and water in volumetric proportions of 42: 21: 21: 6: 10, respectively.

(c) *Spray solution.* Immediately before use, mix 100 milliliters of a 1-percent ferric chloride solution in 1 percent hydrochloric acid with 100 milliliters of a 1-percent potassium ferricyanide solution and 75 milliliters of methanol.

(d) *Preparation of working standard solution.* Prepare a solution containing approximately 2.5 milligrams per milliliter of cephacetrile working standard in distilled water.

(e) *Procedure.* Pour developing solvent into the bottom of the chromatography tank. Cover and seal the tank. Allow it to equilibrate for 1 hour. Prepare a plate as follows: On a line 2 centimeters from the base of the silica gel plate, and at intervals of 2 centimeters, spot 10 microliters each of the standard solution and the sample solution. After all spots are thoroughly dry, place the silica gel plate directly into the glass trough. Cover and seal the tank. Allow the solvent front to travel about 15 centimeters from the starting line. Remove the plate from the tank and heat it for 1 hour at 60° C. in a circulating air oven. Remove the plate from the oven and allow it to cool at room temperature. Apply the spray solution and allow it to air dry. After approximately 15 minutes, the compound appears as a blue spot on a yellow-green background at an R_f of about 0.4. The test is satisfactory if the sample compares qualitatively with the standard.

PART 442—CEPHA ANTIBIOTIC DRUGS

3. In Part 442 by adding to Subparts A and C two new sections as follows:

§ 442.19 Cephacetrile sodium.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Cephacetrile sodium is the sodium salt of 7-(2-cyanoacetamido-3-(hydroxymethyl) -8-oxo-5-thia-1-azabicyclo[4.2.0]oct-2-ene-2-carboxylate acetate (ester). It is so purified and dried that:

(i) Its potency is not less than 800 micrograms and not more than 940 micrograms of cephacetrile per milligram.

(ii) It passes the safety test.

(iii) Its moisture content is not more than 1.5 percent.

(iv) Its pH in an aqueous solution containing 100 milligrams per milliliter is not less than 3.8 and not more than 5.8.

(v) Its cephacetrile content is not less than 80 and not more than 94 percent.

(vi) It gives a positive identity test for cephacetrile.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, cephacetrile content, identity, and crystallinity.

(ii) Samples required: 12 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive:

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH. 6.0 (solution 1), to give a stock solution containing 1.0 milligram per milliliter (estimated). Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 10 micrograms of cephacetrile per milliliter (estimated).

(ii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 436.205 of this chapter.

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 100 milligrams per milliliter.

(5) *Cephacetrile content.* Proceed as directed in § 436.213 of this chapter, using the titration procedures described in paragraph (e) (2) of that section. Calculate the percent cephacetrile content as follows:

$$\text{Percent cephacetrile content} = \frac{(A-B)\ (\text{normality of perchloric acid reagent})\ (339.3)\ (100)}{(\text{Weight of sample in milligrams})}$$

where:

A = Milliliters of perchloric acid reagent used in titrating the samples;
B = Milliliters of perchloric acid reagent used in titrating the blank.

(6) *Identity.* Proceed as directed in § 436.313 of this chapter, preparing the sample as follows: Prepare a solution containing about 2.5 milligrams per milliliter of cephacetrile in distilled water.

(7) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

§ 442.219 Cephacetrile sodium for injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Cephacetrile sodium for injection is a dry mixture of cephacetrile sodium and mannitol. Its potency is satisfactory if it contains not less than 90 percent and not more than 115 percent of the number of milligrams of cephacetrile that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. Its moisture content is not more than 1.5 percent. When reconstituted as directed in the labeling, its pH is not less than 3.8 and not more than 5.8. It passes the identity test. The cephacetrile sodium used conforms to the standards prescribed by § 442.19(a) (1) of this part.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) The results of tests and assays on:

(*a*) The cephacetrile sodium used in making the batch for potency, moisture, pH, cephacetrile content, identity, and crystallinity.

(*b*) The batch for potency, sterility, pyrogens, safety, moisture, and pH.

(ii) Samples required:

(*a*) The cephacetrile sodium used in making the batch: 12 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(1) For all tests except sterility: A minimum of 15 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive:

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute the vials as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents and dilute the sample thus obtained with

sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 10 micrograms of cephacetrile per milliliter (estimated).

(ii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 435.205 of this chapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents and dilute the sample thus obtained with distilled water to the prescribed concentration.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 80 milligrams of cephacetrile per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using the solution obtained when the product is reconstituted as directed in the labeling.

(7) *Identity.* Proceed as directed in § 436.313 of this chapter, preparing the sample as follows: Reconstitute the sample as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents and dilute the sample thus obtained with distilled water to a concentration of 2.5 milligrams per milliliter.

Since the conditions prerequisite to providing for certification of subject antibiotic drug have been complied with and since the matter is noncontroversial in nature, notice and public procedures and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective December 20, 1974.

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

Dated: December 11, 1974.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.74-29490 Filed 12-19-74; 8:45 am]

Title 32—National Defense

CHAPTER XVI—SELECTIVE SERVICE SYSTEM

MISCELLANEOUS AMENDMENTS TO CHAPTER

Whereas, on November 1, 1974, the Director of Selective Service published a notice of proposed Amendments of Selective Service Regulations 39 FR 38670 on November 1, 1974; and

Whereas such publication complied with the publication requirement of section 13(b) of the Military Selective Service Act (50 App. U.S.C. sections 451 et seq.) in that more than thirty days have elapsed subsequent to such publication during which period comments from the public have been received and considered; and I certify that I have requested the views of officials named in section 2(a) of Executive Order 11623 and none of them has timely requested that the matter be referred to the President for decision. The proposed amendments are being made effective without change.

The revision of §§ 1602.1 and 1602.10 would correct the citation of the Military Selective Service Act. The deletion of §§ 1602.4 and 1602.6 would eliminate the definition of words unused in the regulations.

The revision of § 1603.3 reflects the revision of § 1604.31. The revision of § 1604.31 would establish a medical specialty advisor to the State Director for each of the medical specialties for which the Secretary of Defense places a call for the induction of men into the Armed Forces. Such advisor would furnish advice regarding the deferment of registrants in his respective medical specialty at the request of the State Director.

Section 1622.2 is revised to eliminate the listing of the various classes established in Part 1622.

Section 1622.14 is amended to provide that registrants who had been separated from the Armed Forces by reason of conscientious objection to participation in both combatant and noncombatant training and service in the Armed Forces would be classified in Class 1–O.

Section 1622.15(a) is revised to eliminate the reference to a provision of the Military Selective Service Act that has expired.

Section 1622.17 is added to establish Class 1–A–OM: Medical, dental, or allied specialist available for noncombatant military service instead of identifying such personnel in Class 1–A–O in accord with the present section 1622.11(b). Section 1624.1(b), Part 1661, and § 1680.11 are modified to reflect this change.

Section 1622.19 is added to establish Class 1–OM: Medical, dental, or allied specialist available for alternate service instead of identifying such personnel in Class 1–O in accord with the present § 1622.14(b). Section 1624.1(b), Part 1661, and § 1680.9 are modified to reflect this change.

The revision of § 1622.26(a) restricts Class 2–M to registrants pursuing their first professional degree in the medical, dental, or allied specialist category.

Section 1622.40 is revised to remove duplicative provisions, archaic date reference, and the distinction in result of discharges for the convenience of the Government and other discharges from the Armed Forces.

Section 1622.42 is revised to give specific recognition to the treaty provisions respecting dual nationals for purposes of classification into Class 4–C. The proposed revision would also exempt from classification in Class 4–C an alien registrant who had left the country while under an order for induction or alternate service. Section 1625.14 is also modified to reflect this change.

Section 1622.47 is added to establish Class 4–FM: Medical specialist registrant not qualified for military service and § 1622.44 is modified to reflect this change. Medical specialists are evaluated under different criteria than regular registrants, and being disqualified as a regular registrant does not disqualify the registrant from service as a medical specialist. To remove confusion, we should have separate disqualified classes for these two groups, just as we have separate available classes for the two groups. The last paragraph of each of §§ 1622.44 and 1622.47 will permit local boards to classify registrants into Class 4–F if they are incarcerated. This has been a problem in the past, as there was no way to find the registrant disqualified for service without sending them to the Armed Forces Examining and Entrance Stations which for obvious reasons could not be done.

The revision of § 1622.46 provides for a minimum of six months of satisfactory alternate service in order to qualify for Class 4–W.

Section 1623.2 is revised to reflect the creation of Class 1–A–OM, Class 1–OM, and Class 4–FM; to place Class 2–M below Class 1–H and Class 4–F; and to place Class 4–G above Class 1–H. These changes will facilitate the maintaining of an inventory of medical specialist students and medical specialists and conserve, in time of peace, the time of local boards in classifying registrants entitled to classification in Class 4–G: Registrant exempted from service during peace.

The revocation of § 1623.7 reflects that one card serves both purposes of evidencing registration and classification.

Section 1631.6(b) is amended to authorize the ordering prior to January 1 of a registrant to report for induction after January 1 when he has been identified as a member of one of the categories eligible for induction after January 1. "Unsatisfactory reservists" would not be inducted under the revised regulation.

Section 1632.1 is amended to add paragraph (e) to contain the material formerly in § 1622.42(a) dealing with the computation of time of residence of an alien in the United States.

The revision of § 1632.12 would eliminate references to specific forms used by the United States Army Recruiting Command and the warning that a reservist who ceases to serve satisfactorily may be inducted.

The revocation of §§ 1632.15, 1632.20, and 1632.21 would eliminate administrative details not appropriate for regulations. Section 163.20 is revoked because its subject matter is dealt with in §§ 1622.12, 1622.44, and 1625.2(a). Section 1632.31 is revoked because it is inconsistent with the provisions of § 1632.12 which would govern.

Section 1641.1 is amended to require a registrant to notify his local board of his entry into medical or other medical specialist school.

The revision of § 1641.6 would eliminate the requirements a registrant have certain documents in his personal possession except when he is on active duty and that he surrender such documents

when he is inducted or enters upon active duty in the Armed Forces.

The revocation of § 1641.7 would eliminate the requirement that a registrant obtain documents that he would no longer be required to have in his personal possession.

Part 1643, *Parole*, is revoked because it is misleading in view of the fact that there is no authority to induct parolees at the present time.

Section 1680.5 is revised to clarify the definition of the year of prime vulnerability of medical and allied specialists, particularly for aliens.

Now therefore by virtue of the authority vested in me by the Military Selective Service Act, as amended (50 App. U.S.C. sections 451 et seq.) and Executive Order 11623 of October 12, 1971, the Selective Service Regulations, constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations, are hereby amended, effective 11:59 p.m. e.s.t. on January 31, 1975, as follows:

PART 1602—DEFINITIONS

1. Section 1602.1 is revised to read as follows:

§ 1602.1 Definitions to govern.

The definitions contained in section 16 of the Military Selective Service Act, and the definitions contained in this part shall govern in the interpretation of the regulations in this chapter.

2. Sections 1602.4 and 1602.6 are revoked as follows:

§ 1602.4 [Revoked]
§ 1602.6 [Revoked]

3. Section 1602.10 is revised to read as follows:

§ 1602.10 Selective service law.

The term 'selective service law' includes the Military Selective Service Act, and all rules and regulations issued thereunder.

PART 1603—SELECTIVE SERVICE PERSONNEL IN GENERAL

4. Section 1603.3 is revised to read as follows:

§ 1603.3 Uncompensated services.

The services of registrars (except as the Director of Selective Service may otherwise provide), members of local boards, members of appeal boards, medical speciality advisors to the State Directors of Selective Service, advisors to registrants, and all other persons volunteering their services to assist in the administration of the selective service law shall be uncompensated, and no such person serving without compensation shall accept remuneration from any source for services rendered in connection with selective matters.

PART 1604—SELECTIVE SERVICE OFFICERS

5. Section 1604.31 is revised to read as follows:

§ 1604.31 Medical specialty advisors to the State Directors of Selective Service.

The Director of Selective Service may appoint, upon the recommendation of the State Director of Selective Service, as a Medical Specialty Advisor to such State Director of Selective Service a licensed practitioner in the field of each of the medical specialities for which the Secretary of Defense places a call for the induction of men into the Armed Forces. It shall be the duty of each advisor to furnish advice regarding the deferment of registrants in his respective medical specialty at the request of the State Director of Selective Service.

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

6. In § 1622.2, the introductory text is amended to read as follows:

§ 1622.2 Classes.

Each registrant shall be classified in one of the classes established in this Part.

* * * * *

7. Section 1622.11 is revised to read as follows:

§ 1622.11 Class 1–A–O: Conscientious objector available for noncombatant military service only.

In Class 1–A–O shall be placed every registrant who would have been classified in Class 1–A but for the fact that he has been found, by reason of religious, ethical, or moral belief, to be conscientiously opposed to participation in combatant training and service in the Armed Forces.

8. Section 1622.14 is revised to read as follows:

§ 1622.14 Class 1–O: Conscientious objector available for alternate service.

In Class 1–O shall be placed every registrant:

(a) Who has been found, by reason of religious, ethical, or moral belief to be conscientiously opposed to participation in war in any form and to be conscientiously opposed to participation in both combatant and noncombatant training and service in the armed forces; or

(b) Who has been separated from the armed forces (including their reserve components) by reason of conscientious objection to participation in both combatant and noncombatant training and service in the armed forces.

9. Paragraph (a) of § 1622.15 is revised to read as follows:

§ 1622.15 Class 1–AM: Medical, dental and allied specialists.

(a) In Class 1–AM shall be placed every registrant who is or becomes a doctor of medicine, dentist, a doctor of optometry, a doctor of osteopathy, a doctor of podiatry, a veterinarian, or a registered nurse.

* * * * *

Section 1622.17 is added to read as follows:

§ 1622.17 Class 1–A–OM: Medical, dental, or allied specialist available for noncombatant military service.

(a) In Class 1–A–OM shall be placed every registrant who would have been classified in Class 1–AM but for the fact that he has been found, by reason of religious, ethical, or moral belief, to be conscientiously opposed to participation in combatant training and service in the Armed Forces.

(b) A registrant classified in Class 1–A–OM shall be identified as follows: Class 1–A–OMM for doctor of medicine; Class 1–A–OMD for dentist; Class 1–A–OME for doctor of optometry; Class 1–A–OMO for doctor of osteopathy; Class 1–A–OMP for doctor of podiatry; Class 1–A–OMV for veterinarian; and Class 1–A–OMN for registered nurse.

11. Section 1622.19 is added to read as follows:

§ 1622.19 Class 1XOM: Medical, dental, or allied specialist available for alternate service.

(a) In Class 1–OM shall be placed every registrant who would have been classified in Class 1–AM but for the fact that (1) he has been found, by reason of religious, ethical, or moral belief, to be conscientiously opposed to participation in both combatant and noncombatant training and service in the Armed Forces; or (2) has been separated from the Armed Forces (including their reserve components) by reason of conscientious objection to participation in both combatant and noncombatant training and service in the Armed Forces.

(b) A registrant classified in Class 1–OM shall be identified as follows: Class 1–OMM for doctor of medicine; Class 1–OMD for dentist; Class 1–OME for doctor of optometry; Class 1–OMO for doctor of osteopathy; Class 1–OMP for doctor of podiatry; Class 1–OMV for veterinarian; and Class 1–OMN for registered nurse.

12. Paragraph (a) of § 1622.26 is revised to read as follows:

§ 1622.26 Class 2–M: Registrant deferred because of study preparing for a specified medical specialty.

(a) In Class 2–M shall be placed any registrant other than a registrant who is in a medical, dental or allied specialist category, who is satisfactorily pursuing a full-time course of study leading to a professional degree in medicine, dentistry, optometry, osteopathy, podiatry, veterinary medicine, or licensure as a registered nurse.

* * * * *

13. Paragraph (a) of § 1622.40 is revised to read as follows:

§ 1622.40 Class 4–A: Registrant who has completed military service.

(a) In Class 4–A shall be placed any registrant other than a registrant eligible for classification in Class 1–C or Class 1–D who is within any of the following categories:

(1) A registrant who was discharged after having served honorably on active duty for a period of not less than 6 months in the Army, the Air Force, the Navy, the Marine Corps, or the Coast Guard.

(2) A registrant who has served on active duty for a period of not less than twenty-four months as a commissioned

officer in the National Oceanic and Atmospheric Administration or in the Public Health Service, provided that such period of active duty in the Public Health Service as a commissioned Reserve officer commencing after June 30, 1967, shall have been performed by the registrant while assigned to staff any of the various offices and bureaus of the Public Health Service including the National Institutes of Health, or while assigned to the Coast Guard, or the Bureau of Prisons of the Department of Justice, or the National Oceanic and Atmospheric Administration or the Environmental Protection Agency.

(3) A registrant who while an alien has served on active duty for a period of not less than 12 months in the armed forces of a nation determined by the Department of State to be a nation with which the United States is associated in mutual defense activities and which grants exemption from training and service in its armed forces to citizens of the United States who have served on active duty in the Armed Forces of the United States for a period of not less than 12 months: *Provided*, That all information which is submitted to the local board concerning the registrant's service in the armed forces of a foreign nation shall be written in the English language.

(4) A registrant who has completed six years of satisfactory service as a member of one or more of the Armed Forces including the Reserve components thereof.

14. The heading and paragraphs (a) and (c) of § 1622.42 is revised to read as follows:

§ 1622.42 Class 4–C: Aliens or dual nationals.

(a) In Class 4–C shall be placed any registrant who establishes that he is a national of the United States and of a country with which the United States has a treaty or agreement that provides that such person is exempt from liability for military service in the United States.

* * * * *

(c) In Class 4–C shall be placed any registrant who is an alien and who has departed from the United States prior to being issued an order to report for induction or alternate service that has not been canceled. If any registrant who is classified in Class 4–C pursuant to this paragraph returns to the United States his classification shall be reopened and he shall be classified anew.

* * * * *

15. Section 1622.44 is revised to read as follows:

§ 1622.44 Class 4–F: Registrant not qualified for military service.

(a) In Class 4–F shall be placed any registrant, other than a registrant who is a medical, dental, or allied specialist, who is found by an Armed Forces Examining and Entrance Station, under applicable physical, mental or administrative standards, to be not qualified for service in the Armed Forces; except that no such registrant whose further examination or re-examination is determined by AFEES to be justified shall be placed in Class 4–F until such further examination has been accomplished and such registrant continues to be found not qualified for military service.

(b) In Class 4–F shall be placed any registrant other than a registrant who is a medical, dental, or allied specialist, who is confined in a prison, mental institution, or recognized drug rehabilitation center.

16. Section 1622.46 is revised to read as follows:

§ 1622.46 Class 4–W: Registrant who has completed alternate service in lieu of induction.

In Class 4–W shall be placed any registrant who subsequent to being ordered by the local board to perform alternate service in lieu of induction has been released from such service by the local board after satisfactorily performing the work for a period of 24 months, or has been granted an early release by the Director or State Director of Selective Service after completing at least 6 months of satisfactory service as prescribed in § 1660.10 of this Chapter.

17. Section 1622.47 is added to read as follows:

§ 1622.47 Class 4–FM: Medical specialist registrant not qualified for military service.

(a) In Class 4–FM shall be placed any registrant who is found by an Armed Forces Examining and Entrance Station, under standards applicable to medical, dental, and allied specialists, to be not qualified for service in the Armed Forces; except that no such registrant whose further examination or re-examination is determined by AFEES to be justified shall be placed in Class 4–FM until such further examination has been accomplished and such registrant continues to be found not qualified for military service.

(b) In Class 4–FM shall be placed any registrant in the medical, dental, and allied specialist categories who has applied for an appointment as a Reserve officer in one of the Armed Forces in any of such categories and has been rejected for such appointment on the sole ground of a physical disqualification.

(c) In Class 4–FM shall be placed any registrant in a medical, dental, or allied specialist category, who is confined in a prison, mental institution, or recognized drug rehabilitation center.

PART 1623—CLASSIFICATION PROCEDURE

18. Section 1623.2 is revised to read as follows:

§ 1623.2 Consideration of classes.

Every registrant shall be placed in Class 1–A under the provisions of § 1622.10 of this chapter, except that when grounds are established to place a registrant in any one of the classes listed in the following table, the registrant shall be classified in the lowest class for which he is determined to be eligible, with Class 1–AM considered the highest class and Class 1–C considered the lowest class, according to the following table:

Class 1–AM: Registrant in any of the specified medical, dental, and allied specialist categories.
Class 1–A–O: Conscientious objector available for noncombatant military service only.
Class 1–A–OM: Medical, dental, or allied specialist available for noncombatant military service.
Class 1–O: Conscientious objector available for alternate service.
Class 1–OM: Medical, dental, or allied specialist available for alternate service.
Class 2–AM: Medical, dental, or allied specialist deferred because of community essentiality.
Class 2–S: Registrant deferred because of activity in study.
Class 2–D: Registrant deferred because of study preparing for the ministry.
Class 3–A: Registrant deferred because of dependency of others.
Class 4–B: Officials deferred by law.
Class 4–C: Aliens or dual nationals.
Class 4–D: Minister of religion.
Class 4–G: Registrant exempted from service during peace.
Class 1–H: Registrant not currently subject to processing for induction.
Class 4–F: Registrant not qualified for military service.
Class 2–M: Registrant deferred because of study preparing for a specified medical specialty.
Class 4–FM: Medical specialist registrant not qualified for military service.
Class 4–W: Conscientious objector who has completed alternate service in lieu of induction.
Class 4–A: Registrant who has completed military service.
Class 1–D: Member of Reserve component or student taking military training.
Class 1–W: Conscientious objector performing alternate service in lieu of induction.
Class 1–C: Member of the Armed Forces of the United States, the National Oceanic and Atmospheric Administration, or the Public Health Service.

19. Section 1623.7 is revoked.

§ 1623.7 [Revoked]

PART 1624—PERSONAL APPEARANCE BEFORE LOCAL BOARD

20. Paragraph (b) of § 1624.1 is revised to read as follows:

§ 1624.1 Opportunity for personal appearance.

* * * * *

(b) Registrant who has filed a claim for classification in Class 1–A–O, Class 1–O, Class 1–A–OM, Class 1–OM, or Class 3–A, upon his written request, shall be afforded an opportunity to appear in person before the local board before his classification is determined by the local board. Should such registrant appear in person before the local board in advance of his classification being determined, the provisions of § 1624.4 shall apply, and he shall not be afforded an opportunity to appear concerning such classification after such determination.

PART 1625—REOPENING AND CONSIDERING ANEW REGISTRANT'S CLASSIFICATION

21. Section 1625.14 is revised to read as follows:

§ 1625.14 Cancellation of order to report for induction or for alternate service by reopening of classification.

The reopening of the classification of a registrant by the local board shall cancel any order to report for induction or alternate service which may have been issued to him.

PART 1631—ALLOCATION OF INDUCTIONS

22. Paragraph (b) of § 1631.6 is amended to read as follows:

§ 1631.6 Action by local board upon receipt of allocation.

* * * * *

(b) Registrants shall be selected and ordered to report for induction in the following categories and in the order indicated: *Provided*, That a registrant who has been identified, in accord with procedures prescribed by the Director of Selective Service, as one who will become a member of one of the following categories on the next January 1, may, prior to January 1, be selected and ordered to report for induction on a date after January 1 as a member of such category:

(1) Volunteers who have not attained the age of 26 years in the sequence in which they have volunteered for induction.

(2) Nonvolunteers in the Extended Priority Selection Group who have not attained the age of 26 years in the order in which their random sequence number had been reached.

(3) Nonvolunteers in the First Priority Selection Group for the current calendar year in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1631.1.

(4) Nonvolunteers who have not attained the age of 26 years in each of the lower priority selection groups, in turn, within the group in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1631.1.

(5) Nonvolunteers who have attained the age of 19 years during the calendar year but who have not attained the age of 20 years, in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1631.1.

(6) Nonvolunteers who have attained the age of 26 years and each year thereafter in turn, most recent year first, within the year group in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1631.1: *Provided;* That the random sequence number established on December 1, 1969, will apply to any registrant born prior to January 1, 1944.

(7) Nonvolunteers who have attained the age of 18 years and 6 months and who have not attained the age of 19 years in the order of the random sequence number established by random selection procedures prescribed in accordance with § 1631.1 for registrants who during the current calendar year have attained the age of 19 years but who have not attained the age of 20 years.

PART 1632—DELIVERY AND INDUCTION

23. Paragraph (e) of § 1632.1 is added to read as follows:

§ 1632.1 Order to report for induction.

* * * * *

(e) No local board shall issue an order to report for induction or alternate service to a registrant who is an alien unless he shall have resided in the United States for one year. When such a registrant has been within the United States for two or more periods (including periods before his registration) and the total of such periods equals one year, he shall be deemed to have resided in the United States for one year. In computing the length of such periods, any portion of one day shall be counted as a day.

24. Section 1632.12 is revised to read as follows:

§ 1632.12 Enlistment of registrants ordered for induction.

Whenever a local board receives official notification that one of its registrants to whom an induction order has been issued has been enlisted or appointed in the Armed Forces of the United States, including the Reserve components thereof, and the date of enlistment or appointment is at least 10 days prior to his scheduled reporting date for induction it shall reopen his classification and classify him anew.

25. Sections 1632.15, 1632.20, 1632.21, 1632.30 and 1632.31 are revoked.

§§ 1632.15, 1632.21, 1632.30, 1632.31 [Revoked]

PART 1641—DUTY OF REGISTRANTS

26. Section 1641.1 is revised to read as follows:

§ 1641.1 Reporting by registrants of their current status.

(a) It shall be the duty of every registrant, so long as his file is actively maintained by his local board, to keep his local board currently informed in writing of the address where mail will reach him.

(b) It shall be the duty of every registrant until his liability for training and service has terminated, to inform his local board in writing of his entrance into a professional course of study leading to a professional degree in a medical, dental or allied specialist category, together with his current address, and to inform his local board in writing of the receipt of any such professional degree, together with his current address.

(c) It shall be the duty of every registrant to submit to his local board information concerning his status within ten days after the date on which the local board mails him a request therefor, or within such longer period as may be fixed by the local board.

27. Section 1641.6 is revised to read as follows:

§ 1641.6 Effect of failure to have unaltered documents in personal possession.

The failure of any person to have his registration certificate (SSS Form 2) or status card (SSS Form 7) in his personal possession shall be prima facie evidence of his not having registered.

§ 1641.7 [Revoked]

28. Section 1641.7 is revoked.

PART 1643—[REVOKED]

29. Part 1643 is revealed.

PART 1661—CLASSIFICATION OF CONSCIENTIOUS OBJECTORS

30. Section 1661.1 (a) and (b)(4) is revised as follows:

§ 1661.1 Purpose; definitions.

(a) The provisions of this part govern the consideration of a claim by a registrant for classification in Class 1–A–O (§ 1622.11 of this chapter), Class 1–A–OM (§ 1622.17 of this chapter), Class 1–O (§ 1622.14 of this chapter), or Class 1–OM (§ 1622.19 of this chapter).

(b) * * *

(4) Prima Facie Claim. A nonfrivolous claim, which, if true, would be sufficient on its face to warrant granting classification in Class 1–A–O, Class 1–A–OM, Class 1–O, or Class 1–OM.

31. Section 1661.2 is revised to read as follows:

§ 1661.2 The claim of conscientious objection.

A claim to classification in Class 1–A–O, Class 1–A–OM, Class 1–O, or Class 1–OM may be made by the registrant in writing, such document shall be placed in his File Folder.

32. The headings of §§ 1661.3, 1661.4 and 1661.5 are revised to read as follows:

§ 1661.3 Basis for Classification in Class 1–A–O or Class 1–A–OM.

§ 1661.4 Basis for Classification in Class 1–O or Class 1–OM.

§ 1661.5 Exclusion from Class 1–A–O, Class 1–A–OM, Class 1–O, and Class 1–OM.

33. Paragraph (a) of § 1661.6 is revised to read as follows:

§ 1661.6 Analysis of religious training and belief.

(a) A registrant claiming conscientious objection is not required to be a member of a "peace church" or any other church, religious organization, or religious sect to qualify for a 1–A–O, 1–A–OM, 1–O, or 1–OM classification; nor is it necessary that he be affiliated with any particular group opposed to participation in war in any form.

* * * * *

34. Paragraph (i) of § 1661.9 is amended to read as follows:

§ 1661.9 Considerations relevant to granting or denying a prima facie claim for classification as a conscientious objector.

* * * * *

(i) The registrant may submit letters of reference and other supporting statements of friends, relatives and acquaint-

ances to corroborate the sincerity of his claim, although such supplemental documentation is not essential to approval of this claim. A finding of insincerity based on these letters or supporting statements must be carefully explained in the board's decision, specific mention being made of the particular material relied upon for denial of classification in Class 1–A–O, Class 1–A–OM, Class 1–O, or Class 1–OM.

34. Section 1661.10 is revised to read as follows:

§ 1661.10 Types of decisions.

(a) The following are the types of decisions which may be made by the local and appeal board when a prima facie claim of conscientious objection has been stated.

(1) Decision to grant a claim for classification in Class 1–A–O, Class 1–A–OM, Class 1–O, or Class 1–OM, as requested, based on a determination that the truth or sincerity of the registrant's prima facie claim is not refuted by any information contained in the registrant's file or obtained during his personal appearance.

(2) Decision to deny a claim for classification in Class 1–A–O, Class 1–A–OM, Class 1–O or Class 1–OM, finding on the basis of all information before the board, that the claim fails to meet the tests specified in §§ 1661.3 and 1661.4. If supported by evidence in the file the board may find that the facts presented by the registrant in support of his claim are untrue.

(3) Decision to grant classification in Class 1–A–O or Class 1–A–OM to a registrant even though he requested reclassification in Class 1–O or Class 1–OM. It should be noted that the registrant who requests classification in Class 1–O or Class 1–OM should be classified in Class 1–A–O or Class 1–A–OM only when the information presented demonstrates clearly that the registrant is opposed only to bearing arms and that he does not object to noncombatant service.

PART 1680—MEDICAL, DENTAL, OR ALLIED SPECIALIST CATEGORIES (CLASS 1–AM)

§ 1680.5 [Amended]

35. Paragraph (b) of § 1680.5 is amended by revoking the text that follows the first sentence of subparagraph (6).

36. Paragraph (c) of § 1680.5 is added to read as follows:

* * * * *

(c) As used in paragraph (b) of this section, the year of prime vulnerability for an alien who enters the United States after he has completed the professional training described in § 1622.15(c) of this chapter will begin when he completes one year of residence in the United States: *Provided,* That the year of prime vulnerability for an alien who has resided in the United States in a nonpermanent resident status will begin when he completes one year of residence in the United States, or when he registers for Selective Service, whichever is later. The year of prime vulnerability for all other persons will begin upon attainment of the first appropriate professional degree or diploma, or upon completion of one year of internship or equivalent training, whichever is later. The one year of internship or equivalent training must follow immediately upon the attainment of the appropriate professional degree.

37. Section 1680.9 is revised to read as follows:

§ 1680.9 Alternate service.

A registrant in Class 1–OM will be ordered to alternate service in lieu of induction in accord with Part 1660 of this chapter at the time that he would be called for induction if he were in Class 1–AM.

38. Section 1680.11 is revised to read as follows:

§ 1680.11 Noncombatant military service.

A registrant classified in Class 1–A–OM will be ordered for induction at the time that he would be ordered for induction if he were in Class 1–AM.

BYRON V. PEPITONE,
Director.

DECEMBER 16, 1974.

[FR Doc.74–29640 Filed 12–19–74;8:45 am]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Whereas, on November 1, 1974, the Director of Selective Service published a Notice of Proposed Amendments of Selective Service Regulations 39 FR 38674 of November 1, 1972; and

Whereas more than thirty days have elapsed subsequent to such publication during which period comments from the public have been received and considered. The proposed amendments are being made effective without change.

Section 1604.25 is amended to provide for the disqualification of an appeal board member instead of the appeal board in certain cases. Section 1604.26 is amended to add a sentence to provide that an appeal board may continue to function so long as a quorum of the prescribed membership is present at each official meeting.

Section 1604.55 is amended to provide for the disqualification of a local board member instead of the local board in certain cases. Section 1604.56 is amended to add a sentence to provide that a local board may continue to function so long as a quorum of the prescribed membership is present at each official meeting.

Section 1608.6 is revoked because it is obsolete in its references to a medical advisor. Sections 1608.12(d) and 1608.13 (b) is amended to delete obsolete references to the Office of Public Information. Section 1608.12(f)(1) is revised to delete an obsolete citation. Section 1608.17 is revised to reflect the new procedures for processing demands of courts or other authorities for information protected by regulations in view of the closing of the Regional Counsel offices.

Section 1613.4 is revised to reflect the use of a new form in registrant processing. The issuance of a replacement card would be conditional upon a representation that the card last issued to the registrant had been lost, stolen or destroyed.

Now therefore by virtue of the authority vested in me by the Military Selective Service Act, as amended (50 App. U.S.C. sections 451 et seq.) and § 1604.1 of Selective Service Regulations (32 CFR 1604.1), the Selective Service Regulations, constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations, are hereby amended, effective 11:59 p.m. e.s.t on January 31, 1975, as follows:

PART 1604—SELECTIVE SERVICE OFFICERS

1. Section 1604.25 *Disqualification* is revised to read as follows:

§ 1604.25 Disqualification.

(a) No member of an appeal board shall act on the case of a registrant who is the member's first cousin or closer relation, either by blood, marriage, or adoption, or who is the member's employer, employee, or fellow employee, or stands in the relationship of superior or subordinate of the member in connection with any employment, or is a partner or close business associate of the member, or is a fellow member or employee of the appeal board.

(b) A member of an appeal board may disqualify himself in any matter in which he would be restricted for any reason in making an impartial decision.

(c) Whenever a quorum of the appeal board cannot act on the case of a registrant, and there is no panel of the appeal board to which the case may be transferred, the appeal board shall transmit such case to the State Director of Selective Service for transfer to another appeal board.

2. Section 1604.26 *Organization and meeting* is revised to read as follows:

§ 1604.26 Organization and meeting.

Each appeal board or panel shall elect a chairman and a secretary. A majority of the members of an appeal board or panel when present at any meeting shall constitute a quorum for the transaction of business. A majority of the members present at any meeting at which a quorum is present shall decide any question. Every member present, unless disqualified, shall vote on every question or classification. In case of a tie vote on a question or classification, the board shall postpone action until it can be decided by a majority vote. If any member is absent so long as to hamper the work of the board, the chairman, a member or employee of the board or panel concerned shall recommend to the State Director of Selective Service that such member be removed and a new member appointed. If, through death, resignation, or other cause, the membership of a appeal board or panel thereof, falls below the prescribed number of members, the board or panel shall continue to function, provided a quorum of the prescribed membership is present at each official meeting.

3. Section 1604.55 *Disqualification* is revised to read as follows:

§ 1604.55 Disqualification.

(a) No member of a local board shall act on the case of a registrant who is the member's first cousin or closer relation, either by blood, marriage, or adoption, or who is the member's employer, employee, or fellow employee, or stands in the relationship of superior or subordinate of the member in connection with any employment, or is a partner or close business associate of the member, or is a fellow member or employee of the local board.

(b) A member of the local board may disqualify himself in any matter in which he would be restricted, for any reason, in making an impartial decision.

(c) Whenever a quorum of a local board cannot act on the case of a registrant, the local board shall transmit such case to the State Director of Selective Service for transfer to another local board.

4. Section 1604.56 *Organization and meeting* is revised to read as follows:

§ 1604.56 Organization and meeting.

Each local board shall elect a chairman and a secretary. A majority of the membership of the local board shall constitute a quorum for the transaction of business. A majority of the members present at any meeting at which a quorum is present shall decide any question or classification. Every member present, unless disqualified, shall vote on every question or classification. In case of a tie vote on any question or classification, the board shall postpone action on the question or classification until it can be decided by a majority vote. If any member is absent so long as to hamper the work of the local board, the chairman, a member, or employee of the local board shall recommend to the State Director of Selective Service that such member be removed and a new member appointed. If through death, resignation or other cause, the membership of a local board falls below the prescribed number of members it shall continue to function provided a quorum of the prescribed membership is present at each official meeting.

PART 1608—PUBLIC INFORMATION

§ 1608.6 [Revoked]

5. Section 1608.6 *Disclosure or furnishing of information relating to physical or mental condition of registrants* is revoked.

6. Paragraphs (d) and (f)(1) of § 1608.12 *Available Information* are revised to read as follows:

§ 1608.12 Available information.

* * * * *

(d) The Registrants Processing Manual may be inspected at the office of any local board, the office of the State Director of Selective Service for any State or at the National Headquarters, Selective Service System.

* * * * *

(f) * * *

(1) The names, positions, titles, grades, salaries, and duty station of employees of the Selective Service System are public information.

* * * * *

7. Paragraph (b) of § 1608.13 *Places where information may be obtained* is revised to read as follows:

§ 1608.13 Places where information may be obtained.

(b) Requests for information concerning the national administration of the Military Selective Service Act shall be addressed to the National Headquarters, Selective Service System, 1724 F Street NW., Washington, D.C. 20435.

8. Section 1608.17 is revised to read as follows:

§ 1608.17 Demands of courts or other authorities for records or information protected by these regulations.

No officer or employee of the Selective Service System will comply with a request, demand or order of a court or other authority to produce information the disclosure of which is prohibited or restricted by the provisions of this part without the prior approval of the Director of Selective Service.

PART 1613—REGISTRATION PROCEDURES

9. Section 1613.4 is revised to read as follows:

§ 1613.4 Issuing replacement Status Card.

A replacement Status Card (SSS Form 7) will be issued to a registrant by the local board with which he is registered upon its receipt of his written request therefor, and statement that the Status Card last issued to him has been lost, stolen or destroyed.

DECEMBER 16, 1974.

BYRON V. PEPITONE,
Director.

[FR Doc.74-29641 Filed 12-19-74;8:45 am]

PART 1660—ALTERNATE SERVICE

Miscellaneous Amendments

Whereas, on November 1, 1974, the Director of Selective Service published a notice of proposed amendments of Selective Service Regulations, 39 Federal Register 38675 of November 1, 1974; and

Whereas more than thirty days have elapsed subsequent to such publication during which period comments from the public have been received and considered. The proposed amendments are being made effective without change.

Section 1660.9(e) is amended to eliminate the requirement that a registrant traveling to his alternate service assignment request travel, meal and lodging before they will be provided. Sections 1660.9(b), (c), (d), and (f) are revised to remove the detailed instructions to the State Director in conducting an investigation when a registrant performing alternate service leaves his job. The State Director would be given clear authority to report a registrant for prosecution or to reassign him to a job. Hardship, medical or other bona fide reasons are prescribed as the criteria for approving a registrant's request for reassignment.

Sections 1660.10 and 1660.11 are revised to make clear the registrant's entitlement to classification in Class 4–W and a certificate of release if he is released after six months of satisfactory service.

Now therefore by virtue of the authority vested in me by section 6(j) of the Military Selective Service Act, as amended (50 App. U.S.C. section 451 et seq.), the Selective Service regulations, constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations, are hereby amended, effective 11:59 p.m. e.s.t. on January 31, 1975, as follows:

1. Paragraphs (b) through (f) of § 1660.9 Administration of alternate service are amended to read as follows:

§ 1660.9 Administration of alternate service.

* * * * *

(b) Whenever the State Director has reason to believe that a registrant was refused employment, or the registrant refused or constructively refused employment or was relieved for cause or left his job without authority he will determine whether the registrant was at fault. If he determines that the registrant was at fault, he may report the registrant for prosecution or he may request the registrant's local board to order the registrant to an appropriate job by issuing an Amendment to Order to Report for Alternate Service (SSS Form 153A). Time not spent on an approved job will not be creditable toward completion of his alternate service obligation.

(c) If the State Director finds no failure of the registrant to perform satisfactorily, he will request the registrant's local board to order the registrant to an appropriate job by issuing an Amendment to Order to Report for Alternate Service (SSS Form 153A). If the registrant complies with the order, the intervening time between jobs will not constitute a break in the required period of alternate service.

(d) The State Director may reassign a working registrant at any time he determines (1) that the job to which the registrant is assigned ceases to be acceptable as alternate service as defined in Section 1660.6, or (2) that there is a hardship, medical, or other bona fide basis for such reassignment. To reassign the registrant, the State Director shall request the registrant's local board to issue an Amendment to Order to Report for Alternate Service (SSS Form 153A). Prior to the issuance of an Amendment to Order to Report for Alternate Service (SSS Form 153A) in accord with this paragraph, the registrant is required to continue in the alternate service to which he had been ordered most recently.

(e) The Director of Selective Service or the State Director of Selective Service will issue travel orders, tickets or transportation requests and meal and lodging requests to the registrant for his travel (1) from the office of his local board or local board nearest the place of his residence at the time he is selected for alternate service to the place of performance of the alternate service to which he is ordered within the United States, (2) for his return travel from such place to the office of the local board from which he traveled to the place of performing alternate service upon his satisfactorily completing his period of work or his travel to any other place upon his satisfactorily completing his period of alternate service whenever the cost of such transportation would not exceed the cost of travel to the local board from which he traveled, and (3) for his travel from one place of employment to another when his employment is transferred under the provisions of paragraph (c) or (d) of this section.

(f) No action shall be required of a registrant by an Amendment to Order to Report for Alternate Service (SSS Form 153A) without his consent within 10 days after the issuance of such form.

Section 1660.10 is amended to read as follows:

§ 1660.10 Release from alternate service.

The State Director of the State in which a registrant is working or the Director may release a registrant prior to his completion of 24 months of service upon a determination of hardship, medical, or other bona fide basis for such early release. If the registrant is working outside the State in which he is registered, the decision should be made in consultation with the State Director of the State in which the registrant is registered.

Section 1660.11 is amended to read as follows:

§ 1660.11 Completion of alternate service.

When a registrant's local board is informed by the State Director that the registrant has been released from alternate service after six months or more of satisfactory service, the local board shall classify the registrant in Class 4–W and issue a Certificate of Release from Alternate Service (SSS Form 154).

Dated: December 16, 1974.

BYRON V. PEPITONE,
Director.

[FR Doc.74–29642 Filed 12–19–74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[RM–2393; FCC 74–1334]

PART 1—PRACTICE AND PROCEDURE

Memorandum Opinion and Order

In the matter of amendment of Part 1, Subpart C (Rulemaking Proceedings), rules of practice and procedure.

1. The Commission has before it a petition for rulemaking filed on June 7, 1974 by the Joint Re-Regulation Committee of the Federal Communications Bar Association and the Communications Committee, American Bar Association. The Joint Committee proposes that procedures for amendment of the FM Table of Assignments be changed in several respects. Public notice of the filing of the petition was given on June 18, 1974. The time for filing statements supporting or opposing the petition expired on July 18, 1974. No statements were filed.

BACKGROUND

2. Before discussing the proposed changes, it is appropriate to set out some general information concerning the FM Table of Assignments and current procedures for amendment of the rules and regulations.

3. *FM Table of Assignments.* The portion of the radio spectrum allocated to FM broadcasting (88–108 MHz) has been divided into 100 channels, each 200 kHz in width. Eighty of these channels (numbered 221–300) are available for use by commercial FM broadcast stations and have been assigned to communities throughout the United States under principles designed to maximize their availability for productive use and to preclude radio frequency interference.[1] In California, for example, Channel 232 has been assigned to eight communities and 17 channels have been assigned to Los Angeles. More than 3400 channel assignments have been made to some 2278 separate communities. The FM Table of Assignments (FM Table) is a list, arranged by State and community, of the commercial FM channel assignments to each community. It is set out in § 73.202 of the Commission's rules (47 CFR 73.202).

4. Applications for authority to construct an FM station must be consistent with the FM Table of Assignments.[2] Thus, an individual who is interested in establishing an FM station in a community which is not listed in the Table or on a channel which is not assigned to the community in question must first petition for and obtain an amendment of the Table, to conform it to his purpose, after which he or any other interested party may apply for a construction permit. Because the Table is a Commission rule, general procedures for amendment of the rules (47 CFR 1.401–1.427) govern action on such petitions. The Joint Committee is seeking amendment of these general procedures insofar as they apply to petitions for amendment of the FM Table.

5. *Rule making procedures.* Sections 1.401–1.407 apply to petitions for rule making. Under these procedures, when a petition is filed, it is reviewed by an appropriate member of the professional staff to determine whether it should be accepted as a petition for rule making. In most cases, this decision is very easily made, requiring only a few minutes of staff time. In the case of petitions to amend the FM Table, the process is somewhat more complex. Petitioner is required, for example, to make an engineering study, and the adequacy of that study is reviewed before the petition is accepted. If the study is inadequate in any respect, petitioner is required to correct the deficiency before the petition is accepted. The staff time required for this evaluation varies with the complexity of the petition, but it is not substantial, and the effort involved is by no means equivalent to what is required to decide whether a notice of proposed rule making should issue.

6. If the petition is accepted, it is assigned a file number (e.g., RM–1234). On Friday of each week, the Commission issues a public notice of petitions for rule making accepted during the week. The notice briefly describes each petition and invites any interested person to file a statement supporting or opposing it. Statements may be filed within 30 days after the notice is issued and must be served on petitioner. Replies to such statements may be filed within 15 days after the statement is filed and must be served on the person who filed the statement to which the reply is directed. The Commission may act on the petition at any time after it is filed, without awaiting the expiration of the periods for filing statements or replies, and might well do so if the proposal obviously had, or obviously lacked, merit. In almost all cases, however, action is deferred until after these periods have expired, either because comment on them is considered useful or (as is almost always the case) the staff cannot reach them for action within a lesser period. If statements and replies are submitted, they are considered before action is taken. In acting on petitions to amend the FM Table of Assignments (a substantive rule), the Commission would either deny the petition or issue a notice of proposed rule making.

7. The notice of proposed rule making initiates a rule making proceeding governed by procedures set out in §§ 1.411–1.427 of the rules. Where the notice derives from a petition for rulemaking, it announces, in effect, that the Commission is considering adoption of petitioner's proposal or some modification thereof. The notice outlines what is now the Commission's proposal and requests comments and reply comments within a reasonable period specified therein; it is published in the FEDERAL REGISTER. Comments and reply comments are available for inspection or copying at the Commission's Public Reference Room; however, there is no requirement that they be served on other persons participating in the proceeding. After considering the comments and reply comments and any other relevant information, the Commission

[1] Non-commercial FM broadcast stations are licensed primarily on channels 201–220, which have not, in most areas, been assigned to particular communities.

[2] Minor deviations are permitted by § 73.203 (b) of the rules.

issues a decision acting on the proposal and stating the reasons for the action taken.

PROPOSED CHANGES

8. The Joint Committee suggests the following changes in the procedures governing rule making proceedings, insofar as they apply to changes in the FM Table of Assignments:

(1) In the case of petitions to amend the FM Table, the Commission should dispense with the public notice that the petition has been filed and statements supporting or opposing the petition and should proceed directly to the issuance of a notice of proposed rule making or, if the amendment lacks merit, to denial of the petition.

(2) The Commission should specifically allow or should require, by rule, that a draft notice of proposed rule making be submitted with petitions for amendment of the FM Table. (FCBA recommends that the Commission permit the submission of a draft notice; the ABA recommends that the submission of such a draft be required.)

(3) If the proposed amendment of the Table would involve a change in the channel assigned to any existing licensee or permittee, petitioner should be required to serve a copy of the petition on that licensee or permittee.

(4) Copies of all comments filed in response to the notice of proposed rule making should be served upon the parties whose petition initiated the notice.

(5) Copies of reply comments should be served upon parties who filed comments to which the reply comments relate.

(6) Parties should be permitted to submit counter proposals in comments in response to the notice of proposed rule making only and should not be permitted to advance them for the first time in reply comments.

DISCUSSION

9. The primary objective of the Joint Committee is to expedite action on petitions to amend the FM Table of Assignments. In the Committee's view, dispensing with the two-tier procedure, in which the Commission solicits the views of interested persons successively in a public notice of the petition's filing and in a notice of proposed rule making, would contribute to that objective. Submission of a draft notice of proposed rule making would contribute to the same objective if it were utilized and if the time a staff member devoted to its preparation were thus saved.

10. We share the interest of the Joint Committee in reducing backlogs and expediting action on petitions to amend the Table. We do not agree, however, that the two-tier procedure is the cause of delay or that dispensing with it would contribute to the Committee's objective. The real cause of delay is the existence of a backlog and the unavailability of sufficient staff personnel to eliminate it. Staff members occupied with processing petitions filed at an earlier date cannot turn their attention immediately to the merits of new petitions as they are filed. They can, and now do, undertake a brief preliminary review of new petitions to assure that they are not patently defective and to afford petitioner an opportunity to correct the deficiency at an early date if they are. The public notice apprises petitioner that his petition has reached the proper hands and that it appears to be in order. This preliminary review could not be replaced during the same time frame with the more thorough study required to determine whether a notice of proposed rule making should be issued. Dispensing with the procedure would instead mean that the petition would be held for an appreciable period, without action of any kind, until the study leading to issuance of a rule making notice or denial could be completed. The staff now rarely reaches a petition for processing on the merits until after the periods for filing statements and replies responsive to the public notice have expired and, if it should, need not delay processing pending expiration of those periods.[3] The public notice has the merit of providing early notice of the filing of the petition to interested persons, including any of whom the petitioner and the Commission may not be aware. If no statements are submitted, no time is lost. If statements and replies are submitted, they can be helpful in identifying interested persons and issues which may warrant consideration in the proceeding, and it should be helpful to all concerned for such matters to surface at any early stage of the proceeding. Thus, in our judgment, the public notice procedure does not delay action on petitions to amend the Table, can produce benefits, and should be retained. However, it should be noted that we have responded affirmatively to the thrust of the FCBA–ABA petition—as a request for expedited action—by adding a subsection (d) to § 1.405 making it clear that "the Commission may act on a petition for rule making at any time after it is filed." (See note 3 below.)

11. Although we have some general reservations about parties to a proceeding submitting draft documents for adoption by the Commission, they do not apply with any force to the submission of draft notices of proposed rule making for amendment of the FM Table of Assignments. Such notices are usually brief and utilize more or less standardized language and, in many instances, the submission of a draft notice could save staff time and thereby contribute to reducing the backlog. If the draft cannot be used, no harm has been done. The submission of such drafts is not barred by present procedures, of course, but it may well be constructive to encourage their submission by amending the rules to call attention to the possibility.

12. Several of the Joint Committee's recommendations concern the service of the petition for rulemaking, comments and reply comments. The Committee recommends, first, that copies of the petition be served on existing FM licensees or permittees if the proposed amendment involves a change in the channels assigned to them. The Commission has heretofore given notice of the petition to such licensees and permittees. However, the procedure recommended by the Committee is superior to present practice, in that it provides earlier notice and relieves the Commission's staff of this task. We are therefore amending the rules to require the petitioner to make service of petitions to amend the FM Table on affected licensees and permittees and to attach a certificate of service to the petition. The staff will review the certificate as a check to assure that service has been made on all affected licensees or permittees.

13. The Committee further recommends that copies of comments be served on the petitioner for rule making and that copies of reply comments be served on parties who filed comments to which the reply comments relate. We think that this proposal also has merit in proceedings for amendment of the FM Table, in which the number of participants is relatively small and participants are often cast in very real adversary roles. In such circumstances, the requirement of service is not unduly burdensome and will not discourage participation. The rules are amended herein to require service as proposed in the petition.

14. The Joint Committee recommends, finally, that counter proposals should be submitted in comments only and should not be advanced for the first time in reply comments. We agree with this recommendation. The following standard language is now included in every notice for amendment of the FM Table:

> Any counterproposals will be considered only if advanced in initial comments, so that interested parties may comment in reply comments. A counterproposal will not be considered if advanced in reply comments.

We agree that such a provision should be included in the rules but will continue to include it in the text of each rulemaking notice proposing an amendment of the FM Table of Assignments.

15. Petitions for amendment of the FM Table are submitted in greater frequency than petitions for amendment of the Television Table of Assignments (47 CFR 73.606). However, the changes recommended by the Joint Committee and the foregoing discussion are just as appropriate for the TV as for the FM Table, and the procedural changes adopted herein will apply equally to proceedings for amending both Tables.

16. In view of the foregoing, *It is ordered*, That the rules of practice and procedure are amended as set forth in

[3] Section 1.405 of the rules provides that statements and replies may be filed "prior to Commission action on the petition but not later than" 30 days after Public Notice is given, or 15 days after the filing of the statement, as the case may be. Thus, if the Commission acts prior to expiration of the 30 or 15 day periods, the periods are reduced accordingly and no later statements or replies may be filed. We think that this provision can be more clearly stated and are amending § 1.405 to do so.

the attached Appendix. The amended procedures shall apply to proceedings in which the petition for rule making is filed on or after December 20, 1974 (§ 1.401 & § 1.405). To the extent that the amended procedures apply to proceedings following issuance of a notice of proposed rule making, they shall apply to proceedings in which the notice is issued on or after December 20, 1974 (§ 1.420). The petition for rule making filed by the Joint Re-Regulation Committee is granted to the extent indicated herein and is in other respects denied.

17. Authority for these amendments is contained in sections 4(i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 USC 154(i) and (j) and 303(r), and in 5 USC 553. Because the amendments involve a matter of procedure, the prior notice and effective date provisions of 5 USC 553 are inapplicable.

(Secs. 4, 303, 48 Stat., as amended; 1068, 1082; (47 U.S.C. 154, 303))

Adopted: December 4, 1974.

Released: December 11, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX

In Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 1.401(d) is added, to read as follows:

§ 1.401 Petitions for rule making.

* * * * *

(d) Petitions for amendment of the FM Table of Assignments (§ 73.202 of this chapter) or the Television Table of Assignments (§ 73.606) shall be served by petitioner on any Commission licensee or permittee whose channel assignment would be changed by grant of the petition. The petition shall be accompanied by a certificate of service on such licensees or permittees. A draft Notice of Proposed Rule Making may be submitted with a petition for amendment of the FM or Television Table of Assignments.

2. Section 1.405(d) is added, to read as follows:

§ 1.405 Responses to petition; replies.

* * * * *

(d) The Commission may act on a petition for rule making at an time after it is filed. Statements in support of or in opposition to a petition for rule making, and replies thereto, shall not be filed after Commission action, and the periods provided in this section for filing such pleadings are subject to this requirement.

3. Section 1.420 is added, to read as follows:

§ 1.420 Additional procedures in proceedings for amendment of the FM or Television Table of Assignments.

(a) Comments filed in proceedings for amendment of the FM Table of Assignments (§ 73.202 of this chapter) or the Television Table of Assignments (§ 73.606) which are initiated on a petition for rulemaking shall be served on petitioner by the person who files the comments.

(b) Reply comments filed in proceedings for amendment of the FM or Television Table of Assignments shall be served on the person(s) who filed the comments to which the reply is directed.

(c) Such comments and reply comments shall be accompanied by a certificate of service.

(d) Counterproposals shall be advanced in initial comments only and will not be considered if they are advanced in reply comments.

[FR Doc.74-29685 Filed 12-19-74;8:45 am]

[1] Statement of Chairman Wiley filed with original document.

[FCC 74-1379; Docket No. 19551; RM-1821 etc.]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations, Table of Assignments

1. The Commission here considers and disposes of the remaining portions of this proceeding to amend the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) involving 16 cities in Georgia, Alabama, and Mississippi. The basic proposal is bottomed on the petition of the Broadcast Good Music Committee (hereinafter referred to variously as "Good Music", "Music!", or "BGMC") to assign Channel 300 at Atlanta, Georgia, as a seventh FM channel assignment (RM-1864). Good Music had proposed alternatives, but we rejected as inadequate its plan to substitute a Class A channel at Macon, Georgia, for Channel 300, since a construction permit already had been granted (now licensed as Station WCRY-FM). Thus, the Notice proposed for consideration BGMC's plan requiring channel changes at Hawkinsville, Macon, and Ocilla, Georgia; Birmingham and Gadsden, Alabama; and Macon, New Albany, Oxford, and Clarksdale, Mississippi. This presently involves changes at seven cities, six of which are occupied by operations stations;[1] this is referred to hereinafter as the "Atlanta" or "principal" proposal. The other nine cities involve a direct counterproposal and two subsidiary groups of counterproposals. The direct counterproposal is to assign Channel 300 to Monroe, Georgia, population 8,071,[2] in lieu of Atlanta (RM-2077); that proposal is identical in all other respects to the principal proposal.[3] As already noted, with the exception of Macon, Mississippi, all the assignments affected by the Atlanta and Monroe proposals are occupied thus *inter alia* raising questions about reimbursement should it be deemed that the public interest, convenience, and necessity would be served by the proposal to assign Channel 300 to either Atlanta or Monroe. See footnote 6, infra.

2. One of the subsidiary groups involves petitions to add FM channels variously at Tuscaloosa, Alabama (a third), and a second channel at both Columbus and Starkville, Mississippi. The Notice noted the conflict between the proposal of Ben P. Yarber to assign Channel 221A to Starkville (RM-1923) with the Atlanta proposal as concerns the proposed substitution of Channel 221A for 280A at Macon, Mississippi. The petitions of James Eatherton (RM-2029) and Tri-Cities Broadcasting Company (RM-2038) to assign Channel 280A to Columbus and Tuscaloosa, respectively, were filed later and considered part of this group because they are timely as counterproposals under the standard cut-off in FM rule making proceedings; they conflict with the principal proposal's proposed assignment to Birmingham, the current assignment to Macon, Mississippi, and with each other; and the Columbus proposal also conflicts with the 280A proposal for Starkville.

3. The other subsidiary group involves FM channel assignments to communities in mid-Alabama which are considered as counterproposals because of Tri-Cities' alternative proposal to assign Channel 224A instead of 280A at Tuscaloosa. Included are proposals to assign Channel 224A at Haleyville as a first channel assignment (RM-2004); and Jasper, Alabama as a second assignment (RM-2037); and Radio South's counterproposals that Channel 292A, occupied by Station WRCK-FM, be reassigned from Sheffield, Alabama, to Haleyville, and

[1] The First Report and Order severed and disposed of the Clarksdale proposal which conflicted with the petition of Radio Helena, Incorporated, licensee of Station KCRI-FM, Helena, Arkansas, to change its channel assignment to solve a second harmonic interference to a television station problem (38 F.C.C. 2d 878 (1972)). And the Second Report and Order disposed of the Ocilla, Georgia, proposal and related counterproposals in southeast Georgia, adopted September 19, 1974 (FCC 74-1006), 48 F.C.C. 2d (1974), petitions for reconsideration pending.

[2] Unless otherwise indicated, all population data are from the 1970 Census.

[3] In order to assign Channel 300 to either Atlanta or Monroe, it is necessary to change the channel assignment at Macon, Georgia (substitute Channel 279 for 300), which in turn requires change of channels at Hawkinsville, Georgia (substitute Channel 237A for 280A), and Gadsden, Alabama (substitute Channel 229 for 279); the change at Gadsden in turn requires the substitution of Channel 279 for 229 at Birmingham, Alabama, which then requires channel changes at Macon, Mississippi (BGMC proposed substitution of Channel 221A for 280A, although 261A is available), and New Albany, Mississippi (Channel 248 for 278); and the latter requires that at Oxford, Mississippi, substitution of Channel 278 for 248. On November 1, 1974, the Commission received from BGMC a document, entitled "Amendment to RM 1864 of Broadcast Good Music! Committee", which among other things would amend the foregoing plan. The "amendment" constitutes a counterproposal which may not be considered in connection with this proceeding, since untimely. The standard "cut-off" for considering a counterproposal is the date for filing comments, which in this docket was October 31, 1972.

224A be substituted there[4], and that as for Tuscaloosa, Channel 269A be assigned to Northport, a city with slightly less than 10,000 population, which is an apparent suburb of Tuscaloosa without any aural broadcast service of its own. Comments were filed by the various petitioners, Ring Broadcasting Company (Ring); Middle Georgia Broadcasting Co., Inc.; WDJC Radio, Inc.; Leroy E. Kirkpatrick; and New Albany Broadcasting Co. With the exception of Ring, the licensee of a daytime-only AM Station WRWG at Atlanta which supports the Atlanta proposal, those other than the petitioners are the licensees of the stations affected by principal proposal opposing the proposed change(s) or commenting on rights to reimbursement.

4. The basic issue here is whether Channel 300 should be assigned to Atlanta, Georgia. The Broadcast Good Music! Committee (short title for The Citizens Committee to Preserve the Present Programming of the "Voice of the Arts on WGKA–AM and FM") petitioned to deny the assignment and transfer of the WGKA stations because of a proposed change of programming from the classical music format of these stations coincident to a change of ownership. See generally Citizens Committee v. FCC, 436 F. 2d (D.C. Cir. 1970). Because unsatisfied with the expedient adopted—that a noncommercial educational FM station program classical music and WGKA–AM adopt a contemporary music format—Music! filed the petition bottoming the principal proposal. Good Music is not the usual petitioner in an FM rule making proceeding seeking the assignment of a channel to a community in order that the petitioner might apply for the channel when assigned but rather as an advocate for an additional FM channel assignment for Atlanta in order that some broadcaster interested in a full time classical music format would apply if a channel were assigned to Atlanta. In this respect, the Notice rejected the notion that program format is a determinative factor in making an FM channel assignment.[5] The Notice also rejected BGMC's population per assignment argument as not fair or meaningful in making FM channel assignments except where the communities are of comparable size. The Notice asked for comments as to specific issues:

(a) Atlanta's need for Channel 300;

(b) the impact of such an assignment on existing assignments;

(c) that a preclusion study be furnished; and

(d) questions as to reimbursement.[6]

5. Good Music says that it is "superfluous" for it to comment on the need of Atlanta for another channel which it says is evident. Instead, Good Music refers to its efforts in the WGKA change of format proceeding "occasioned by the insufficiency of North Georgia broadcast services and the programming variety they offer." Even though the Notice pointed out that programming is not an appropriate basis for making FM channel assignments, Good Music says that the effect on existing stations "will be nil, other than in creating an additional broadcast service, for which the need is clear."[7] BGMC did not furnish a preclusion study. Rather its comments are mainly directed at the various counterproposals. As to Monroe, BGMC contends that that city receives a plethora of service from the eight "Atlanta" FM stations as well as those at Athens, Gainesville, and Macon. BGMC would resolve the subsidiary proceedings by making assignments of Class A stations on Class C channels not usable as Class C's because of mileage separation requirements.[8] Ring is the only broadcaster which has expressed an interest in this proceeding. As to the issues raised by the Notice, Ring only comments about reimbursement. Despite what the Notice said about programming format as being of slight relevance, Ring's main discussion is the need of the Atlanta market for a fulltime station with Station WRNG's format.

6. The proposal to assign Channel 300 to Atlanta, Georgia, with the concomitant channel changes at seven other communities must be considered in the light of the principles underlying and utilized in establishing the FM Table of Assignments. Because of the inadequacies of the system which had been followed in the AM service under which an applicant was granted a particular frequency on a case-to-case consideration of service area gain as opposed to interference to existing stations (absent questions as to mutually exclusive applications or qualification), we adopted, as we already had for television, an overall pre-engineered plan for the assignment of FM channels bottomed on the authority of section 307(b) of the Communications Act of 1934, as amended, to provide a fair, efficient, and equitable distribution of radio service among the several States and communities. There is no need here to either catalog the technical criteria or priorities which are set out in various decisions in Docket No. 14185 (40 F.C.C. 660 through 821) and in particular the Third Report, Memorandum Opinion and Order promulgating the Table of Assignments (40 F.C.C. 747 (1963)). Suffice it to say that the Table of Assignments was designed to achieve maximum and optimum use of each FM channel and to make provision for future needs which were not then ripe for expression.

7. As particularly relevant, adopted were population criteria under which we attempted to assign from 6 to 10 channels to a city with a population of 250,000 to 1,000,000.[9] See Para. 4 of the further notice of proposed rulemaking in Docket No. 14185 (FCC 62–867), which was incorporated by reference in the Third Report, Memorandum Opinion and Order, 40 F.C.C. 747, 758 (1963). Atlanta (population 487,455, 1960 Census) was assigned six channels for the existing stations there (petitions for two other channels were denied; see 40 F.C.C. at 788–9).[10] Significantly, as concerns the population guidelines and certain other respects (for example, power and height), we decided that existing stations were to be left undisturbed. See second further notice of proposed rulemaking in Docket No. 14185, 40 F.C.C. 728 at 732 (1962). However, some stations were ordered to make channel changes to eliminate short spacings of

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[4] Since Station WRCK–FM occupies Channel 292A, it would be entitled to reimbursement if this counterproposal is adopted. See Order to Show Cause, adopted September 6, 1974 (Mimeo No. 28270).

[5] "[W]e do not believe that we should base the exercise of our authority under Section 307(b) on programming preferences. It is not that this matter is without any significance, but rather that it cannot be substituted for an evaluation of the comparative needs of communities for service. Whatever the significance of the court's decision dealing with the WGKA controversy and the new owner's plan to terminate the existing classical music programming service, it cannot be read to require action here when it is totally unclear who would occupy the channel or what programming the successful applicant would offer. This is a far different situation than the one before the court which involved the termination of an existing program service. If a channel were to be asigned, Music! or any other possible party would be free to raise this matter as having possible decisional significance in a comparison between the applicants. We indicate no view on any such request and only hold that this question does not have any place in this context." (Para. 6, Notice of Proposed Rule Making in Docket No. 19551, adopted July 19, 1972 (FCC 72–639; 37 Fed. Reg. 15320, 15321).)

[6] It is well settled Commission policy that where a change in the FM Table of Assignments requires an operating station to change the channel of its operation it is entitled to be reimbursed for actual cost of change. See, e.g., Cocoa Beach, 1 F.C.C. 2d 643, 645 (1965); Wenatchee, 2 F.C.C. 2d 828, 830 (1966); Kenton and Bellefontaine, 3 F.C.C. 593, 603–605 (1966); Gretna and Danville, 5 F.C.C. 2d 333, 341 (1966); Circleville, 8 F.C.C. 2d 159 (1967); Lake City, 47 F.C.C. 2d 1067, 1076 (1974); see also Supplement to the Third Report, Memorandum Opinion and Order in Docket 14185, 40 F.C.C. 807 (1963).

[7] It went on to say:

[N]o matter what type of programming * * *, it surely will not duplicate existing formats, thus increasing the diversity in scope of Atlanta radio service while fulfilling common community purposes.

[8] Thus BGMC says that Columbus could be assigned either Channel 235 or 236, Tuscaloosa 264, Haleyville or Russellville 241, and Jasper 289. Russellville, population 7,814, was mentioned because it is located in the preclusion area for a Channel 224A assignment to Jasper; see Policy to Govern Request for Additional FM Assignments, 8 F.C.C. 2d 79 (1967).

[9] In this respect, BGMC alleged that Atlanta is the principal metropolitan area in the southeastern part of the United States. Atlanta, population 496,973, is the central city of the Atlanta Standard Metropolitan Statistical Area (SMSA) which, as redesignated in 1973, has a population of 1,597,816.

[10] 23 other cities of the 45 in this population grouping also were assigned only channels for existing stations. Seven other cities were also assigned six channels; nine were assigned less; seven were assigned seven; five were assigned eight; nine were assigned nine; and the remaining eight 10 or more.

existing stations (40 F.C.C. at 760–1); three were involuntary and ten were voluntary (see 40 F.C.C. at 760; see also Supplement to Third Report, Memorandum Opinion and Order, 40 F.C.C. 807).

8. To assign another channel to Atlanta would require us to deviate from the tenets laid down in Docket No. 14185 and scrupulously adhered to since then. While it might be argued that under the population criteria, Atlanta with a 1970 population of 496,973, is entitled to another channel, this contention cannot be sustained. It has a fair share of FM channels considering our actions in Docket No. 14185 and since then. Population is more of a guideline rather than an immutable standard, and it is subservient to more paramount considerations. See, e.g., Colorado Springs, 44 F.C.C. 2d 1047, 1054 (1974); Pensacola, 44 F.C.C. 2d 1056, 1061 (1974); Yakima, 42 F.C.C. 2d 548–550 (1973); Fresno, 38 F.C.C. 2d 525, 526 (1973); and compare San Antonio, 7 F.C.C. 2d 836, 842–3 (1967).[11] It is noteworthy that we have deleted a channel from a city in this population category in order to make an assignment elsewhere.[12] Indeed, we immediately

We concur that the listing of actions realized that "literal fulfillment of the [population] criteria * * * [is] beyond the realm of reason" (40 F.C.C. at 754).

9. In order to assign Channel 300 to Atlanta, it is necessary to change the assignments of seven other communities: Hawkinsville and Macon, Georgia; Birmingham and Gadsden, Georgia; and Macon, New Albany, and Oxford, Mississippi, each of which except Macon, Mississippi, is occupied by an operating station. This would be an unprecedented reshuffling of the FM stations of the sort which the Commission avoided in establishing the FM Table of Assignments. No sound reason has been advanced why such an action should be taken, and we must refrain in the absence of an overwhelming public interest consideration. Indeed, if anything, the public interest strongly militates against the changes of channel assignments of six operating stations scattered over a wide geographical area to make a single channel assignment to a city which has a sufficient amount of FM service and an abundance of aural service generally. In the circumstance, we conclude that the public interest, convenience, and necessity is better served by denying the petition of Broadcast Good Music! Committee to assign Channel 300 to Atlanta, Georgia.

10. We turn now to the proposal of Community Broadcasting Company, Inc. (Community), licensee of daytime-only AM Station WKUN there, which alternatively proposes the assignment of Channel 300 to Monroe, Georgia (instead of Atlanta). Since this differs from the Atlanta proposal only as to the city to which it is proposed to assign Channel 300, the same rationale for denying the principal proposal is equally applicable. However, we believe that it may be instructive to point out how the proposal is inadequate in other respects.

11. The gist of Community's proposal is that Monroe as the focal point of an eight county agricultural area[13] with a total population of 180,625 (2,252 square miles) is in need of a fulltime broadcast station to meet that area's needs and in particular which AM Station WKUN cannot. Monroe, population 8,071, is located in Walton County, population 23,404. Monroe is about 45 miles east of Atlanta, and, in fact, it is part of the Atlanta SMSA. In apparent anticipation of objections that a city the size of Monroe does not warrant assignment of a Class C FM channel, Community alleges that Channel 300 is the only FM channel available for assignment there and an FM station at Monroe would provide second and third FM service to substantial areas and populations.[14] Significantly, Monroe is part of the Atlanta SMSA, and, more importantly, it receives a plethora of aural broadcast service from the eight Class C FM stations licensed to Atlanta, Marietta, and Smyrna, and many AM stations in the Atlanta market, aside from AM Stations WKUN (daytime-only) and WMRE (Class IV) licensed to Monroe and possibly stations at Athens and Gainesville. As pointed out in the Notice in this proceeding, programming is not of principal significance in making an FM channel assignment (see Para. 4 and fn. 5, above). Nor is Community's assertion that Monroe is entitled to a first FM channel assignment rather than Atlanta a seventh one persuasive. Community's argument is an oversimplification of one of the priorities followed in establishing the FM Table of Assignments; specifically, in the further notice of proposed rulemaking, adopted July 25, 1962 (FCC 62–857), we said:

> Insofar as possible, to provide each community with at least one FM broadcast station, especially where the community has only a daytime-only or a local (Class IV) AM station, and especially where the community is outside an urbanized area.

12. As already noted, Monroe has two AM stations, it is in the Atlanta SMSA, and it is well served by the Atlanta market aural broadcast stations as well as from Athens and Gainesville. In such circumstance, the first channel priority is not even relevant. But, even if it were, it is not compelling for, as we said in the Third Report, Memorandum Opinion and Order in Docket No. 14185, a priority is not deemed a firm promise to be kept but only one of internally inconsistent goals forming the basis for action by judicious balancing (40 F.C.C. 747, 753 (1963)). Indeed, as noted above with respect to the population criteria (Para. 8), we promptly recognized the inadequacy of a mechanistic attempt to turn desirable goals into absolute requirements (40 F.C.C. at 754). Thus, for example, because of the recognized impossibility of making FM channel assignments to every community, we generally made FM channel assignments to those among the less populated ones with a population of 10,000 or more; and since then we have maintained a policy of assigning channels to communities with lesser population only if there is an expressed demand and a channel is readily available. Also, if we assign Channel 300 to Monroe, the successful applicant would be liable for substantial sums for reimbursing the six stations which would have to make channel changes in order that Channel 300 could be assigned to Monroe in accordance with mileage separations. In this respect, Community merely stated that it would participate with other beneficiaries proposing new facilities in this proceeding. Without elaborating, it is rather evident that if Channel 300 were assigned to Monroe, there is a serious question whether the successful applicant for it could afford the financial burden; see and compare San Antonio, 7 F.C.C. 2d 836, 843 (1967)), where the Commission rejected a proposal to assign Channel 298 to Kenedy-Karnes instead of San Antonio in part because of the failure to show that Kenedy-Karnes could afford the facilities of a Class C channel.

13. We now turn to the other proposals. We first discuss the Mississippi-Alabama group. This includes petitions for additional channels at Starkville, Tuscaloosa, and Columbus (RM's–1923, 2029, and 2038). RM–1923 is based on the petition of Ben P. Yarber, licensee of daytime-

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[11] In San Antonio, Pensacola, Fresno, and Yakima, additional channels were assigned either comporting with or exeeeding the population criteria, inasmuch as there were no questions of channel availability. In Colorado Springs, there was no channel available without depriving another city of one of its channels in which circumstance we denied the petition (see and compare the denial of the petition of Esquire, Inc., for a channel at Atlanta considered in Docket No. 14185; 40 F.C.C. at 788). In San Antonio, a channel was added by changes of assignments at four other communities (none were occupied); Pensacola was one of several interrelated proposals; and no other assignment changes were involved in Fresno and Yakima.

[12] See Cincinnati, 40 F.C.C. 972, 977–8 (1965); New Orleans, Docket No. 16535, Paras. 4–5 (FCC 66–646); Omaha, Docket No. 17095, Paras. 14–16 (FCC 67–456); and St. Louis, 4 F.C.C. 2d 401 (1966).

[13] Walton, Barrow, Oconee, Morgan, Jasper, Newton, Rockdale, and Gwinnett Counties.

[14] The latter at best is a dubious consideration. Under the Roanoke Rapids doctrine (9 F.C.C. 2d 672 (1967)), at times we have assigned a Class C channel to a community which normally merits only a Class A channel if this would result in service to substantial unserved (no FM service) and underserved (only one other FM signal) areas. (This doctrine was recently revised in Anamosa and Iowa City, 46 F.C.C. 2d 520, 525–6 (1974).) Clearly meaningless is Community's contention that the reassignment of Channel 300 from Macon, Georgia, would make possible the assignment of Channel 299 or 300 in a large area in southeastern Georgia. If this were germane, we note that assignment of Channel 300 to Atlanta would provide a larger area for such use of 299 or 300.

only AM Station WKOR there, seeking to assign Channel 221A as a second FM assignment to Starkville, Mississippi, population 11,369, the seat of Oktibbeha County, population 28,752. Because already filed, this proposal was included in the Notice because of the conflict with the BGMC proposal to substitute Channel 221A for 280A at Macon, Mississippi (population 2,617), seat of Noxubee County, population 14,288. As required by the Policy to Govern Requests for Additional FM Assignments, 8 F.C.C. 2d 79 (1967), Yarber was requested to furnish information as to possible preclusion and impact on educational FM stations in the vicinity. The Notice also noted that Channel 280A could be assigned to Starkville without conflict if the principal proposal were adopted (and in particular the deletion of Channel 280A at Macon, Mississippi), which Yarber since has counterproposed. The latter conflicts with the counterproposal in RM–2029 and which in turn conflicts with RM–2038 respectively proposing the assignment of Channel 280A to Tuscaloosa, Alabama, and Columbus, Mississippi, which conflicted with the principal proposed as concerns the substitution of Channel 279 at Birmingham, Alabama, and the existing Channel 280A assignment at Macon, Mississippi.

14. In RM–2029, Tri-Cities Broadcasting Company (Tri-Cities), licensee of daytime-only AM Station WTUG there, proposed Channel 280A as a third FM channel assignment to Tuscaloosa, Alabama. RM–2038 is based on the petition of James Eatherton, licensee of daytime-only AM Station WACR there, to assign Channel 280A as a second FM channel assignment at Columbus, Mississippi.[15] Tuscaloosa, population 65,773, is the seat of Tuscaloosa County (population 116,029), which constitutes the Tuscaloosa SMSA. Columbus, population 25,795, is the seat of Lowndes County, population 49,700.

15. The last group to be considered here stems from the counterproposal of Tri-Cities to assign Channel 224A at Tuscaloosa. This conflicts with the petition of Radio South Inc., licensee of AM Station WARF, Jasper, Alabama, to assign that channel as a second FM assignment to that community (RM–2037), which in turn conflicts with the petition of Helton & Norris (H & N) to assign the same channel as a first FM assignment to Haleyville, population 4,190, located in Winston County, population 6,654 (RM–2004). In order to resolve the conflict between Jasper and Haleyville 224A proposal, Radio South proposed that Channel 292A be assigned to Haleyville and Channel 224A be substituted for it at Sheffield.[16] It also suggested that as an "alternative" to assigning Channel 224A to Tuscaloosa Channel 269A be assigned to Northport, population 9,435, which is located across the Black Warrior River from Tuscaloosa. The following table sets forth pertinent information as to the population of, the county in which located, and the aural broadcast outlets available for each of the cities for which there is a counterproposal.

City	Population	County	Population	Aural broadcast service
Haleyville, Ala.	4,190	Winston	16,654	WJBB (class IV).
Jasper,[1] Ala.	10,798	Walker	56,246	WWWB (daytime—only), WARF (class IV), and WWWB–FM.
Northport, Ala.	9,435	Tuscaloosa	116,029	None.
Tuscaloosa,[1] Ala.	65,773	do	116,029	WTUG (daytime—only), WACT (daytime—only), WTBC (class IV), WJRD, WNPT, WUOA (FM), WATC–FM and WUAL (educational FM).
Columbus,[1] Miss.	25,795	Lowndes	49,700	WACR (daytime—only), WCBI, WMBC (class IV) and WJWF (FM).
Starkville,[1] Miss.	11,369	Oktibbeha	28,752	WKOR (daytime—only), WSSO (class IV), and WSMU (FM).

[1] County seat.

16. As noted above, the Mississippi-Alabama (Tuscaloosa, Alabama, and Columbus, Starkville, and Macon, Mississippi) group became intertwined with the Atlanta proposal because of conflict as concerns proposed channel assignments at Birmingham, Alabama, and Macon, Mississippi. The conflict with Birmingham now becomes moot by virtue of our denying the Atlanta proposal and the Monroe alternate. Disposition of this group depends on resolution of conflicting proposals for the use of Channel 280A at Tuscaloosa, Columbus, and Starkville which variously conflict with each other and common to all is the need to delete that channel's assignment at Macon, Mississippi. As already noted, Yarber's petition to assign Channel 221A to Starkville (RM–1923) conflicted with the Atlanta proposal as concerns the proposed substitution of Channel 221A for 280A at Macon, Mississippi.[17] As concerns disposition of these proposals, no problem is posed by the Macon channel assignment; as Tri-Cities has shown, Channel 261A may be substituted there if that action is deemed appropriate (se para. 23 below).

17. Common to both the mid-Alabama and Mississippi-Alabama groups is Tri-Cities' alternative proposal to assign either Channel 224A or 280A to Tuscaloosa as a third FM channel assignment. Tri-Cities, licensee of daytime-only AM Station WTUG there, postulates its proposal to assign a third FM channel assignment to Tuscaloosa on the following: Tuscaloosa is the cultural, economic, social, commercial focal point and principal city of the Tuscaloosa SMSA.[18] We are told that Tuscaloosa is isolated from other population areas: 39 miles from Bessemer, the nearest community with 25,000 population, and 50 miles away is Birmingham the nearest community with a population of 100,000 or more. Tri-Cities urges that the assignment of a third FM facility to Tuscaloosa would enable it to serve the needs of Station WTUG's audience on a full time basis and to operate it on a competitive parity with other aural broadcast stations in Tuscaloosa.[19] Tri-Cities claims an audience of 27,972 in Tuscaloosa County (17,345 in the city and the remaining 10,627 in the county). Its pleadings also refer to an extensive potential Black audience for an FM station as proposed in Hale, Pickens, and Greene Counties.[20]

18. As discussed at some length in the notice and paragraph 4 above, programming format is not a principal consideration in making FM channel assignments.[21] On the other hand, under the population criteria, the extent that it is not outweighed by more important considerations, Tuscaloosa is a city "entitled" to a third FM channel; see Para. 7 above. Absent some overriding factor that disposes of Tri-Cities' proposal in the first instance (and its linchpin effect), we must consider each of the groups separately. Radio South has suggested that it is more imperative that Northport have a first FM channel assignment before Tuscaloosa have a third one, but assignment of

[15] Eatherton's reply comments filed November 20, 1972, will not be considered because they are untimely. Those filed November 6, 1972, will be considered as a matter of expediency. In this respect, Eatherton's pleadings were not signed by him or authorized legal counsel but rather by a "radio engineering consultant". As we recently held in Lake City, pleadings of this nature do not conform to § 1.52 of the Commission's rules and regulations. 47 F.C.C. 2d 1067, 1068–1069 (1974).

[16] This would require Station WRCK–FM to change channel assignments and to be reimbursed for such change. See Order to Show Cause, adopted September 10, 1974, (Mimeo No. 28270), and fn. 6 above.

[17] The Notice raised questions as to the impact of the assignment of Channel 221A on educational FM channels in the area, and it further suggested the possibility of the use of Channel 280A at Starkville, which Yarber has counterproposed.

[18] The population of Tuscaloosa is 65,773; that of Tuscaloosa County (the SMSA) is 116,029.

[19] WTUG is an "independent Negro" station (Standard Rate and Data Service).

[20] This apparently is based on 50 uV/m service to a rural area (§ 73.315(b) of the Commission's rules and regulations). In terms of protected 1 mV/m contour service, an FM station at Tuscaloosa does not serve all of Tuscaloosa County.

[21] The proposals of James Eatherton and Ben P. Yarber for additional channels at Columbus and Starkville are posited on the same sort of argument. As is Tri-Cities, each is the licensee of a daytime-only AM station with a format directed at the Black populace seeking a full time broadcast outlet for such programming.

Channel 224A to Tuscaloosa and 269A to Northport, respectively, both may be possible.[22] In the circumstances, we consider the merits of the respective groups.

19. We first consider the Mississippi-Alabama group. Here, as already noted, all the proposals are for additional channel assignments—a third assignment to Tuscaloosa and a second to both Starkville and Columbus. (See Para. 13 above.) Eatherton proposed Channel 280A to Columbus on the premise of the need of that community for a second FM station to meet the needs of the Black audience and his economic disadvantage in competing with the other stations there which are AM Station WCBI, and the WMBC AM–FM combination (the AM is a daytime only). As Eatherton alleges, Channel 280A is the only channel that might be assigned to Columbus. In his petition, Eatherton indicated an intent to allow programming by students of Mississippi State College for Women, located at Columbus.

20. In support of its claim that Channel 280A should be assigned to Tuscaloosa, rather than Columbus (that is, Tri-Cities claim is more mertitorious than Eatherton's on a comparative basis), Tri-Cities makes the following assertions: the population of Columbus is only 39.2 percent of Tuscaloosa; and the population of Lowndes County is only 42.8 percent of Tuscaloosa County. Since both express an intent to provide first fulltime night time service to the Black population, Tri-Cities makes a similar comparison of the population of the respective cities and counties and additionally that at Tuscaloosa the channel would meet the programming needs of the Black population of Hale, Pickens, and Greene Counties. Finally, Tri-Cities asserts that a station at Tuscaloosa would serve a population of 106,131 within the 1 mV/m contour as compared to 56,364 on a Columbus station. As we said with respect to Good Music's population per number of channel assignments argument in support of the principal proposal, a comparison of the sort Tri-Cities makes is not meaningful or fair. Such an argument stretched to its logical extreme would inevitably mean that, in a contest between a large city in an urbanized area and a small city in a rural area, one with the most audience potential would prevail irrespective of the availability of other aural broadcast services. Indeed, this is the sort of mechanistic legerdemain which the Third Report, Memorandum Opinion and Order in Docket No. 14185 establishing the FM Table of Assignments rejected (see Para. 12, supra).

21. As already noted, the arguments of both parties as to the need of expanded programming is not relevant.[23] Certainly, Eatherton's argument as to competitive parity is not relevant to this type of proceeding, although this and programming presumably would be of some relevance at the application stage, should we make the assignment. As between Columbus and Tuscaloosa, on the basis of comparative need, we find that the public interest, convenience, and necessity is better served by the assignment of Channel 280A to Columbus. We have not considered the competing proposal for Starkville, inasmuch as there is another channel available for that community, if in fact an additional channel assignment should be made there.

22. At Starkville, Yarber, the licensee of a daytime-only AM station there, is seeking parity with another AM–FM combination with a daytime-only AM station and a fulltime AM station. Yarber based his proposal on the needs of Starkville and Station WACR's listening audience for fulltime programming of the same sort, which, as we have already said, is not an appropriate consideration for making an FM channel assignment. Yarber also said that Station WSMO–FM at Starkville only programs from 7 a.m. to 11 p.m. Yarber, as required by the Policy to Govern Requests for Additional FM Assignments, 8 F.C.C. 2d 79 (1967), made a preclusion study, but he did not indicate the impact on educational FM as requested by the Notice. In the latter respect, a staff study shows that the assignment of Channel 221A would not have impact on potential educational channels on Channels 218–220.

23. In order to assign Channel 280A to Columbus, it is necessary to delete that channel from Macon, Mississippi. As part of the Atlanta proposal, which also requires deletion of Channel 280A at Macon, the substitution of Channel 221A at Macon had been proposed. The latter, however, conflicts with the action taken here to assign Channel 221A to Starkville. However, Tri-Cities in connection with its proposal to assign Channel 280A to Tuscaloosa, which also would have required deletion of Channel 280A at Macon, has shown that Channel 261A may be assigned there in accordance with all mileage separations. We do not, however, propose to substitute Channel 261A for 280A at Macon at this time. Macon is not the size community to which an FM channel assignment is made in the absence of demand (that is, someone evidencing a willingness to apply for and operate a station), especially when Channel 261A might also be used at Aliceville, Alabama, a community of comparable population (Aliceville's population is 2,851). See and compare the action taken in the Second Report and Order in this docket as concerns substitution of a channel at Blackshear, Georgia (FCC 74–1006), 48 F.C.C. 2d (1974), reconsideration pending.

24. We now consider the mid-Alabama proposals. As already noted, these concern conflict for Channel 224A as a first assignment to Haleyville, a second channel assignment to Jasper, and a third assignment to Tuscaloosa, Alabama. Helton & Norris Enterprises, Inc. (H & N) in support of their petition to assign Channel 224A to Haleyville cited information as to the population growth of the city and Winston County in the decade between 1960 and 1970. It is contended that there is particular need for an FM channel to serve Haleyville and Winston County, since AM Station WJBB at Haleyville is the only broadcast station in the county and operates at diminished power after sunset. Information was also given as to continuing growth, industry, and sociological factors; we need not repeat this information here. The arguments of Tri-Cities in support of the proposal to assign Channel 224A to Tuscaloosa have been set forth in some detail above (Para. 17). Radio South's proposal to assign Channel 224A to Jasper was filed as a counterproposal to the H & N's petition and in fact is a second attempt to have that channel assigned to Jasper; see Jasper, 30 F.C.C. 2d 186, 192 (1971).

25. In brief, Radio South urges that, as the county seat (population 10,798) and largest community in Walker County (population 56,246), Jasper is an important retail, educational, and recreational center of sufficient population, economic stability, and socio-economic importance which merits the assignment of a second FM channel. It is asserted that Jasper is the only community in the county with aural broadcast stations and 70% of the county's population reside in a 10-mile radius of the Jasper city limits. Because of the conflict, that is, the Haleyville proposal with that for Jasper and the latter with that for Tuscaloosa, Radio South counterproposed the assignment of Channel 292A to Haleyville and the substitution of Channel 224A at Sheffield for 292A, which is occupied by Station WRCK–FM, and as an alternate for the 224A proposal of Tri-Cities that Channel 269A be assigned to Northport, which is located just north of Tuscaloosa which is without an aural service of its own. In the latter respect, Radio South indicates that it is ready, willing and able to proceed to promptly apply for the channel if assigned to Northport and to promptly build a station if its application is granted. H & N does not oppose Radio South's counterproposal, and indeed, has indicated willingness to contribute to the reimburse-

[22] Because of mileage separation requirements to Station WHHY–FM, Channel 270, Montgomery, Alabama, the transmitter site of a station on Channel 269A at Northport has to be at least several miles north of Northport's reference point. It has been suggested that from such a point a station on Channel 269A could not provide all of Northport with principal community coverage. The information and data available is not sufficient to determine whether this is so, and an appropriate Notice of Proposed Rule Making will be adopted. For the purposes of discussion here, we assume that Radio South is ready, willing, and able to proceed to apply for a channel if assigned to Northport and to promptly build if its application is granted. In sum, we assume that, assertions of Tri-Cities to the contrary, Radio South's proposal for a Northport channel was not intended to confuse the issue about assigning Channel 224A to Tuscaloosa so that Channel 224A would be assigned to Jasper.

[23] In this respect, Tri-Cities contention of service to Hale, Greene, and Pickens Counties is highly dubious (see fn. 20). Indeed, it is even questionable whether a station on a Class A channel at Tuscaloosa can be said to fully serve Tuscaloosa County.

ment of Station WRCK-FM,[24] Tri-Cities has no objection to the assignment of a channel to Haleyville but it strongly questions whether Jasper merits another assignment. In the latter respect, Tri-Cities relies on the earlier denial of the Channel 224A assignment to Jasper while Radio South seeks to explain that on the basis of the facts. Tri-Cities also attacks Radio South's "alternative" to assign Channel 269A at Northport as being no solution whatsoever; this it says has no preclusionary effect on the assignment of Channel 224A at Tuscaloosa. It also calls attention to the fact that Channel 269A would be short-spaced to Station WHHY-FM, Montgomery, Alabama.

26. In resolving this portion of the proceeding, there is no question that Haleyville (as opposed to Monroe, Georgia) merits a first channel assignment. In this respect, if Channel 224A is assigned to Jasper, then Channel 292A may be assigned to Haleyville by reassigning that channel from Sheffield where Channel 224A may be assigned in compliance with the mileage separation to Jasper. As already noted, this requires that Station WRCK-FM change its channel assignment. Station WRCK-FM has agreed to this provided that it will be reimbursed for reasonable expenses, and Radio South and H & N have agreed to participate in such reimbursement. Thus, our action here depends on whether we find that on balance the public interest, convenience, and necessity would be better served by assigning a second FM channel to Jasper or a third FM channel to Tuscaloosa, or, as proposed by Radio South in its counterproposal, assigning a second channel to Jasper and alternatively assigning a channel to Northport, Alabama.

27. Radio South and Tri-Cities interpret our action in denying the assignment of Channel 224A to Jasper in 1971 differently. We there said that Jasper is not a large city, that it has not grown since 1960, and that an FM station as well as two AM stations (one fulltime) are there. In the circumstances, we decided that assignment of Channel 224A should not be made at that time particularly in view of the doubts about the site of a station on Channel 224A which we had also then assigned to Arab, Alabama (30 F.C.C. 2d at 192). In the latter respect, presently in hearing are two applications (BPH-7961 and BPH-8224, Docket Nos. 19849 and 19851), one of which proposes a site which would compel a station on Channel 224A at Jasper to be sited so that a community grade signal could not be placed over Jasper. It is also significant that Jasper in addition to having its own FM station receives an abundance of aural broadcast signals from Birmingham including its six FM stations (37 miles away).[25] Jasper is the type of community to which we might assign a second FM channel if readily available. As has been shown, this is not so. Conceivably this aspect of the proceeding could be held in abeyance pending the outcome of the comparative hearing for Channel 224A at Arab, or conversely the hearing could be stayed to await the outcome of the rule making, that is, if we assigned Channel 224A to Jasper, the application(s) could be amended. Neither alternative comports with the prompt and orderly dispatch of Commission business; indeed, the net effect would be to delay the construction of a station at Arab. In contrast, Tuscaloosa, a much bigger community, has available to it only the aural broadcast services from the radio stations located there. In these circumstances, it would appear that as between Tuscaloosa and Jasper the most fair, efficient, and equitable assignment is at Tuscaloosa considering size and service.

28. There remains for discussion Radio South's proposal to assign Channel 269A to Northport. This proposal appears to have merit; Northport has no aural broadcasting of its own, and Radio South is ready, willing, and able to proceed. While this might be considered a counterproposal, it is not really germane to where Channel 224A should be assigned.[26] In any event, because of changed circumstances,[27] there is a need for further engineering data; also, Radio South did not adduce usual information (e.g., the sociopolitical nature) about Northport in seeking the assignment of an FM channel to a community (see section 1.401(c) of the Commission's Rules and Regulations). In the circumstances, the Northport proposal will be dealt with separately in a notice of proposed rulemaking in another proceeding.

29. In view of the foregoing and pursuant to authority found in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is ordered, That effective January 27, 1975, the FM Table of Assignments (§73.202(b) of the Commission's rules and regulations), is amended with respect to the following cities as follows:

City:	Channel No.
Haleyville, Ala	224A
Tuscaloosa, Ala	224A, 239, 288A
Columbus, Miss	276A, 280A
Starkville, Miss	221A, 292A

* * * * *

30. *It is further ordered,* That the petition of Broadcast Good Music! Committee to assign Channel 300 to Atlanta, Georgia, and make concomitant changes elsewhere (RM-1864) is denied.

31. *It is further ordered,* That the petition of Community Broadcasting Company to assign Channel 300 (RM-2077) to Monroe, Georgia, is denied.

32. *It is further ordered,* That the petition of Radio South, Inc. to assign Channel 224A (RM-2037) to Jasper, Alabama, is denied.

33. *It is further ordered,* That the assignment of Channel 280A Macon, Mississippi, is deleted.

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

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

[FR Doc.74-29689 Filed 12-19-74;8:45 am]

[FCC 74-1365; Docket No. 19945 RM-2121]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

1. The Commission has before it a notice of proposed rulemaking adopted February 25, 1974, 39 FR 9553, inviting comments on a petition filed by Frank A. Franco and Anthony B. Battaglieri (Franco, et al.) which requested the Commission to assign FM Channel 221A to Naples, Florida. Franco, et al. filed its comments in support of the proposal. In addition, Anthony B. Battaglieri filed a letter addressed to the Chief, Broadcast Bureau. On June 27, 1974, one month after the due date for filing reply comments, Naples Image, Inc., licensee of WALJ(FM), Naples, Florida, filed comments in opposition to the proposed assignment.[1] The proposed assignment may be made without making other changes in the Table and would meet the spacing requirements of the Commission's rules.

2. Naples (population 12,042)[2] is the seat of Collier County (population 38,040), is located some 150 miles south of Tampa on the west coast of Florida. Existing broadcast facilities consist of one full-time AM station (WNOG), 1270 kHz, 500 w, DA-N, U) and two FM stations (WALJ(FM), Channel 228A and WCVU(FM), Channel 233, owned by the licensee of the AM facility).

3. Franco, et al., in their comments, incorporated the data contained in the petition for rulemaking, and reaffirmed its intention to apply for the channel if it is assigned, and to promptly construct if their application is granted. They also state that the compelling social and economic reasons for making the assignment have not changed since the filing of the petition.

4. Because Naples Image, Inc., in its comments, opposes the proposed assignment on economic grounds, we are repeating herein the population and economic data contained in the petition. Franco et al., in their petition stated that

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[24] See footnotes 4 and 6, above.

[25] Jasper is in the Birmingham SMSA which consists of Jefferson, Shelby, St. Clair, and Walker Counties (population 760,230).

[26] If a channel is assigned to Tuscaloosa, one may apply for its use at Northport under the provisions of Section 73.203(b) of the Commission's Rules and Regulations. See Melbourne and Satellite Beach, 47 F.C.C. 2d 717 (1974).

[27] Station WHHY, Channel 270, Montgomery, Alabama, has been granted a construction permit authorizing change in power, height, and transmitter site.

[1] By Order released December 2, 1974, the Commission consented to the assignment of the license of Station WALJ(FM) from Naple Image, Inc. to Collier Broadcasting Company (BALH-2060). For reasons set forth hereafter, we are considering the pleading on the merits.

[2] All population figures cited are from the 1970 U.S. Census, unless otherwise specified.

the increase in population for Naples from 1960 to 1970 was 158.7 percent (194.5 percent for Naples Census Division) and 141.5 percent for Collier County. The Florida Department of Commerce has projected a 1975 population for Collier County of 49,400—more than 11,000 greater than 1970—and a projected 1980 population of 60,200. It is stated that: "[U]nited Telephone expects the 1975 population to reach 71,650, and projects a 1980 population of 168,000." However, the preceding statement does not refer to any specific area. It is stated that virtually all the population lies near Naples, as shown by the total population of 27,143, consisting of Naples, North Naples, Naples Park, Immokalee and Everglades. The Naples census division contains 26,896, or approximately 71 percent of the population in the county. The interior portion of Collier County is principally composed of the Big Cypress Swamp.

5. 1970 Census figures indicate median income for males sixteen years and older to be $8,016 with females earning $4,130. The family median income was $13,733 as compared to Miami ($7,304), Tallahassee ($9,078) and Orlando ($7,945). Unemployment in Naples is comparatively low—1.4 percent for males 16 years old and over and 2.3 percent for females in that age bracket, with a combined average of 1.7 percent. Collier County shows unemployment at 2.4 percent for males 16 years old and over with 2.8 percent being the figure for women. In comparison, Miami has combined unemployment of 4.3 percent; Panama City 3.3 percent; and Tallahassee 3.4 percent.

6. In 1965, building permits were issued for construction value of $8,062,696; for 1966—$10,981,380, 1967—$14,394,361; 1968—$23,031,515; 1969—$27,942,537; 1970—$37,363,521; in 1971, it rose to $50,038,625. Wholesale sales increased from $2,690,000 in 1948 to $26,351,000 in 1967; and retail sales increased from $3,008,000 in 1951 to $76,588,000 in 1969.

7. Naples has a separate identity from the large population belt on the East Coast of Florida. A publication entitled General History—Naples and Collier County, Florida, prepared by the Naples Chamber of Commerce was submitted as an attachment to the petition setting forth much significant historic and economic data concerning the area. Naples, in addition to being the county seat, is the principal community as well as the financial, cultural and business center of the community. There are two national banks, two state banks and a savings and loan association with 1970 total deposits of $164,606,305 as opposed to $22,111,578 in 1960. A daily newspaper, the Naples Daily News is published there. Naples also has a 191 bed hospital with a medical staff of 43. There are 20 different church congregations located in Naples, and all major national civic and social organizations are represented. There are 3,000 rental units available in Naples for tourists.

8. The letter comment filed by Battaglieri pointed out that he and Dr. Franco are successfully operating Station WRFY–FM in Reading, Pennsylvania; that he plans to move to Naples; that he had visited the station and concluded that the management of Station WALJ(FM) operated the station in an unexperienced manner; and that the area can support another radio station, provided it is operated by an "FM-experienced" management.

9. Naples Image states, in its comments, that it was financially unable to pay counsel and that it has since learned that it can file comments directly. Based on its assertion of hardship, we will waive the filing date for filing comments, accept the comments and consider them on the merits. Naples Image opposes the assignment on the grounds that Naples cannot support its two existing FM stations. WALJ(FM), which began operation in 1971, contends that there are inadequate advertising revenues available in the Naples area to support the two existing FM stations, much less a third FM station. They also submitted, under oath, a financial statement of operations for the years 1972 and 1973 showing losses of $50,373 and $86,476. It is then claimed by WALJ(FM) that Palmer Broadcasting Company, the licensee of the existing AM and the other existing FM station, in a statement in the August 6, 1973, issue of Broadcasting, "admitted that WCVU (then WNFM) was only selling $5,000 a month or $60,000 a year worth of advertising without telling what it cost to operate the station and whether there was a loss or gain."

10. Naples Image also points out that a new FM station has just moved into Bonita Springs, approximately 15 miles north of Naples; that a new UHF television station is about to begin operations, and a new AM station, that will place a signal into Naples, is about to begin operations in Marco Island, approximately 17 miles south of Naples. They also state that Naples and Collier County have recently adopted several no-growth ordinances.

11. Allocations of FM channel assignments are made on the basis of public interest considerations. All that Naples Image has submitted in support of its conclusion that the Naples market cannot support a third FM assignment are an accounting statement of its own financial condition and a reference in Broadcasting Magazine attributed to the other FM operation in Naples concerning the amount of that station's gross revenues. It submits no specific data concerning the effect, if any, that the operation of a third FM station would have on the programming and operations of the two existing FM stations in Naples. We believe that any such economic issue would be more appropriately considered in connection with an application for a construction permit for use of the channel.

12. As we stated in the Notice, the proposed assignment of Channel 221A to Naples would foreclose future assignments on Channels 218, 219, 220, and 221A. Although the preclusion on Channel 221A would encompass a relatively large area, there are only a few communities located therein, and Immokalee (population 3,764) is the only community that could use an FM channel. However, it is to be noted that Immokalee had Channel 240A assigned to it but the channel was moved to Bonita Springs, Florida (15 miles north of Naples) on a petition of the licensee of the station (FCC 71–1138, 32 F.C.C. 2d 307). Immokalee still has a fulltime Class IV AM station. As to the preclusion on the three educational channels, the nearest community with a higher educational facility is Fort Myers, Florida (37 miles north of Naples) which has a junior college (Edison Jr. College, students—1,516, 1967–68). The nearest Channel 6 television station is located at Miami, Florida (WCIX–TV), some 90 miles from Naples and 120 miles from Fort Myers, and does not provide a Grade B service to these communities. Thus there is no need to reserve the use of Channels 218, 219 or 220 for educational use. The channels below Channel 218 could be used if a need for educational FM stations should arise. We find that the assignment of Channel 221A to Naples, would be an efficient use of the frequency and, based on the foregoing, that it is in the public interest to make the channel assignment even though it exceeds the quota set forth in the FM assignment policy guidelines.

13. In view of the foregoing, and pursuant to the authority contained in sections 4(i), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, *It is ordered*, That, effective January 27, 1975, the FM Table of Assignments, § 73.202(b) of the rules, is amended to read as follows for the city listed below:

City:	*Channel No.*
Naples, Fla	221A, 228A, 233

14. *It is further ordered*, That the filing date for comments is waived, and the late-filed comments of Naples Image, Inc., are accepted.

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

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

Adopted: December 10, 1974.

Released: December 18, 1974.

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

[FR Doc.74-29690 Filed 12-19-74;8:45 am]

[Docket No. 18302; FCC 74-1354]

RADIO SERVICES

Miscellaneous Amendments

In the Matter of Inquiry as to automatic vehicle locator systems in the Land Mobile Radio Services involving Parts 2, 89, 91, and 93 of the Commission's rules.

1. The Commission has under consideration a Petition for Reconsideration submitted in the above-entitled matter by the Boeing Company. Petitioner requests partial reconsideration of the Re-

port and Order in this proceeding which provided interim rules for the licensing and operation of automatic vehicle monitoring radio systems (AVM).[1] This Order was adopted on July 31, 1974, and published in the FEDERAL REGISTER on August 12, 1974 (39 FR 28881).

2. Boeing's request concerns the channel loading requirements adopted for AVM systems that operate on land-mobile frequencies below 512 MHz.[2] These requirements were imposed to assure that frequencies used for AVM, and therefore not generally usable for other purposes, are employed efficiently in terms of the number of vehicles that should be accommodated for digital-data type of radio communication operations. The new rule provisions states:

> For transmission between vehicles and base stations, each frequency in a single-frequency mode of operation will provide location data for at least 200 vehicles, or both frequencies in a two-frequency mode of operation will provide location data for at least 400 vehicles * * *

The rule further states that when these standards are not met, frequency assignments for AVM will be on a secondary, non-interference basis to radiotelephony operations, and additional frequencies will not be authorized.

3. The Boeing system is being developed in the 450–470 MHz band where propagational characteristics are favorable to the "dead reckoning" AVM method it utilizes.[3] In this band, frequencies are assigned in pairs and AVM licensees are consequently required to meet the 400-vehicle loading standard for two-frequency operation. However, this represents about twice the number of vehicles that the Boeing system is capable of locating on paired frequencies if it is to maintain its accuracy goals for AVM.[4] For this reason, Boeing asks in effect that we modify the rule to permit users of its system to meet only the single-frequency channel loading requirement when paired frequency operations is the normal assignment method.

4. The Commission believes that the factors involved in Boeing's request warrant reconsideration and we are granting its petition. Comments supporting Boeing's petition were submitted by the Police Departments of Lansing, Michigan, St. Louis, Missouri, and Wichita, Kansas, and by the Associated Public Safety Communications Officers, Inc. (APCO). These parties argue that modification of the AVM loading standards would permit effective development of Boeing's "dead reckoning" AVM technique and is, therefore, consistent with the Commission's finding that the interim rules should accommodate each of the different AVM methods. APCO summarizes this view:

> At this early stage in the development of AVM technology, we support the request that the channel loading standard be modified to assure further technological development and the maximum reasonable feasibility in system configuration and operation. This rule change, we submit, will further the Commission's stated objective of fostering progress in AVM technology without frustrating its equally important objective of assuring efficient spectrum utilization.

5. The Commission agrees that Boeing's requested rule modification has merit. It appears reasonable and potentially productive to apply the single-frequency loading requirement of approximately 200 vehicles to paired-frequency assignments in the 450–512 MHz band. A similar policy for channel loading standards already applies to voice operations on paired frequencies in many parts of this band. At the same time, the change of the loading requirements could double the number of 450–512 MHz band frequency pairs being used for AVM operations with a concomitant reduction of available frequencies in this band for other important radio communication requirements. In addition, the Boeing technique uses only one base station frequency in a system to "interrogate" vehicles, regardless of the number of mobile station frequencies involved. For example, under the requested loading requirement for a Boeing system involving about 600 vehicles, a licensee could be assigned three pairs of UHF frequencies. However, the system would use only one of the base station frequencies, together with the three mobile station frequencies. The two remaining base station frequencies would not be used. Apart from the obvious waste of the base station frequencies, this does not accord with the Commission's UHF allocation, use, and two-frequency separation plan which is based on frequency pairing.

6. Boeing recognized these problems and noted that it expected that only comparatively small AVM systems involving a few hundred vehicles would be designed for this region of the spectrum. However, until this is borne out, there is need for measures to help assure against excessive use of UHF frequencies for AVM to the detriment of other potential licensees. Thus, while we will not impose specific limitations at this time in the interim provisions on the number of UHF frequencies that will be assigned for dedicated AVM operations in a given area, we will require showing in appropriate cases that valid alternatives to assignment of new UHF frequencies for AVM do not exist. In these respects, we will expect licensees to use presently assigned frequencies to a maximum extent by such tactics as trading off voice operations for AVM. We want to emphasize that we expect that future large scale AVM systems, such as Boeing's, will develop on frequencies we have allocated for this purpose in the 900–930 MHz region.[5] Radio equipment is being developed for operation in this band and we see no important difficulty in terms of propagational limitations to successful AVM uses at this range.

7. In consideration of the foregoing, the rule modifications of the channel loading requirement for operation of AVM systems in the 450–512 MHz band requested by the Boeing Company is determined to serve the public interest and will be adopted.

8. Accordingly, pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, *it is ordered*, That Parts 89, 91, and 93 of the Commission's rules are amended, as shown below, effective January 27, 1975. *It is further ordered*, That this proceeding is terminated.

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

Adopted: December 10, 1974.

Released: December 18, 1974.

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

Parts 89, 91, and 93 of the Commission's rules are amended as follows:

PART 89—PUBLIC SAFETY RADIO SERVICES

1. Paragraph (c)(3)(i) of § 89.120 is amended to read as follows:

§ 89.120 Interim provisions for operation of automatic vehicle monitoring systems.

* * * * *

(c) * * *

(3) * * *

(i) For transmission between vehicles and base stations, each frequency in a single-frequency mode of operation will provide location data for approximately 200 vehicles, or both frequencies in a two-frequency mode of operation will provide location data for approximately 400 vehicles, except that for frequencies in the 450–512 MHz band that are assigned in pairs in accordance with the allocation plan for the band, the requirement is that location data be provided for approximately 200 vehicles for

[1] AVM systems employ two-way non-voice radio communications to automatically determine and make known at a central point the location of a licensee's vehicles. A secondary feature of many of these systems permits supplemental data and instruction transmissions between vehicles and base stations relating to a licensee's activities.

[2] Below 512 MHz, land mobile frequencies available in the 25–50 MHz, 150–170 MHz and 450–512 MHz bands may be assigned for AVM operations. In the 900 MHz band, segments in the frequency bands 902–912 MHz and 918–928 MHz are allocated specifically for AVM systems. (See Section 2.106 of the Rules.)

[3] The three major AVM techniques being developed are the "proximity sensing," "multilateration," and "dead reckoning" methods. The Report and Order discusses distinctions between these techinques and lists current references for further study of the different approaches.

[4] Boeing's technique provides location data for each of 194 vehicles in a single or paired-frequency system with claimed accuracy, on a two-second update rate, of fifty feet.

[5] See note [2], supra.

each frequency pair; and a showing is made that 50 percent of the vehicles will be in operation within the system by the end of the second year of the initial license term, and 70 percent will be in operation within the system by the end of the initial license term; except that if these vehicle loading standards will not be met, frequencies will be assigned only on a secondary non-interference basis to any authorized radiotelephony operation;

PART 91—INDUSTRIAL RADIO SERVICES

2. Paragraph (c)(3)(i) of § 91.120 is amended to read as follows:

§ 91.120 Interim provisions for operation of automatic vehicle monitoring systems.

* * * * *

(c) * * *

(3) * * *

(i) For transmission between vehicles and base stations, each frequency in a single-frequency mode of operation will provide location data for approximately 200 vehicles, or both frequencies in a two-frequency mode of operation will provide location data for approximately 400 vehicles, except that for frequencies in the 450–512 MHz band that are assigned in pairs in accordance with the allocation plan for the band, the requirement is that location data be provided for approximately 200 vehicles for each frequency pair; and a showing is made that 50 percent of the vehicles will be in operation within the system by the end of the second year of the initial license term, and 70 percent will be in operation within the system by the end of the initial license term; except that if these vehicle loading standards will not be met, frequencies will be assigned only on a secondary non-interference basis to any authorized radiotelephony operation;

PART 93—LAND TRANSPORTATION RADIO SERVICES

3. Paragraph (c)(3)(i) of § 93.120 is amended to read as follows:

§ 93.120 Interim provisions for operation of automatic vehicle monitoring systems.

* * * * *

(c) * * *

(3) * * *

(i) For transmission between vehicles and base stations, each frequency in a single-frequency mode of operation will provide location data for approximately 200 vehicles, or both frequencies in a two-frequency mode of operation will provide location data for approximately 400 vehicles, except that for frequencies in the 450–512 MHz band that are assigned in pairs in accordance with the allocation plan for the band, the requirement is that location data be provided for approximately 200 vehicles for each frequency pair; and a showing is made that 50 percent of the vehicles will be in operation within the system by the end of the second year of the initial license term, and 70 percent will be in operation within the system by the end of the initial license term; except that if these vehicle loading standards will not be met, frequencies will be assigned only on a secondary non-interference basis to any authorized radiotelephony operation;

* * * * *

[FR Doc.74-29687 Filed 12-19-74;8:45 am]

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

SUBCHAPTER E—DISCLOSURE STATEMENT

PART 351—BASIC REQUIREMENTS

CFR Correction

Certain provisions of Title 4—Accounts, Chapter III—Cost Accounting Standards Board, Subchapter E—Disclosure Statement, Part 351—Basic Requirements, were inadvertently omitted from the 1974 revision of the Code of Federal Regulations. The sections involved were: §§ 351.41, 351.50 and 351.70 which were promulgated on October 4, 1973. (38 FR 27507). These sections, which have been in effect since that date, will be included in the 1975 revision of the Code of Federal Regulations.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.74-29608 Filed 12-19-74;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

Emergency Amendment to Procedural Regulations

The Federal Energy Administration hereby amends, effective immediately, §§ 205.26 and 205.36, of Chapter II, Title 10, Code of Federal Regulations, with respect to the duration of certain adjustment and assignment orders issued under Subparts B and C, respectively, of Part 205 of FEA's regulations, or under Subpart B of Part 205 as in effect prior to the revision of Part 205 issued August 29, 1974 (39 FR 32261, September 5, 1974).

These amendments provide in § 205.26(d) and § 205.36(a) that any order issued pursuant to Subparts B or C of Part 205, unless otherwise specified, shall be effective for the duration of the Mandatory Petroleum Allocation Program, according to the terms of the order. Section 205.26(e) and § 205.36(e) provide that notwithstanding § 205.26(d) and § 205.36(a), any order issued pursuant to Subparts B or C of Part 205 prior to December 31, 1974 which specifies a termination date of December 31, 1974 shall be effective for the duration of the allocation program.

The purpose of these amendments is to clarify that orders adjusting a purchaser's base period use or assigning a supplier for periods corresponding to base periods, unless clearly intended as interim or temporary orders, should remain effective beyond the end of 1974. While most adjustment and assignment orders specify no termination date or by their terms are effective for the duration of the Mandatory Petroleum Allocation Program, a number of orders, generally those issued early in the program, which were the type of order intended to be in effect for the duration of the program, were inadvertently made effective only until December 31, 1974. These orders should remain in effect notwithstanding the stated termination date. Orders which have termination dates other than December 31, 1974 shall terminate in accordance with their terms.

The FEA recognizes that in some cases the parties may be adversely affected by the extension of orders under these amendments. Therefore § 205.26(f) and § 205.36(f) provide that any effect of § 205.26(e) and § 205.36(e), respectively, on the orders in question shall be deemed to be an FEA order which may be appealed by filing an appeal in accordance with the provisions of Subpart H of Part 205.

Section 7(i)(1)(B) of the Federal Energy Administration Act of 1974 (Pub. L. 93–275) (FEAA) provides for waiver of the requirements of that section as to time of notice and opportunity to comment prior to promulgation of regulations where strict compliance with such requirements is found to cause serious harm or injury to the public health, safety, or welfare. Since it would be administratively impossible for FEA to inform all parties affected by the unintended termination of orders and to receive and process all applications for extension of such orders and since the orders in question provide the basis for supply arrangements with respect to many allocated products and different uses, including priority uses, the FEA has concluded that strict compliance with requirements of section 7(i)(1)(B) of the FEAA would cause serious harm and injury to the public health, safety and welfare. Accordingly, these requirements must be waived and these amendments are made effective immediately, prior to opportunity to comment thereon.

The review provisions of section 7(c)(2) of the FEAA are hereby waived for a period of fourteen days, as provided for in that section, upon a finding that there is an emergency situation which requires immediate action. FEA is submitting the text of this emergency amendment concurrently with its issuance to the Administrator of the Environmental Protection Agency for his review.

Because these amendments are being issued on an emergency basis, an opportunity for oral presentation of views will not be possible prior to its promulgation. A public hearing on the amendment, however, will be held beginning at 9:30 a.m. on January 21, 1975, at the Federal Building, Room 3000, 12th and Pennsylvania Avenue, NW., Washing-

ton, D.C., to receive comments from interested persons. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., January 13, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through January 15, 1975. Each person selected to be heard will be so notified by the FEA before 5:30 p.m., e.s.t., January 15, 1975, and must submit 100 copies of his or her statement to Executive Communications, FEA, Room 3315, Federal Building, Washington, D.C. 20461, before 9 a.m., e.s.t., January 21, 1975.

The FEA reserves the right to select governing the conduct of the hearing. to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, to Executive Communications, FEA, before 4:30 p.m., e.s.t., January 17, 1975. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area of the FEA, Room 3400, Federal Building, 12th and Pennsylvania Avenue N.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may buy a copy of the transcript from the reporter.

Interested persons are invited to submit data, views, or arguments with respect to the emergency amendment to Executive Communications, Federal Energy Administration, Box BQ, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to Executive Communications, FEA, with the designation "Emergency Amendment to Procedural Regulations." Fifteen copies should be submitted. All comments received by January 17, 1975, and all relevant information, will be considered by the Federal Energy Administration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

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

In consideration of the foregoing, Part 205 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective immediately.

Issued in Washington, D.C., December 18, 1974.

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

1. Section 205.26 is amended by adding paragraphs (d), (e) and (f) to read as follows:

§ 205.26 Decision and order.

* * * * *

(d) Any order issued pursuant to this subpart, unless otherwise specified, shall be effective for the duration of the Mandatory Petroleum Allocation Program, according to its terms.

(e) Notwithstanding paragraph (d) of this section, any order issued pursuant to this subpart prior to December 31, 1974, which order specifies a termination date of December 31, 1974, shall be effective for the duration of the Mandatory Petroleum Allocation Program.

(f) Any effect of paragraph (e) of this section upon any order issued pursuant to this subpart prior to December 31, 1974 shall be deemed to be an FEA order issued under this subpart, which may be appealed by filing an appeal with the FEA Office of Exceptions and Appeals or the appropriate Regional Office in accordance with the provisions of Subpart H of this part.

2. Section 205.36 is amended by adding paragraphs (e) and (f) and by revising paragraph (a) to read as follows:

§ 205.36 Decision and order.

(a) Upon consideration of the application and other relevant inforamtion received or obtained during the proceedcation and other relevant information ing, the FEA shall issue an appropriate order. The order shall state the periods corresponding to base periods to which it applies, and shall be effective for the duration of the Mandatory Petroleum Allocation Program, according to its terms, unless a duration for a lesser period is specified therein.

* * * * *

(e) Notwithstanding paragraph (a) of this section, any order issued pursuant to this subpart prior to December 31, 1974, other than a temporary assignment order under § 205.39, which order specifies a termination date of December 31, 1974, shall be deemed effective for the duration of the Mandatory Petroleum Allocation Program.

(f) Any effect of paragraph (e) of this section upon any order issued pursuant to this subpart prior to December 31, 1974 shall be deemed to be an FEA order issued under this subpart, which may be appealed by filing an appeal with the FEA Office of Exceptions and Appeals or the appropriate Regional Office in accordance with the provisions of Subpart H of this part.

[FR Doc.74-29885 Filed 12-19-74;10:27 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

TAXATION AS SELF-EMPLOYMENT INCOME OF FEES RECEIVED BY CERTAIN OFFICERS OF STATES AND POLITICAL SUBDIVISIONS

Notice of Supplementary Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, considerations will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC: LR: T, Washington, D.C. 20224, by January 19, 1975.

Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by January 19, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) in order to conform such regulations to the provisions of section 122(b) of the Social Security Amendments of 1967 (81 Stat. 843).

Section 122(b) provided that, effective with respect to fees received after 1967, the performance of the functions of a public office of a State or its political subdivision which are compensated solely on a fee basis and which are not covered by social security under an agreement entered into by the State and the Secretary of Health, Education, and Welfare pursuant to provisions of the Social Security Act are subject to self-employment tax.

A notice of proposed rule making designed to conform the regulations to changes made by this section was published in the FEDERAL REGISTER for July 3, 1973 (38 FR 17727). A provision contained in that notice which required that fee-basis public officials be "employees" as that term is defined in the Federal Insurance Contributions Act has been revised in the proposed regulations. This revision reflects congressional intent to cover certain public officers who are employees within the meaning of section 218 of the Social Security Act but are not employees under the common law definition, such as magistrates and justices of the peace.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 1402(c) of the Internal Revenue Code of 1954 to section 122(b) of the Social Security Amendments of 1967 (81 Stat. 843), § 1.1402(c)–2 would be amended by revising paragraphs (a)(2) and (b) to read as follows:

§ 1.1402(c)–2 Public office.

(a) * * *

(2) *Fee basis public officials*—(i) *In general.* If an individual receives fees after 1967 for the performance of the functions of a public office of a State or a political subdivision thereof for which he is compensated solely on a fee basis, and if the service performed in such office is eligible for (but is not made the subject of) an agreement between the State and the Secretary of Health, Education, and Welfare pursuant to section 218 of the Social Security Act to extend social security coverage thereto, the service for which such fees are received constitutes a trade or business within the meaning of section 1402(c) and § 1.1402(c)–1. If an individual performs service for a State or a political subdivision thereof in any period in more than one position, each position is treated separately for purposes of the preceding sentence. See also paragraph (f) of § 1.1402(c)–3 relating to the performance of service by an individual as an employee of a State or a political subdivision thereof in a position compensated solely on a fee basis.

(ii) *Election with respect to fees received in 1968.* (A) Any individual who in 1968 receives fees for service performed by him with respect to the functions of a public office of a State or a political subdivision thereof in any period in which the functions are performed in a position compensated solely on a fee basis may elect, if the performance of the service for which such fees are received constitutes a trade or business pursuant to the provisions of subdivision (i) of this subparagraph, to have such performance of service treated as excluded from the term "trade or business" for the purpose of the tax on self-employment income, pursuant to the provisions of section 122(c)(2) of the Social Security Amendments of 1967 (as quoted in § 1.1402(c)). Such election shall not be limited to service to which the fees received in 1968 are attributable but must also be applicable to service (if any) in subsequent years which, except for the election, would constitute a trade or business pursuant to the provisions of subdivision (i) of this subparagraph. An election made pursuant to the provisions of this subparagraph is irrevocable.

(B) The election referred to in subdivision (ii)(A) of this subparagraph shall be made by filing a certificate of election of exemption (Form 4415) on or before the due date of the income tax return (see section 6072), including any extension thereof (see section 6081), for the taxable year of the individual making the election which begins in 1968. The certificate of election of exemption shall be filed with an internal revenue office in accordance with the instructions on the certificate.

(b) *Meaning of public office.* The term "public office" includes any elective or appointive office of the United States or any possession thereof, of the District of Columbia, of a State or its political subdivisions, or of a wholly-owned instrumentality of any one or more of the foregoing. For example, the President, the Vice President, a governor, a mayor, the Secretary of State, a member of Congress, a State representative, a county commissioner, a judge, a justice of the peace, a county or city attorney, a marshal, a sheriff, a constable, a registrar of deeds, or a notary public performs the functions of a public office. (However, the service of a notary public could not be made the subject of a section 218 agreement under the Social Security Act because notaries are not "employees" within the meaning of that section. Ac-

cordingly, such service does not constitute a trade or business.)

[FR Doc.74-29749 Filed 12-19-74;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Parts 1304, 1308]

CONCENTRATE OF POPPY STRAW

Addition to Schedule II and Authorizing Its Importation

A long-time national policy has been established against the importation of finished narcotic drugs; permitting only the importation of such quantities of crude opium deemed to be necessary to provide for the medical, scientific or other legitimate requirements of the United States for any salt, compound, derivative, or preparation of opium poppy. This policy was first established by the Congress in enactment of the Narcotic Drugs Import and Export Act of May 26, 1922, and was affirmed by the Congress by enactment of the Controlled Substances Import and Export Act of October 27, 1970 (Pub. L. 91-513, Title III; 21 U.S.C. 951 et seq.).

The Congress also provided in the Controlled Substances Import Act of 1970, that the Attorney General (now delegated to the Administrator of the Drug Enforcement Administration) may permit the importation of such quantities of narcotic drugs as he finds necessary to provide for the medicinal, scientific, or other legitimate needs of the United States during an emergency in which domestic supplies of such narcotic drugs are found to be inadequate.

During the past four years, the International Narcotic Control Board has been reporting that some countries (including the United States) have been encountering difficulties in obtaining sufficient opium for medical purposes. The matter was discussed fully at the third special session of the United Nations Commission on Narcotic Drugs at Geneva, February 18–March 1, 1974, where there was general agreement that there is a growing demand for opium poppy derivatives which has not been met by the production of crude opium. Also, in a report (B-173123) issued July 23, 1974, the Comptroller General of the United State indicated that the demand for codeine is increasing in the United States, and that a critical situation could develop without additional sources of supply.

Opium production in 1973 was not sufficient to cover the needs of the drug manufacturers, and it was necessary for the manufacturers to use up their inventories beyond an acceptable level in order to meet immediate and estimated future needs for codeine. The International Narcotic Control Board predicted that by 1974, opium resources and opium requirements would be in balance. Unfortunately, India's production in 1974, which was estimated at 1,139 metric tons in November 1973, was actually only 894 metric tons. The resulting deficit and reduction of opium available to United States manufacturers has been largely covered by the equivalent of approximately 238 metric tons of opium authorized to be released from the national strategic materials stockpile. Estimates of opium production in 1975 are not encouraging. India continues to be the only country that produces opium for exportation, and because opium is an agricultural product vulnerable to climatic hazards such as prolonged rains delaying the planting season, very severe winters, and drought during growing seasons, it would not be in the best interest of the United States to continue to rely exclusively on the importation of crude opium for its medical requirements.

Recent reports from the International Narcotic Control Board have been encouraging in regard to the anticipated supply of poppy straw, which will be available from 1975 onwards. The poppy straw process is designed to extract morphine and other opium poppy alkaloids directly from the poppy straw. This process produces a concentrated liquid form or dried gum or a powder containing opium poppy alkaloids, which is described as "concentrate of poppy straw." The poppy straw process will do much to relieve the imbalance of the world's supply and demand for codeine, but only to the extent that there is sufficient industrial capacity to handle it. Several United States pharmaceutical manufacturers have the capacity to manufacture codeine from concentrate of poppy straw, and can help to expand the capacity to utilize increased harvesting of poppy straw.

In order to remedy the shortage of raw materials, the United States Government has taken and will continue to take various steps, which will be spread over a period of time and coordinated to close the gap between the supply and demand for opium poppy derivatives without tilting the balance in the opposite direction. The first step was the release of stockpiled opium. The second measure is to supplement the imbalance with quantities of raw material other than crude opium, and at the same time maintain control equal to the system now applicable to crude opium. The most appropriate equivalent of crude opium is concentrate of poppy straw, that is, the crude extract of poppy straw in either liquid, solid or powder form, which contains the phenanthrine alkaloids of the opium poppy. Accordingly, in pursuance of his authority under section 1002 of the Controlled Substances Import and Export Act (21 U.S.C. 952) and § 1312.13 of the Code of Federal Regulations (21 CFR 1312.13), the Administrator has determined that beginning January 1, 1975, and until further notice, concentrate of poppy straw may be imported on the basis that an emergency exists in which raw materials for the production of opium poppy alkaloids are inadequate.

Concentrate of poppy straw is included in schedule I of the Single Convention on Narcotic Drugs, and is subject to the full regime of control applicable to substances in that schedule. Therefore, under the provisions of section 201(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(d)), the Attorney General is authorized to control concentrate of poppy straw in the schedule of the Act deemed most appropriate to carry out the obligations of the United States. The Drug Enforcement Administration has determined that concentrate of poppy straw should be controlled in schedule II of the Act.

The Drug Enforcement Administration desires that concentrate of poppy straw be subjected to the same controls as opium. Accordingly, special reporting requirements similar to § 1304.33 will be imposed on manufacturers who import concentrate of poppy straw.

Therefore, under the authority vested in the Attorney General by sections 201 (d), 301, and 1002 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator hereby proposes that Parts 1304 and 1308 of Title 21 of the Code of Federal Regulations be amended as follows

1. A new § 1304.42 is added as follows:

§ 1304.42 Reports from manufacturers importing concentrate of poppy straw.

(a) Every manufacturer importing concentrate of poppy straw shall submit in addition to Form 333, Form DEA 247 (c) accounting for the importation and for all manufacturing operations performed between importation and the production in bulk of finished marketable products, standardized in accordance with the U.S. Pharmacopeia, National Formulary, or other recognized medical standards. Subsequent manufacture from such products, including bottling or packaging operations, shall be accounted for in the returns on DEA Form 333 (1304.38) and its supplements. DEA Form 247(c) shall be submitted quarterly to the Regulatory Investigations Section, Drug Enforcement Administration, Department of Justice, Washington, D.C. 20537, on or before the 15th day of the month immediately following the period for which it is submitted.

(b) The report of manufacture from concentrate of poppy straw shall consist of summaries with supporting detail sheets accounting for original manufacture from concentrate of poppy straw, production from morphine for further manufacture, and also accounting for stocks of concentrate of poppy straw, morphine for further manufacture and other crude alkaloids.

(c) The detail sheets (DEA 247(c)) supporting the summary of original manufacture from concentrate poppy straw shall show separately the amount of concentrated poppy straw imported, the concentrated poppy straw used for the extraction of alkaloids, subsequent manufacture from those alkaloids, and the inventory of concentrated poppy straw at the close of the reporting period.

(d) Upon importation of concentrate of poppy straw, samples will be selected and assays made by the importing manufacturer in a manner and according to a method previously approved by DEA. Where final assay data is not determined at the time of rendering report, the report shall be made on the basis of the best data available, subject to adjustment, and the necessary adjusting entries shall be made on the next report.

(e) Upon withdrawal of concentrate of poppy straw from customs custody, the importing manufacturer shall assign to each container an identification mark or number by which the concentrate of poppy straw will be associated with the lot assay and identified in reports.

(f) Where factory procedure is such that partial withdrawals of concentrate of poppy straw are made from individual containers, there shall be attached to each container a stock record card on which shall be kept a complete record of all withdrawals therefrom.

(g) Concentrate of poppy straw derivatives which are produced for exclusive use in further manufacturing purposes shall be reported produced when they come into existence in that form in which they are to be so used. Alkaloids or derivatives produced exclusively for distribution shall be reported as produced when manufacture has actually been completed and the finished marketable product ready for packaging and distribution. Such products shall be regarded as ready for packaging and distribution as soon as all processing other than mere packaging has been completed. Products manufactured partly for distribution and partly for use in further manufacture will be reported produced as soon as manufacture is complete and they are ready either for use in further manufacture or for packaging for distribution.

(h) Subject to § 1303.24(c) of this chapter, no accumulations of morphine or other narcotic controlled substances in their pure or near-pure states shall be permitted to remain inactively in process for an unreasonable time in light of efficient industrial practices. All such products nearing completion of their respective processes and approaching a condition of purity shall be carefully protected, promptly completed, and immediately transferred to finished stocks, and reported as produced.

(i) In making conversions of concentrate of poppy straw alkaloids and their salts to anhydrous morphine the quantity of the particular alkaloid or salt in avoirdupois ounces shall be multiplied by a conversion factor arrived at by ascertaining the ratio, carried to the fourth decimal place, between the respective molecular weight of such alkaloid or salt and the molecular weight of anhydrous morphine (285.16), such weights being computed to the third decimal place from the chemical formulae of the substances and the atomic weights of elements, as adopted by the International Committee on Chemical Elements and published in the latest edition of the U.S. Pharmacopoeia.

2. Section 1308.12 is amended by adding a new (b) (5) as follows:

§ 1308.12 Schedule II.

* * * * *

(b) * * *

(5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrine alkaloids of the opium poppy)..... 9670.

* * * * *

All interested persons are invited to submit their comments and objections, in writing, regarding this proposal. Comments and objections should be submitted in quintriplicate to the Office of Chief Counsel, Drug Enforcement Administration, Department of Justice, Room 1203, 1405 I Street, Washington, D.C. 20537, and must be received on or before January 22, 1974.

Dated: December 17, 1974.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.74-29845 Filed 12-19-74;10:00 pm]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 74-WE-51-AD]

McDONNELL DOUGLAS MODEL DC-10-10, DC-10-10F, DC-10-30, AND DC-10-30F AIRPLANES

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-30, and DC-10-30F airplanes. There have been failures of fan blades on General Electric CF6 engines that could result in a severing of some wing engine nose cowl bolts causing loss of the cowl due to engine unbalance. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require modifications of the engine nose cowl attachments per McDonnell Douglas DC-10 Service Bulletin 71-53, dated September 25, 1974, or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rules Docket, P.O. Box 92007 World Way Postal Center, Los Angeles, California 90009. All communications received on or before February 5, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

McDONNELL DOUGLAS: Applies to Model DC-10-10, DC-10-10F, DC-10-30, and DC-10-30F airplanes certificated in all categories.

Compliance required within the next 4000 flight-hours after the effective date of this A.D., unless already accomplished.

To minimize the possibility of losing wing engine nose cowl due to severed nose cowl attach bolts and engine unbalance loads, modify the wing engine nose cowls per McDonnell Douglas DC-10 Service Bulletin 71-53, "Powerplant—Cowling—Modify Engine Nose Cowl Attachments," dated September 25, 1974, or later FAA-approved revisions, or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Issued in Los Angeles, California on December 11, 1974.

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

[FR Doc.74-29633 Filed 12-19-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-CE-27]

TRANSITION AREAS

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to revoke and redesignate controlled airspace within the State of Kansas except west of Longitude 99°04'00" W., north of V216, V4-103 and V132 east, and in accomplishing this end to amend the Colby, Kansas, Phillipsburg, Kansas, and Hugo, Colorado, transition areas to eliminate reference to airspace within the State of Kansas.

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 Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before January 20, 1975, will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration

officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

There are 26 separate 1,200-foot transition areas designated within the State of Kansas east of Longitude 99°04'00" west, south of V216, V4–108 and V132. To simplify airspace descriptions, provide continuity in the floor of controlled airspace, to improve aeronautical chart legibility, to make it easier for both the pilot and air traffic control to provide more control services, it is proposed to extend controlled airspace extending upward from 1,200 feet above the surface to the State of Kansas except that area west of Longitude 99°04'00" west, north of V216, V4–108 and V132.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition areas are amended by deleting references to that airspace extending upward from 1200 feet above the surface.

KANSAS

Anthony	Larned
Chanute	Lawrence
Colby	Liberal
Dodge City	Manhattan
Emporia	Oswego
Fort Scott	Parsons
Garden City	Phillipsburg
Goodland	Pittsburg
Great Bend	Pratt
Hays	Russell
Hutchinson	Salina
Independence	Topeka
Kansas City	Wichita

In § 71.181 (39 FR 440), the following 1200' transition areas would be amended to now read as follows:

COLBY, KANS.

That airspace extending upward from 700 feet above the surface within a 5½ mile radius of Colby Municipal Airport (latitude 39°25'30" N., longitude 101°02'40" W.); and within 3 miles each side of the 017° bearing from Colby Municipal Airport, extending from the 5½ mile radius area to 8 miles north of the airport and that airspace extending upward from 1200' above the surface within 4½ miles east and 9½ miles west of the 017° and 197° bearings to/from the Colby Municipal Airport extending from one mile south to 18½ miles north of the airport.

GOODLAND, KANS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Renner Field-Goodland Municipal Airport (latitude 39°22'10" N., longitude 101°41'55" W.); and within 5 miles each side of the Goodland VORTAC 163° radial, extending from the 7-mile radius area to 12 miles south of the VORTAC; and that airspace extending upward from 1,200' above the surface within 5 miles each side of the Goodland VORTAC 343° radial extending from the north edge of V4 and V132 to 12 miles north of the VORTAC.

PHILLIPSBURG, KANS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Phillipsburg Municipal Airport (latitude 39°44'15" N., longitude 99°19'00" W.); and within 3 miles each side of the 142° bearing from Phillipsburg Municipal Airport, extending from the 7-mile radius area to 10½ miles southeast of the airport; and that airspace extending upward from 1,200' above the surface within 4½ miles northeast and 9½ miles southwest of the 142° bearing from the Phillipsburg Municipal Airport extending from the airport to the north edge of V216.

HUGO, COLORADO

That airspace south of Hugo, Colo., VOR extending upward from 8,500 feet MSL, bounded on the north by V–108S, on the northeast by V–263, on the south by V–210, and on the west by V–19E and that airspace east of Hugo, extending upward from 9,500 feet MSL, bounded on the north by V–4, on the east by V–17, on the southeast by V–216, on the southwest by V–263, and on the northwest by V–169, excluding the airspace within Federal airways, the Pueblo and Colorado Springs, Colo., transition areas and that portion within the state of Kansas.

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

KANSAS

That airspace extending upward from 1,200' above the surface within the state of Kansas excluding that portion west of Longitude 99°04'00" W., North of V216, V4–108, V132 East.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, 49 (U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on December 2, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74–29630 Filed 12–19–74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74–CE–26]

TRANSITION AREAS

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to revoke and redesignate controlled airspace within the State of Missouri and alter the Marion, Illinois, and Blytheville, Arkansas, transition area designations to eliminate reference to airspace within the State of Missouri.

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 Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before January 20, 1975, will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

There are 30 separate 1,200-foot transition areas presently designated within the State of Missouri, including portions of the Marion, Illinois, and Blytheville, Arkansas, 1,200-foot transition areas which reference airspace within the State of Missouri. To simplify airspace descriptions, provide continuity in the floor of controlled airspace, to improve aeronautical chart legibility, to make it easier for both the pilot and air traffic control to provide more control services, it is proposed to extend controlled airspace extending upward from 1,200 feet above the surface to cover the entire State of Missouri.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 400), the following transition areas are amended by deleting references to that airspace extending upward from 1,200 feet above the surface.

MISSOURI

Cape Girardeau	Moberly
Columbia	Neosho
Dexter	Nevada
Farmington	Perryville
Festus	Point Lookout
Fort Leonard Wood	Poplar Bluff
Higginsville	Readsville
Joplin	St. Joseph
Kaiser	St. Louis
Kansas City	Sedalia
Kirksville	Sikeston
Lebanon	Springfield
Malden	Trenton
Mexico	Vichy

MARION, ILLINOIS

That portion lying in the state of Missouri.

BLYTHEVILLE, ARKANSAS

That portion lying in the state of Missouri.

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

MISSOURI

That airspace extending upward from 1,200 feet above the surface within the boundary of the state of Missouri.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the De-

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

Issued in Kansas City, Missouri, on December 2, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74-29631 Filed 12-19-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-RM-19]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the transition area at Livingston, Mont.

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, Air Traffic Division, Federal Aviation Administration, Park Hill Station P.O. Box 7213, Denver, Colorado 80207. All communications received on or before January 17, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 E. 25th Avenue, Aurora, Colorado 80010.

The standard instrument approach procedure at Livingston, Mont. has been revised to delete the transition arcs to the final approach course and to change the missed approach course. An alteration of the airspace to be protected for the IFR procedure is required as a result of this revision.

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

In § 71.181 (39 FR 440) amend the description of the Livingston, Mont. transition area to read as follows:

LIVINGSTON, MONT.

That airspace extending upward from 700 feet above the surface within 9.5 miles west and 4.5 miles east of the Livingston VORTAC 340° radial extending from the VORTAC to 18.5 miles north of the VORTAC and within 2.5 miles each side of the Livingston 085° radial, extending from a 5-mile radius circle centered on Mission Field Airport, Livingston, Mont. (latitude 45°41'45" N., longitude 110°26'40" W.) to 9 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 6 miles south and 9.5 miles north of the Livingston VORTAC 085° and 265° radials, extending from 7 miles west to 21 miles east of the VORTAC.

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

Issued in Aurora, Colorado, on December 13, 1974.

M. M. MARTIN,
Director,
Rocky Mountain Region.

[FR Doc.74-29634 Filed 12-19-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SW-51]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Batesville, Ark.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, PO Box 1689, Fort Worth, Texas 76101. All communications received on or before January 20, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

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

BATESVILLE, ARK.

That airspace extending upward from 700 feet above the surface within a 15-statute-mile radius of Batesville Regional Airport, Batesville, Ark. (latitude 35°43'00" N., longitude 91°38'00" W.); and within 3.5 miles each side of 255°T (250°M) bearing from the Batesville NDB (latitude 35°42'13" N., longitude 91°45'03" W.), extending from the 15-mile radius area to 11.5 statute miles west of the NDB; excluding that portion which overlies the Heber Springs, Ark., transition area.

The proposed transition area will provide controlled airspace for aircraft executing a new instrument approach procedure for the Batesville Regional Airport, Batesville, Ark.

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

Issued in Fort Worth, TX., on December 12, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74-29635 Filed 12-19-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SW-44]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at La Pryor, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, PO Box 1689, Fort Worth, Texas. 76101. All communications received on or before January 20, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

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

LA PRYOR, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of La Paloma Ranch Airport (latitude 28°-53'30" N., longitude 99°51'09" W.) and within 3.5 miles each side of the 353° bearing from the La Pryor, Tex., NDB (latitude 28°-5t'47" N., longitude 99°51'16" W.) extending from the 5-mile radius area to 11.5 miles northwest of the La Pryor, Tex., NDB.

The proposed transition area will provide controlled airspace for aircraft executing the proposed NDB Rwy 17 instrument approach procedure.

Final action on this proposal will be made consistent with the depiction of La Paloma Ranch Airport on appropriate sectional charts scheduled June 19, 1975.

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

Issued in Fort Worth, Tex., on December 10, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74-29636 Filed 12-19-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SO-115]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Craig AFB Aux. #1 (Vaiden), Ala., 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, PO Box 20636, Atlanta, Ga. 30320. All communications received on or before January 20, 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 Craig AFB Aux. #1 (Vaiden) transition area would be designated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Craig AFB Aux. #1 (Vaiden), Ala. (latitude 32°30'35" N. longitude 87°23'06" W.); within 2.5 miles each side of the extended centerline of Runway 16, extending from the threshold to 10.5 miles north of the threshold.

The proposed designation is required to provide controlled airspace protection for IFR operations (military) at Craig AFB Aux. #1 (Vaiden) Airport. A prescribed instrument approach procedure to this airport, utilizing U.S. Air Force radar, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of 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 December 10, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-29637 Filed 12-19-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-EA-82]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Philadelphia, Pa. Control Zone (39 FR 416) and Transition Area (39 FR 565).

The geographic position of the Philadelphia International Airport, Philadelphia, Pa., has been revised and requires a revision in the description of the Philadelphia, Pa. Control Zone and Transition Area.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Deparment of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before January 20, 1975, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

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

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Philadelphia, Pennsylvania, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Philadelphia, Pa. Control Zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center, 39°52'23" N., 75°14'58" W., of Philadelphia International Airport, Philadelphia, Pa.; within a 6-mile radius of the center of the airport extending clockwise from a 266° bearing to a 016° bearing from the airport; within 2.5 miles each side of the Philadelphia International Airport Runway 27R ILS localizer course, extending from the localizer to 6.5 miles east; within 2 miles each side of the Philadelphia International Airport Runway 9R ILS localizer course, extending from the 5-mile radius zone to 2 miles east of the OM; within 2.5 miles each side of the New Castle, Del. VORTAC 055° radial, extending from the 5-mile radius zone to 18.5 miles northeast of the VORTAC.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Philadelphia, Pa. Transition Area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 39°52'23" N., 75°14'58" W. of Philadelphia International Airport, Philadelphia, Pa.; within a 9-mile radius of the center of the airport, extending clockwise from a 136° bearing to a 256° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 256° bearing from the airport to a 058° bearing from the airport; within 6.5 miles south and 4.5 miles north of the Philadelphia International Airport Runway 9R ILS localizer course, extending from 5.5 miles east to 11.5 miles west of the OM; within 4.5 miles each side of the Modena, Pa. VORTAC 097° radial, extending from 24 miles east to 33 miles east of the VORTAC; within a 5.5-mile radius of the center, 39°47'50" N., 75°20'35" W. of Bridgeport Airport, Bridgeport, New Jersey; within 2 miles each side of the Woodstown, N.J. VORTAC 350° radial, extending from the 5.5-mile radius area to the Woodstown, N.J. VORTAC.

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

Issued in Jamaica, N.Y., on December 5, 1974.

ROBERT H. STANTON,
Director.

[FR Doc.74-29638 Filed 12-19-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20292; Rm-2188 etc.]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Notice of Proposed Rule Making

1. Notice of proposed rulemaking is hereby given of proposed amendment of § 73.202(b) of the rules, the FM Table of Assignments, with regard to the abovementioned communities.

2. Three petitions seeking assignment of two channels have been filed. The three communities for which these assignments are sought are clustered around the contiguous borders of Missouri, Illinois and Kentucky. Joe W. Hebel petitions for assignment of Channel 252A to Paducah, Kentucky. James S. Fritch, Curtis E. Miller and Roy E. Delancy seek that channel for Vienna, Illinois. KBOA, Inc., licensee of AM Station KREI, Farmington, Missouri, petitions for assignment of Class C Channel 253 to Farmington. The petitions for Channel 252A are mutually exclusive

and assignment of Channel 253 to Farmington would preclude an assignment of Channel 252A to Vienna, but not to Paducah.

3. Paducah, Kentucky (pop. 34,627),[1] is situated just outside of the southern border of Illinois and is the seat of McCracken County (pop. 58,251). Hebel avers that Paducah is the largest city within a 100 mile radius and that its stores, cultural facilities and government offices, therefore serve persons in a wide area. Paducah is presently served locally by three full-time AM stations and two Class C FM stations that Hebel contends duplicate their sister AM stations most or all of the time. Hebel asserts that Paducah is in need of an independent FM station and that the city has the necessary economic activity to support an additional assignment to the area.

4. Hebel's petition indicates that his proposed assignment would result in adjacent and co-channel preclusions in Fredericktown (pop. 3,799) and Greenville, Missouri (pop. 327), and in Harrisburg (pop. 9,535) and Metropolis, Illinois (pop. 6,940). A staff study has shown that Mound City (pop. 1,171), Mounds (pop. 1,718), and Vienna (pop. 1,325), all in Illinois, would also be within the preclusion area of this proposed assignment. Hebel has shown that Channel 237A is available for assignment to Fredericktown. However, subsequent to submission of his petition, substitution of Channel 238 for Channel 297 at Poplar Bluff, Missouri, foreclosed the availability of Channel 237A to Fredericktown. Hebel has shown that Channel 257A is available for assignment to Greenville, that Harrisburg had a Class B assignment, and that the proposed assignment could, if adopted, be licensed to Metropolis under the 10-mile rule (section 73.203(b) of the Rules). In his response to this Notice, the petitioner should indicate what channels, if any, are available for assignment to Fredericktown, Mound City, Mounds, and Vienna.

5. Vienna (pop. 1,325), the seat of Johnson County (pop. 7,550), and its largest city is located in southern Illinois, 28 miles northwest of Paducah. The petitioners for the Vienna assignment aver that Vienna serves as a trade center for its county and for parts of contiguous Pope and Massac Counties, that it provides complete city services to the area and that it is developing into an important recreational area with numerous state parks and recreation lakes nearby including the Shawnee National Forest.

6. There is no local aural service anywhere in Johnson County. The petitioners for the Vienna assignment aver that there is a particular need for providing timely weather information to the farmers and the general public which is not available at the present time from any source. In particular, they state that the prompt reporting of unusual school closings or disasters affecting the area would be of vital importance to the public. As between Paducah and Vienna the Commission is faced with the question of whether to assign a channel to a larger community that is already served by five full-time aural services or to a smaller community that has none. Ordinarily, the Commission will not, on its own motion, make an assignment to a community with a population of less than 10,000. However, the Commission will do so when such anassignment would be in the public interest and when a petitioner for such an assignment indicates that he will, apply for the channel if its assigned, and if authorized, build a station promptly. In considering the aforementioned proposals for FM assignments, the Commission will weigh what appears to be adequate full-time aural service to Paducah[2] against our priority of providing "Insofar as possible, * * * each community with at least one FM broadcast station, especially where the community has only a daytime-only or local (Class IV) AM station, and especially, where the community is outside of an urbanized area."[3] The petitioners may direct comments to this point.

7. Farmington (pop. 6,590), the seat of St. Francois County (pop. 36,818), is located in southeastern Missouri, 87 miles northwest of Vienna and 112 miles northwest of Paducah. KBOA, Inc., the petitioner for assignment of Class C Channel 253 to Farmington is the licensee of daytime-only standard broadcast Station KREI. The only other aural service originating in the county is transmitted by Station KFMO, Flat River, a full-time Class IV station which provides no nighttime service interference free to Farmington. KBOA avers that the towns around Farmington are sparsely populated and that Farmington with its population of 7,031 is the largest city in a 40 mile area. The petitioner's engineering analysis shows that the proposed assignment would result in very limited preclusion on Channels 252A, 253, and 254, and that these areas do not include any sizeable community without an FM station or assignment. KBOA has indicated that Farmington has a mayor-city council form of government and that it is served by one daily and one weekly newspaper. The petitioner has described in great detail the social, governmental and economic activities of communities that would be served by its proposed Class C assignment.[4] KBOA contends that its

8. Farmington is not the type of community that would ordinarily be assigned a Class C channel. However, the proposal would bring a first FM service to 1,555 square miles with a population of 13,913.

Commission has made such assignments where it has been shown that a high power station is necessary to cover a large sparsely populated area, where a Class A channel would not provide adequate service due to hills or valleys, or where a Class A channel was not available for assignment. KBOA avers that to the south and southwest of Farmington the terrain becomes hilly and then, as one moves further out, very rough with granite type mountains in the Iron County area. However, it should be noted that these terrain factors do not appear to affect reception within Farmington itself. KBOA avers that the towns around Farmington are sparsely populated and that a Class C channel would allow full-time service to the people in this area. Standing alone KBOA would make a good case for assignment of a Class C channel to Farmington. But when, as here, making such an assignment would preclude granting an assignment to an underserved area for which someone has expressed an intent to apply and if authorized, to build a station promptly, the Class C assignment can be made only if the petitioner for that assignment can show that the assignment should be made even though this preclusion will result. This is especially true when a Class A channel is available for assignment to the area.[5] KBOA has indicated that Channel 224A could be assigned to Farmington.[6] A Class A channel, we are told, would provide a first FM service to 167.5 square miles with a population of 5,136. KBOA should indicate whether it would apply for a construction permit for Channel 224A if assigned to Farmington and if authorized (and it intends to apply) that it would promptly begin construction. Failure to do so may leave Farmington without an assignment (in keeping with our policy of not making assignments to communities with populations under 10,000 unless such an intent is expressed) if the Vienna proposal is adopted. Further, in order to build a full record on which to make an informed decision, supportive information should be submitted for all petitioners as to areas and populations which will receive a first and second aural service from the proposed assignments including AM nighttime service as well as FM service.[7] KBOA should submit a showing as to the preclusions, if any, that would result from assignment of Channel 224A to Farmington and whether any channels are available for assignment to these precluded communities.

9. It is the Commission's opinion that the aforementioned proposals merit fur-

[1] All population figures are from the 1970 U.S. Census.

[2] See *Anamosa and Iowa City, Iowa*, 46 F.C.C. 2d 520 (1974).

[3] *Id.* ¶ 14.

[4] This and other information was supplied in response to a request by the Commission for additional information including a comparison of service that would be provided by Class C and Class A assignments.

[5] See Note 4.

[6] KBOA has expressed concern over the fact that the small area available for location of a transmitter site is the same area toward which the FAA "missed approach" instrument procedure for the Farmington airport is turned. This will have no bearing on this rule making unless KBOA shows that this precludes location of a transmitter in that area.

[7] See *Roanoke Rapids and Goldsboro, N.C.*, 9 F.C.C. 2d 672 (1967), and *Anamosa and Iowa City, Iowa*, 46 F.C.C. 2d 520 (1974).

ther exploration in a rule making proceeding. Therefore, pursuant to authority contained in sections 4(i), 303, 307(b) and 5(d)(1) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules and Regulations, It is proposed to amend § 73.202 (b) of the Commission's rules and regulations, the FM Table of Assignments, as follows:

§ 73.202 Table of assignments.

* * * * *

City	Channel No. Present	Proposed
Farmington, Mo.		253
Paducah, Ky.	227, 245	227, 245, 252A
or alternatively:		
Vienna, Ill.		252A
or alternatively:		
Vienna, Ill.		252A
Farmington, Mo.		224A
or alternatively:		
Paducah, Ky.	227, 245	227, 245, 252A
Farmington, Mo.		224A

* * * * *

10. *Showings required.* Comments are invited on the proposals discussed and set forth above. Proponents of proposed assignments are expected to file comments even if they only resubmit or incorporate by reference their former pleadings. Proponents should also state or restate their present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

11. *Cut-off procedure.* The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposals in this Notice, they will be considered as comments in this proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

12. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before January 24, 1975, and reply comments on or before February 13, 1975. All submissions by parties to this proceeding or persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

13. In accordance with the provisions of § 1.419 of the rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission. These will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-29693 Filed 12-19-74;8:45 am]

Continued on p. 44085

[47 CFR Part 83]

[FCC 74-1350; DOCKET NO. 20273]

VHF; SAFETY ON THE GREAT LAKES

Notice of Proposed Rule Making

In the Matter of Amendment of Part 83 of the rules to implement the mandatory VHF requirements of the Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973.

1. In this proceeding, the Commission proposes to amend Part 83 of the rules to establish very high frequency (VHF) as the mandatory safety system on the Great Lakes in accordance with the Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973 (GLA). This GLA, upon entry into force on May 6, 1975, will terminate the Agreement with Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1952.

2. The new GLA has different criteria for its applicability than the 1952 GLA. The new and old provisions are set forth below to facilitate comparison.

1973 GLA	*1952 GLA*
a. Every vessel over 65 feet in length measured from end to end over the deck exclusive of sheer);	a. Every vessel of 500 gross tons or over:
b. Every vessel engaged in towing another vessel or floating object, except:	b. Every vessel under 500 gross tons engaged in towing another vessel of 500 gross tons or over or engaged in towing any other floating object having a dimension in any direction of 150 feet or more, unless the vessel so towed complies with the requirements of this Agreement;
(i) where the maximum length of the towing vessel, measured from end to end over the deck exclusive of sheer, is less than twenty-six (26) feet and the length or breadth of the tow, exclusive of the towing line is less than sixty-five (65) feet;	Technical Regulations annexed thereto:
(ii) where the vessel towed complies with the requirements of this Agreement and the	(iii) where the towing vessel and tow are located within a booming ground; or
	(iv) where the tow has been undertaken in an emergency and neither the towing vessel nor the tow can comply with this Agreement and the Technical Regulations annexed thereto.
c. Every passenger vessel over 65 feet in length (measured from end to end over the deck exclusive of sheer);	c. Any vessel carrying more than six passengers for hire
d. This Agreement is not applicable to vessels in the following specific categories:	d. This Agreement is not applicable to vessels in the following specific categories:
(i) ships of war and troop ships;	(i) ships of war and troop ships; and
(ii) vessels in tow;	(ii) vessels owned and operated by any government and not engaged in trade.
(iii) vessels not propelled by mechanical means;	
(iv) vessels owned and operated by any government and not engaged in trade;	
(v) any vessel towing another vessel in or out of a single port when such towage is not in excess of 30 miles outside such port;	(d) requirement for survey and certification of the radiotelephone installation is prescribed.
(vi) any vessel towing another vessel engaged in the movement of material between a port and a dumping ground authorized by either Contracting Government when such dumping ground is not more than 30 miles outside such port;	
(vii) any vessel navigated in connection with river or harbor improvement work or any marine construction when such navigation is within an area whose radius from the site of such river or harbor improvement work or marine construction is not greater than 30 miles.	

3. The general substance of the rule amendments set forth in the Appendix applicable to ship stations using radiotelephony in the band 156–158 MHz on the Great Lakes is as follows:

(a) On May 6, 1975, VHF becomes the mandatory radiotelephone system on the Great Lakes and MF will be discontinued as the mandatory requirement;

(b) technical specifications for the VHF radiotelephone installation are prescribed;

(c) required frequencies and operating procedures are prescribed; and

4. The new GLA enters into force on May 6, 1975. There will be an interim period from the commencement of the navigation season until May 6, 1975, where MF will be the mandatory system on the Great Lakes. It is proposed that vessels subject to the 1952 GLA may (a) continue to use the MF installation until May 6, 1975, or (b) during this interim period, request the Commission to accept a VHF installation found to be in compliance with the rules adopted in this proceeding. The Commission will make provision for the survey and certification of vessels not subject to the 1952 GLA, but which will become subject to the 1973 GLA on May 6, 1975. These surveys and certifications will be conducted in such a manner as to impose the minimum delays on vessel operations subject to the number of Commission engineers available for these surveys.

5. The new GLA states that there shall be on board at least one operator whose qualifications for radiotelephone opera-

tion for safety purposes on the Great Lakes have been certified by each of the Contracting Governments for citizens of its own country on vessels of that country or for vessels of other countries as possessing the following qualifications:

(a) General knowledge of practical radiotelephone operating procedure;

(b) Ability to send correctly and receive correctly by radiotelephone using the English language; and

(c) Knowledge of the International Radio Regulations and specifically of that part of those Regulations relating to the safety of life.

In order to assure that the treaty obligations are fulfilled, we are proposing a requirement that the required operator have a radiotelephone third-class operator permit or higher.

6. The proposed amendments, as set forth below, are issued pursuant to the authority contained in the Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973, and in sections 4(i) and 303 (c), (e), and (r) of the Communications Act of 1934, as amended.

7. Pursuant to procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before January 27, 1975, and reply comments on or before February 7, 1975. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it in addition to the specific comments invited by this notice. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its headquarters in Washington, D.C.

8. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: December 10, 1974.

Released: December 19, 1974.

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

Part 83 of Chapter 1, Title 47, Code of Federal Regulations, is amended as follows:

1. Section 83.157(a) is amended to reflect the operator requirement of the Great Lakes Radio Agreement as follows:

§ 83.157 Certified persons required by Great Lakes Radio Agreement.

(a) For the purpose of complying with Article VII, paragraph 1 of the Great Lakes Radio Agreement, there shall be on board each United States vessel when underway and subject to the Great Lakes Radio Agreement, as an officer or member of the crew, at least one person whose qualifications for radiotelephone operation have been certified. Such certified person shall hold a radiotelephone third-class operator permit or higher class of authorization.

* * * * *

2. Section 83.206 is amended to require the watch on the VHF distress, safety and calling frequency as follows:

§ 83.206 Watch required by the Great Lakes Radio Agreement.

Each ship of the United States which is equipped with a radiotelephone installation for compliance with the Great Lakes Radio Agreement shall, when underway and subject to said Agreement, keep a continuous and effective watch on 156.8 MHz whenever such installation is not being used for authorized traffic. Such watch shall be maintained by at least one officer or member of the crew designated to do so. The person designated by the master may simultaneously perform other duties relating to the operation or navigation of the vessel, provided such other duties do not interfere with the effectiveness of the watch.

3. Sections 83.368(a) & (c) are amended to specify Eastern Standard Time and modify log entries for vessels subject to the Great Lakes Agreement.

§ 3.368 Radiotelephone station log.

(a) A station log shall be maintained during the hours of service of ship stations using radiotelephony, in which the entries required by this section shall be made. Pages of the log shall be numbered in sequence and each page shall include the name of the vessel and the radio call sign of the station. All entries which show transmitter operation shall be made and signed by the licensed operator (or other person in accordance with §83.155). Watch entries, and signatures of each person keeping the required watch, shall be so related that they constitute a certification by each such person as to when he began and ended each period of his watch during the voyage. The date and time of each occurrence or incident required to be entered in the log shall be shown opposite the entry, and the time shall be counted from 0000 to 2400 beginning at midnight. Stations on board vessels engaged on international voyages, other than on the Great Lakes or inland waters, shall use Greenwich mean time (GMT); stations on board vessels navigated on the Great Lakes and subject to the Great Lakes Agreement shall use Eastern Standard Time (e.s.t.); other stations may use GMT or local standard time. The appropriate symbol, GMT, e.s.t., c.s.t., p.s.t., etc., shall be entered at the head of the column in which time is entered.

* * * * *

(c) The log of ship stations subject to the Great Lakes Agreement shall include these entries specified by subparagraphs (1), (5), (6), (7), (9), and (10) of paragraph (b) of this section, and in addition shall include the name and radio license number of each operator actually on board and designated by the master to operate the radiotelephone installation.

* * * * *

4. Subpart U is deleted in its entirety, and new Subpart U is added as follows:

Subpart U—Radiotelephone Installations Provided for Compliance with the Great Lakes Radio Agreement

§ 83.536 Applicability to vessels.

The Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973, applies to vessels of all countries when navigated on the Great Lakes. The Great Lakes Agreement defines the Great Lakes as "all waters of Lakes Ontario, Erie, Huron (including Georgian Bay), Michigan, Superior, their connecting and tributary waters and the River St. Lawrence as far east as the lower exit of St. Lambert Lock at Montreal in the Province of Quebec, Canada." A vessel to which the Great Lakes Agreement applies and which falls into the specific categories of paragraphs (a), (b) or (c) and not excepted by paragraphs (d) or (e) shall comply with this Subpart while navigated on the Great Lakes:

(a) Every vessel 65 feet or over in length (measured from end to end over the deck, exclusive of sheer);

(b) Every vessel engaged in towing another vessel or floating object, except:

(1) where the maximum length of the towing vessel, measured from end to end over the deck exclusive of sheer, is less than twenty-six (26) feet and the length or breadth of the tow, exclusive of the towing line, is less than sixty-five (65) feet;

(2) where the vessel towed complies with this subpart;

(3) where the towing vessel and tow are located within a booming ground; or

(4) where the tow has been undertaken in an emergency and neither the towing vessel nor the tow can comply with this subpart.

(c) Any vessel carrying more than six passengers for hire;

(d) The requirements of the Great Lakes Agreement shall not apply to:

(1) ships of war and troop ships;

(2) vessels owned and operated by any government and not engaged in trade.

(e) The Commission may, if it considers that the conditions of the voyage or voyages affecting safety (including but not necessarily limited to the regularity frequency and nature of the voyages, or other circumstances) are such as to render full application of the Great Lakes Agreement unreasonable or unnecessary, may exempt partially, conditionally or completely any individual vessel for one or more voyages or for any period of time not exceeding one year.

§ 83.537 Survey and Certification.

Each vessel of the United States subject to the Great Lakes Agreement shall have a periodic survey of the required

radiotelephone installation not less than once every thirteen months. This survey shall be made while the vessel is in active service or within not more than one month before the date on which it is placed in service. A Great Lakes Agreement Radiotelephony Certificate will be issued to vessels found, as a result of the periodic survey, to be in compliance with the Agreement. Such certificate shall be prominently posted at the principal operating position of the required radiotelephone installation.

§ 83.539 Radiotelephone installation.

(a) Each vessel of the United States while subject to the requirements of the Great Lakes Radio Agreement shall be fitted with a radiotelephone in effective operating condition meeting the provisions of this subpart in addition to the provisions of such other rules in this part, governing ship stations using telephony, as are applicable.

(b) The term "radiotelephone installation," for the purposes of the Great Lakes Radio Agreement, means a ship radio station (including the source of power necessary to energize the apparatus) capable of being used for the effective transmission and reception of speech for the purpose of quickly establishing and effectively carrying on communications relating to distress, safety and navigation on the frequencies 156.8 MHz, 156.7 MHz, 156.6 MHz and 156.3 MHz and such other frequencies required for their service, each of these frequencies readily available for use at all times. Nothing contained in this paragraph shall be construed to require or prohibit the availability of other frequencies by the use of this same "radiotelephone installation" for communication authorized by this part on other frequencies.

(c) Every radiotelephone station shall include one or more transmitters, one or more receivers, one or more sources of electrical energy; and associated antennas and control equipment. The radiotelephone station, exclusive of the antennas and source of electrical energy, shall be located as high as practicable on the vessel, preferably on the bridge, and suitably protected from the harmful effects of water, temperature, electrical and mechanical noise.

§ 83.541 Principal operating position.

(a) The principal operating position of the radiotelephone installation shall be on the bridge, convenient to the conning position.

(b) Where the radiotelephone station is located elsewhere than on the bridge, provision shall be made for complete operational control of the equipment at that location and at the bridge operating position. However, provision shall be made to take immediate and complete control of the equipment at the bridge operating position.

§ 83.542 Radiotelephone transmitter.

(a) The transmitter shall be capable of effective transmission of F3 emission on 156.8 MHz, 156.3 MHz, 156.6 MHz, 156.7 MHz, and such other frequencies as are required for their service.

(b) The transmitter shall be of a type which has been demonstrated in the process of type acceptance as being capable of delivering a carrier power of at least 15 watts, but not more than 25 watts, on each of the frequencies 156.8 MHz, 156.3 MHz, 156.6 MHz and 156.7 MHz into 50 ohms effective resistance, when operated with an applied primary supply voltage of 13.6 volts DC.[1] In addition, for transmitters type accepted after January 1, 1975, which are intended to be usable for the purposes of this subpart and which are designed to operate from a nominal power supply voltage of 12 volts DC, the application for type acceptance shall include a showing of compliance with the power output of paragraph (c)(4) of this Section.

(c) When an individual demonstration of the capability of the transmitter is deemed necessary in the judgment of the Commission, the requirements and procedures for determining compliance with the output power requirements prescribed in this paragraph, with the radiotelephone installation normally installed on board ship, shall also be met, as follows:

(1) Measurements of primary supply voltage and transmitter output power shall be made with the equipment drawing energy only from the ship's battery, in accordance with the following procedures.

(2) The primary supply voltage, measured at the power input terminals to the transmitter, terminated in a matching artificial load, shall be measured at the end of 10 minutes of continuous, uninterrupted operation of the transmitter at its full power output.

(3) The primary supply voltage, measured in accordance with the procedures of this paragraph, shall not be less than 11.5 volts.

(4) The transmitter output power, measured in accordance with the procedures of this paragraph, shall be not less than 15 watts.

§ 83.543 Radiotelephone receiver.

(a) The receiver used for maintaining the listening watch required by § 83.206 shall be capable of effective reception of F3 emission on the frequencies 156.8 MHz, 156.3 MHz, 156.6 MHz and 156.7 MHz.

(b) The receiver shall have a sensitivity of at least two microvolts across 50 ohm or equivalent input terminals, for a 20 decibel signal-to-noise ratio.

§ 83.544 Main source of energy.

(a) A main source of energy of sufficient capacity to energize the radiotelephone installation properly and immediately shall be available at all times while the vessel is subject to the requirements of the Great Lakes Radio Agreement.

(b) Means shall be provided for adequately charging any storage batteries used as a main source of energy, or any part thereof. There shall be provided a device which during charging of the batteries, will give a continuous indication of the rate and polarity of the charging current.

[1] Sets operating from other values of primary supply voltage, such as 26.4 VDC, 36.0 VDC, or 117 VAC shall meet this requirement for operation at their respective primary supply voltage, in lieu of 13.6 VDC.

§ 83.545 Auxiliary source of energy.

(a) An auxiliary source of energy shall be provided, independent of the vessel's normal electrical system and capable of properly energizing the radiotelephone installation and illuminating the operating controls at the principal operating position prescribed in § 83.547, for at least four continuous hours under normal operating conditions. When meeting this four-hour requirement, such auxiliary source of energy shall be located on the bridge level or at least one deck above the vessel's main deck.

(b) In lieu of the independent source of energy specified in (a) above, the vessel may be provided with an auxiliary radiotelephone installation having a power source independent of the vessel's normal electrical system. Any such installation must comply with §§ 83.539, 83.542, 83.543, 83.547, 83.548 and 83.549, as well as the general technical standards contained in this part. Additionally, the power supply for any such auxiliary radiotelephone shall be regarded as an "auxiliary source of energy" for the purposes of paragraphs (c), (d) and (e) of this Section.

(c) Means shall be provided for adequately charging any storage batteries used as an auxiliary source of energy, or any part thereof, for the required radiotelephone installation. There shall be provided a device which, during charging of the batteries, will give a continuous indication of the rate and polarity of the charging current.

(d) Use of the auxiliary source of energy, when required by paragraph (a) of this Section, shall be available within one minute after the need for its use.

(e) The shipowner, operating company, or station licensee, when directed by the Commission, shall prove by demonstration as prescribed in subparagraphs (1), (2), (3) and (4) of this paragraph or by such other means as may be deemed necessary, that the auxiliary source of energy is capable of meeting the requirements of paragraph (a) of this Section, as follows:

(1) When the auxiliary source of energy consists of or includes a storage battery, proof of the ability of such battery to operate continuously and effectively over the required period of time is authorized to be established by a discharge test over the required period of time, when supplying power at the voltage required for normal and effective operation to an electric load as prescribed by subparagraph (3) of this paragraph.

(2) When the auxiliary source of energy consists of or includes an engine-driven generator, proof of the adequacy of the engine fuel supply to operate the unit continuously and effectively over the required period of time may be established by using as a basis the fuel consumption during a continuous period of one hour when supplying power, at the voltage required for normal and effective operation, to an electircal load as

prescribed by subparagraph (3) of this paragraph.

(3) For the purposes of determining the electrical load to be supplied, the following formula shall be used:

(i) One-half the current consumption of the radiotelephone while transmitting at its rated power output, less one-half the current consumption while not transmitting; plus

(ii) Current consumption of the required receiver; plus

(iii) Current consumption of the source of illumination provided for the operating controls prescribed by § 83.547; plus

(iv) The sum of the current consumption of all other loads to which the auxiliary source of energy may supply power in time of emergency or distress.

(4) At the conclusion of the test specified in subparagraphs (1) and (2) of this paragraph, no part of the auxiliary source of energy shall have excessive temperature rise, nor shall the specific gravity or voltage of any storage battery be below the 90 percent discharge point as determined from information (such as voltage curves or specific gravity tables) supplied by the manufacturer of the type of battery involved.

§ 83.546 Antenna system.

The antenna provided shall be effective, vertically polarized and located as high as practicable on the masts or superstructure of the vessel. The transmission line shall be effective and, to the extent practicable, shall impose a minimum loss.

§ 83.547 Illumination of operating controls.

(a) The radiotelephone may have dial lights which clearly illuminate the operating controls at the principal operating position.

(b) In lieu of (a) above, a light from an electric source of energy may be provided and permanently arranged to illuminate the operating controls of the radiotelephone at the principal operating position. If an auxiliary source of energy is required to be provided on board the vessel, arrangements shall be provided to permit the use of such source of energy for such illumination within one minute after the need arises for its use.

§ 83.548 Test of radiotelephone installation.

At least once during each calendar day in which a vessel of the United States is navigated while subject to the Great Lakes Radio Agreement, a test communication on a required frequency to demonstrate that the radiotelephone installation is in proper operating condition shall be made by a certified person who is required in accordance with § 83.157, unless the normal daily use of the equipment demonstrates that this installation is in proper operating condition for that purpose. Should the equipment be found at any time by a person other than the master not to be in operating condition, the master shall be promptly notified. A record shall be made in the radio station log showing the operating condition of the equipment as determined either by daily normal communication or the daily test communication referred to in this Section, and showing that, if an improper operating condition was found, the master was properly notified thereof.

§ 83.549 Failure of radiotelephone installation while enroute.

If, when a United States vessel is subject to the Great Lakes Radio Agreement, the vessel's radiotelephone installation required by the GLA ceases to be in effective operating condition, the master shall forthwith exercise due diligence to restore the radiotelephone station to effective operating condition at the earliest practicable moment, and, in any event, the radiotelephone installation shall be restored at the first scheduled port of entry where repair facilities are available. In addition to the foregoing, the master shall, within 12 hours after the time of arrival of the vessel at the destination, send to the Secretary, Federal Communications Commission, Washington, D.C. 20554, an explanation of the full particulars of the matter in writing, including the date the master became aware of the deficiency in the radiotelephone installation and the nature of such deficiency, a description of the steps taken to correct such deficiency, and in the case of a vessel whose destination is on the Great Lakes, a statement that the radiotelephone installation has been, or will be, placed in effective operating condition before the ship leaves that port.

§ 83.550 Antenna radio frequency indicator.

The radiotelephone station shall be equipped with a device which will provide visual indication whenever radio frequency energy is being radiated from the antenna.

[FR Doc.74-29692 Filed 12-19-74;8:45 am]

[47 CFR Part 97]

[Docket No. 20282; FCC 74-1336]

AMATEUR RADIO SERVICE

Proposed Privileges and Requirements for Operator Classes

In the matter of amendment of Part 97 of the Commission's rules concerning operator classes, privileges and requirements in the Amateur Radio Service; RM-1016, RM-1363, RM-1454, RM-1456, RM-1516, RM-1521, RM-1526, RM-1535, RM-1568, RM-1572, RM-1602, RM-1615, RM-1629, RM-1633, RM-1656, RM-1724, RM-1793, RM-1805, RM-1841, RM-1920, RM-1947, RM-1976, RM-1991, RM-2030, RM-2043, RM-2053, RM-2149, RM-2150, RM-2162, RM-2166, RM-2216, RM-2219, RM-2256, RM-2284, RM-2449.

1. The Commission has before it the above listed petitions (also listed in more detail in Appendix I) for rulemaking. Principally, petitioners are seeking amendment to the rules for the Amateur Radio Service regarding operator classes, requirements, and privileges. Some desire additional privileges for only one specific operator license class, or desire lower requirements for one specific class. Others want more extensive amendments, such as the deletion, or addition, of an entire license class. Some would establish a new "Hobby" operator license class, having no telegraphy skill requirement. Of these, RM-1841, RM-1991, and RM-2053 would have this operator class in the Citizens Radio Service. Since operation of a radio station as a hobby or diversion, i.e., an activity in and of itself,[1] is prohibited in the Citizens Radio Service, we consider such operation to be one more suitable to the Amateur Radio Service. Thus, these three petitions are included in this proceeding. RM-1633, RM-1656, RM-1793, and RM-1841 are also included in Docket 19759, but will be considered herein to the extent applicable. Additionally, petitions RM-1947 and RM-2256 contain proposals otherwise pertaining to operator privileges and are included herein for that reason.

2. RM-1629 relates to the possibility for conducting operator examinations at places other than regular Commission examination points by persons other than Commission employees. Since the entire matter of amateur radio operator examinations will be under consideration in this proceeding, it is also incorporated.

3. The type of amendments requested by the petitioners cover a broad scope of thoughts and ideas. In summary, the salient requests are:

a. Authorize some, or all, Novice Class privileges to the Technician Class.

b. Permit a person to hold both a Novice Class license and a Technician Class license.

c. Authorize some privileges in the 144–148 MHz frequency band to the Novice Class.

d. Authorize all of the 144–148 MHz frequency band to the Technician Class.

e. Authorize some privileges in the 28–29.7 MHz frequency band to the Technician Class.

f. Reallocate the frequency subbands among the various license classes.

g. Establish new frequency subbands for incentive purposes in the 1800–2000 kHz band.

h. Authorize Amateur Extra Class operator privileges to Advanced Class operators.

i. Limit transmitter power privileges for General Class operators to 250 watts on the 3.5 MHz, 7.0 MHz and 14.0 MHz frequency bands.

j. Limit transmitter power privileges for all operator classes to 300 watts on amateur frequency bands below 30 MHz.

k. Specify maximum transmitter power in terms of output.

l. Establish a new Hobby Class license, or a new VHF Telephony Class license having no telegraphy requirements or privileges.

[1] See § 95.83(a)(1).

m. Establish a new Beginner Class and a new Code Class of operator licenses.

n. Combine the Novice Class license and the Technician Class license into a new VHF Telephony Class.

o. Establish a new Intermediate Class license and a new Communicator Class license.

p. Establish a new Advanced Technician or First Class Technician Class license.

q. Discontinue the Conditional Class and Technician Class operator license.

r. Issue the Amateur Extra Class operator license for life.

s. Reduce Element 1(B) telegraphy requirement from 13 words per minute to 10 words per minute.

Obviously, we cannot accommodate all of these requests because some are in conflict with others. We do not believe it is desirable to deal with these petitions on a piecemeal basis, since many are interrelated. Accordingly, we conclude the time is propitious for a review of our entire amateur licensing structure. To this end, we have reviewed the petitions carefully, together with the existing system of operator privileges and requirements, against the fundamental basis and purpose of the Amateur Radio Service. The following represents our best forecast of the direction we should move in this matter.

4. We recognize the desire by some amateurs, and would be amateurs, as expressed in RM-1633, RM-1793, and RM-1976, for a class of amateur operator license having requirements that do not include a knowledge of telegraphy. Although every amateur radio operator license has traditionally required the applicant to demonstrate some level of proficiency in International Morse Code, goals within the basis and purpose of the Service could be met, at least in part, without this requirement. Moreover, as several of the petitioners point out, the International Radio Regulations do allow the Commission to waive the requirement for an amateur to "* * * have proved that he is able to send correctly by hand and to receive correctly by ear, texts in Morse code signals * * *"[2] in the case of stations only operated above 144MHz. A survey and analysis[3] conducted in 1971 indicated that there may be as many non-licensees interested in amateur radio activities, if not more, than there are persons already licensed in the Amateur Radio Service. The most often mentioned reason for not obtaining an amateur license is the telegraphy requirements. We are aware of the need for, and the use of, telegraphy in amateur radio communications is much less on amateur frequency bands above 50 MHz than it is on the amateur frequency bands in the High Frequency (3–30 MHz) and Medium Frequency (.3–3 MHz) range, where spectrum conservation, tolerance to interference, and other factors, make telegraphy an important mode of amateur radio-communication. We believe, under carefully established provisions, a new "telephony-only" type of operator license, limited to frequencies above 144 MHz, could and should be incorporated into the Amateur Radio Service.

5. The present operator license structure is shown in Figure 1. For all intents and purposes there are ten classes of operator licenses available in five ascending levels of operator privileges. Qualification for an operator license is established by means of the various examination elements shown in Figure 1. These may be administered either by a Commission examiner or by a volunteer examiner through the mail examination system. The Amateur Extra (C) Class, the Advanced (C) Class, and the Conditional (P) Class licenses are issued to physically disabled applicants qualifying on the basis of a mail examination administered by a volunteer. The Conditional Class license is issued to applicants qualifying on the basis of a mail examination administered by a volunteer, because of distance or other unusual difficulty in appearing at a regular examination point. The Technician (C) Class and Novice Class licenses are issued to applicants qualifying on the basis of a mail examination administered by a volunteer, the normal procedure for these license classes. Except for the Novice Class license and the Conditional Class license, the absence of the designator (C) or (P) following the operator class on the license means the licensee has qualified before a Commission examiner, and is not subject to re-examination. Any licensee qualifying on the basis of mail examination may be required by the Commission to appear before a Commission designated examiner for re-examination. Periodically, a sample number of licensees who have obtained their licenses on the basis of a mail examination are selected at random and asked to appear in order to verify the validity of the mail examination system. Those who do not appear, and those who do not pass the re-examination, are subject to license cancellation.

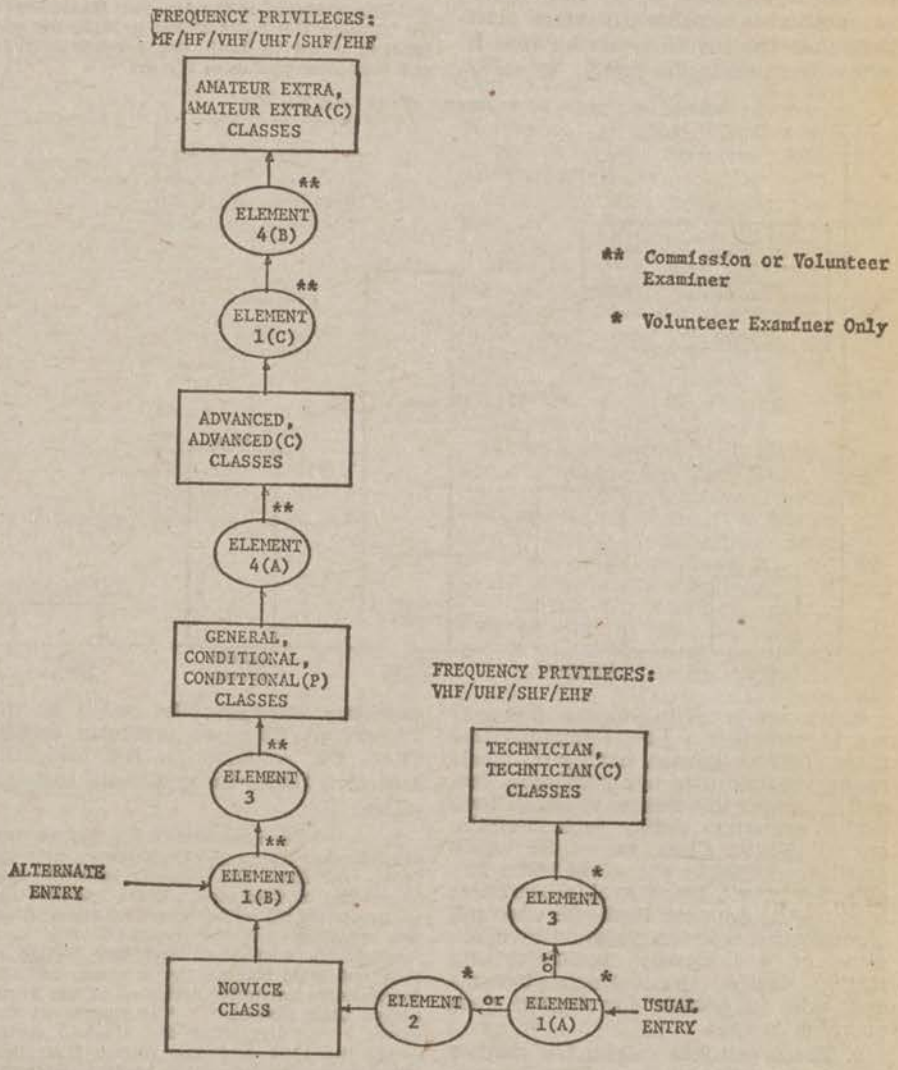


FIGURE 1. PRESENT STRUCTURE OF OPERATOR LICENSE CLASSES, EXAMINATION ELEMENTS AND FREQUENCY PRIVILEGES.

[2] Radio Regulation Annexed to the International Telecommunication Convention (Geneva, 1959) Article 41, section 3(1).

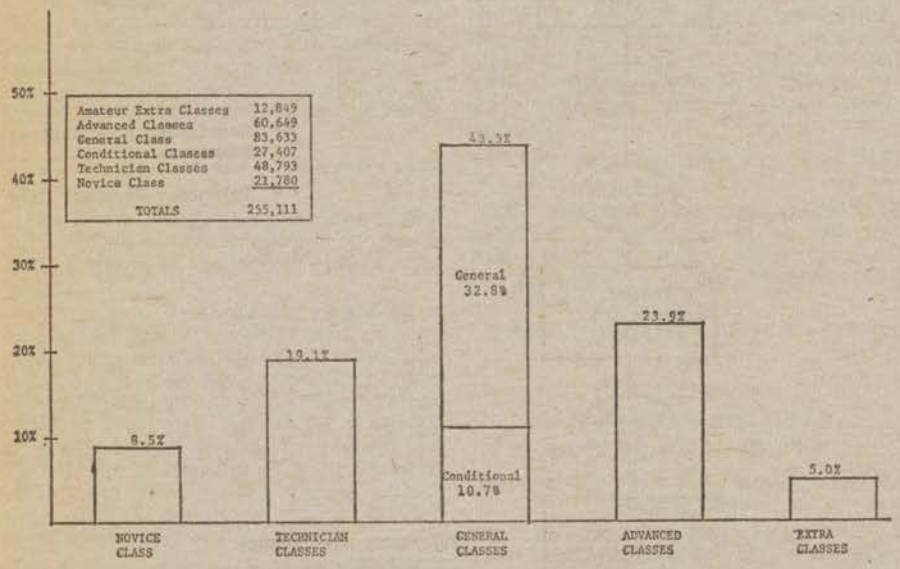
[3] A Survey and Analysis of the Citizens Radio Service. P.B.—204 595

6. The privileges associated with each operator license class are intended to provide the necessary incentives for amateurs to upgrade their skills. This system has been largely responsible for thousands of amateurs to upgrade, particularly to Advanced Class and to Amateur Extra Class. The current number of operators in each license class is shown in Figure 2. While it is gratifying to see even the limited success of this system toward fulfilling the basis and purpose of the Amateur Radio Service, it is a desirable goal for most amateurs to reach a higher operator class, say the Advanced Class, or even the Amateur Extra Class.[4]

7. An inherent principle in arriving at any new licensing system is a logical relationship between the qualification requirements and the operator privileges authorized at each license class level. For instance, it would not be rational to require an applicant to demonstrate a certain specific proficiency in order to qualify for a particular operator license class which authorized no corresponding privileges requiring that proficiency. Conversely, an operator license class should not authorize significantly more privileges than the requirements for that license class reasonably justify. While we believe there are the means available within the Amateur Service to satisfy the reasonable needs of most United States citizens having a genuine interest in pursuing radio activities within the basis and purpose of the Service, there are basic limitations brought about by practical realities. For example, the vast array of interests and levels of ability among amateurs must be provided for within a fixed number of different operator license classes. The resources available to the Commission for regulating the Service are not unlimited. Issuing licenses, preparing and conducting examinations, monitoring the frequencies, enforcing the regulations, etc., are all activities that must be provided by the Commission. In this proceeding, we are moving on the assumption the amateurs' record of cooperation and assistance will continue in the future, and an unduly large increase in the Commission's workload will not be necessary.

[4] Section 97.1(c) states as one of the principles expressing a fundamental purpose of the Amateur Radio Service: "Encouragement and improvement of the Amateur Radio Service through the rules which provide for advancing skills in both the communication and technical phases of the art."

FIGURE 2. PERCENTAGE OF AMATEUR LICENSEES IN EACH CLASS, May, 1974



8. We are proposing in this proceeding to establish a new Communicator Class operator license, having no telegraphy requirements nor privileges. Operation under this license would be limited in a manner similar to that of the current Novice Class, except frequency privileges would be above 144 MHz. The objective would be to enable beginners to enter the Amateur Radio Service and, through the experience gained by operation of a low-power radiotelephony station, develop the necessary interest and skill to qualify for higher class operator licenses.

9. Those petitions calling for another new operator license class above the current Technician Class raise significant questions regarding the scope of the Technician Class as presently constituted. For example, in RM-1535, the American Radio Relay League (ARRL) states:

> It is readily apparent from the various pronouncements of the Commission over the years and from the present interests and operations of Technician Class licenses that the purposes for which the Technician Class was established * * * require review. It is respectfully suggested that any Notice of Proposed Rule Making invite comments and suggestions for major revisions of the Technician Class license * * * In numerous disasters * * * including the Alaskan earthquake in 1964 and the recent Hurricane Camille, the contributions of Technicians in providing internal communications have been valuable beyond estimation. Participation by Technicians in the League's Amateur Radio Emergency Corps (AREC) has grown over the years. The evolution of Technicians as communicators as well as experimenters * * * since the class was established must be recognized.

Although interest in the communication aspects of amateur radio has emerged among the some 49,000 Technician Class licensees, apparently they are not sufficiently persuaded by the additional communication privileges in the High Frequency (HF) and Medium Frequency (MF) amateur bands afforded to General Class licensees to the extent of increasing their telegraphy skill from 5 words to 13 words per minute, the only real difference in qualification between the two license classes. The needs and interests of this group probably are fully satisfied by the operation of an amateur radio station in the VHF (Very-high Frequency) regions and above. Accordingly, we can conclude technological and operational developments by amateurs in the VHF, and possibly in the UHF (Ultra-high Frequency) bands, have reached the point where the interest to amateurs is comparable to, if not already exceeding, that in the MF and HF "shortwave" bands. Therefore, in order provide meaningful incentives for amateurs interested in this part of the radio spectrum to upgrade their skills, the incentive principles should also be applied for these bands similar to those now in effect in the shortwave bands. A new higher class operator license comparable in requirements and privileges to the Advanced Class, except based upon operation above 29 MHz, may be desirable. Obviously, for this new higher class license, any additional telegraphy skill is not meaningful since telegraphy is not a major communication mode in these frequency bands. However, other modes, such as television, remote control, facsimile, repeaters etc., are very meaningful, and need to be emphasized. Therefore, we are proposing another new operator class license, the Experimenter Class, as the means toward fulfilling these needs.

10. We have examined several possible revised operator license class structures in a search for the best way to incorporate the proposed Communicator Class and the proposed Experimenter Class licenses. As broad objectives, we desire to (1) preclude, or at least minimize, any adverse impact upon presently licensed amateurs, (2) closely relate requirements to privileges for each license class, (3) provide realistic upgrading steps and incentives, (4) provide the opportunity and flexibility for persons interested only in shortwave radio, or only in VHF and above, or interested in both, to obtain a license and pursue their particular interests. As a result, the structure we are proposing is shown in Figure 3, and the specific proposed rule amendments are given in the regulations below. In general, we favor this structure because it seems to more fully reflect our objectives and to satisfy most of the objectives of the petitioners. Two series of operator

license would be offered, Series A and Series B. Amateurs would be permitted to hold one operator license permitting privileges in one or both series. For example, an amateur could hold an operator license authorizing Novice Class privileges in Series A and also Technician Class privileges in Series B, a request asked for by several petitioners. Operator licenses in Series A would authorize only privileges on amateur frequencies below 29 MHz, and operator licenses in Series B would authorize only privileges on amateur frequencies above 29 MHz. Operator licenses would normally be issued for a 5 year renewable term, including the Communicator Class and the Novice Class in order to compensate for any increased administrative burdens resulting from the proposed amendments. (Novice Class licensees are currently issued on a 2 year, non-renewable basis, no filing fee). Section 303(L)(1) of the Communications Act of 1934 does allow us to issue operator licenses for life, as requested for the Amateur Extra Class in RM-2030. Under our current rules, the operator license[5] is always combined with the Primary station license which cannot be granted for a term longer than 5 years, a requirement of section 307(d) of the Act. We are proposing to adopt the request. Our records indicate very few amateurs drop out of amateur radio after they have attained the Amateur Extra Class. The licensee would still be required to renew his station license(s) every five years, so in effect, this proposed rule would amount to eliminating the need to retake the examinations should the amateur neglect to renew his license.

[5] Although large certificates are awarded to Amateur Extra Class licensees upon request, the certificates do not satisfy the availability requirements of § 97.83.

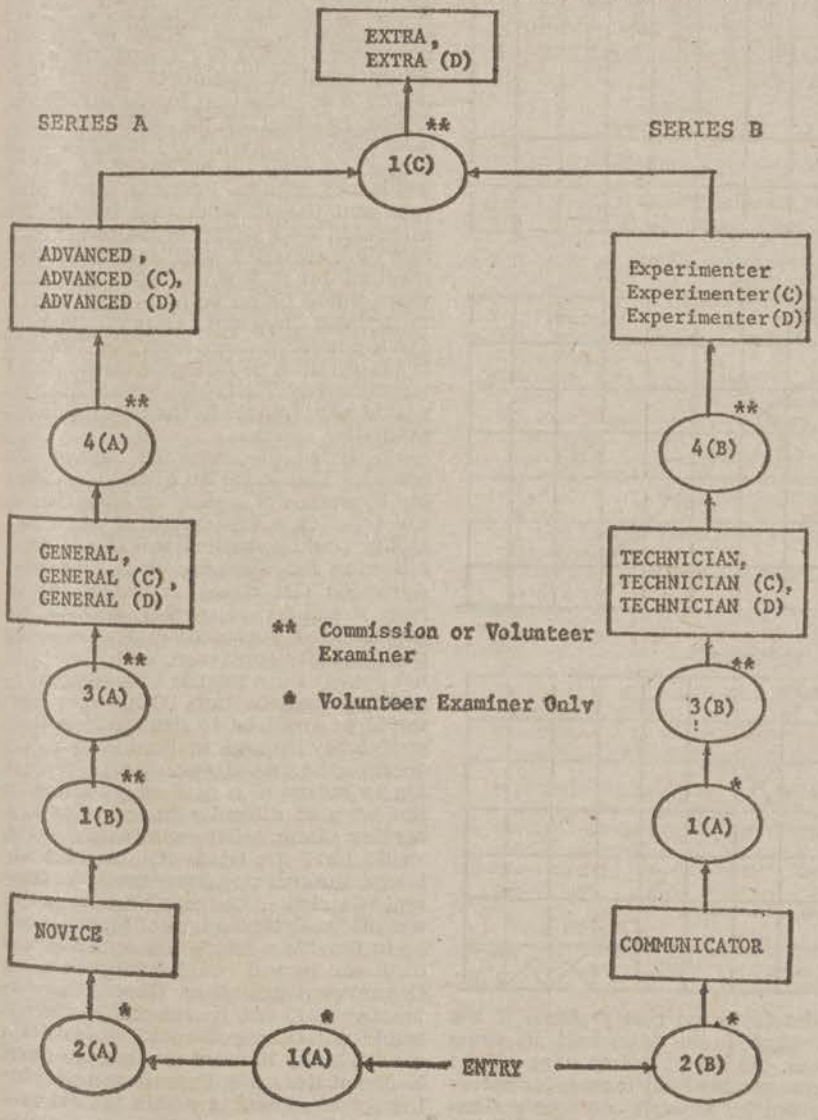


FIGURE 3. PROPOSED REVISED STRUCTURE OF OPERATOR LICENSE CLASSES AND EXAMINATION ELEMENTS

11. Under the proposed license class structure, new Advanced Class licenses and General Class licenses would no longer carry requirements and privileges above 29 MHz. The Experimenter Class and the Technician Class would be the counterpart operator licenses in Series B, and would not carry any requirements and privileges in Series A frequency bands. The current Amateur Extra Class would be shortened in name to Extra Class, and would authorize full amateur privileges in both series. We are proposing to discontinue the written examination and the exclusive telephony segments available only to this class. The material in the current Element 4(B) examination required for Amateur Extra Class would be combined with the material for the current Advanced Class Element 4(A) and, together with other new material, be used in new examination Elements 4(A) and 4(B) for the Advanced Class and Experimenter Class respectively. Material related to the shortwave domain would be used in 4(A) and material related to the other domains would be used in 4(B). After obtaining both the Advanced Class and Experimenter Class, an amateur would then only need pass the Element 1(C) 20 word per minute telegraphy examination to qualify for the Extra Class. Because of this additional telegraphy requirement, the Extra Class would continue to have exclusive telegraphy subband privileges.

12. Under the proposed license structure, every currently licensed amateur radio operator would automatically be eligible to renew upon application, his current operator license to include privileges in at least one, and in most cases both series without further examination. Table 1 illustrates the highest class, or classes, of operator license that could be obtained without further examination.

13. Both of the proposed license series would be based upon three levels of difficulty: a beginner level, an intermediate level, and an advanced level. Ideally, this type of system would offer a newcomer the opportunity to enter the Amateur Radio Service at the beginner level with a minimum of proficiency, gain the experience and practical knowledge necessary to qualify for the intermediate level, and then move on to the advanced level. The privileges authorized at both the beginner and intermediate levels would be only those necessary to provide the desired experience for upgrading. Similarly, the related qualification requirements would be only the minimum necessary to insure that the licensee understands the privileges, limitations, and responsibilities associated with the license, with particular emphasis on methods for properly evaluating emissions of the type(s) authorized by the license.

14. We are proposing three principal areas of operator privileges: operating frequencies, emissions, and maximum transmitter power. For Series A, the authorized frequency bands would be basically the same as at the present be-

low 29 MHz, except the exclusive telephony segments reserved to the Amateur Extra Class would be also available to the Advanced Class. In Series B, the Technician Class would be authorized all amateur frequencies above 50 MHz, thus gaining additional frequencies 50.0–50.1 MHz and 144–145 MHz. The Experimenter Class would be authorized all above 29 MHz, and the Communicator Class all above 144 MHz. The Extra Class and Experimenter Class would be authorized all amateur emissions. The Advanced Class would be authorized all amateur emissions permitted below 29 MHz. The General and Technician Classes would be authorized emissions A1, A3, and F3. The Novice Class would continue with A1 only, while the new Communicator Class would be permitted emission F3. Related examination elements would contain questions concerning the technical and operational aspects of the emissions authorized.

TABLE 1. Eligibility of currently licensed amateur radio operators for proposed new operator licenses, without further examination.

PROPOSED OPERATOR CLASSES	CURRENT OPERATOR CLASSES: Amateur Extra Class	Amateur Extra (C) Class	Advanced Class	Advanced (C) Class	General Class	Conditional Class	Conditional (P) Class	Technician Class	Technician (C) Class	Novice Class
Extra Class	X									
Extra (D) Class		X								
SERIES B										
Experimenter Class			X							
Experimenter(C) Class				X						
Experimenter(D) Class					X			X		
Technician Class						X			X	
Technician (C) Class							X			
Technician (D) Class								X		
Communicator Class										
SERIES A										
Advanced Class			X							
Advanced (C) Class				X						
Advanced (D) Class					X					
General Class						X				
General (C) Class							X			
General (D) Class								X		
Novice Class									X	X

15. In proposing maximum transmitter power levels, we have taken into consideration a number of factors. Amateur transmitters have not been a significant source of interference to other services, and where there has been a problem, amateurs have been very cooperative. Also, amateurs, by and large, do use the minimum transmitter power necessary to conduct their communications. Therefore, there should be no real problem if the limits were to be increased in some instances. We would like to improve the technique specified in the rules for determining power. Modern communications requires better methods for determining transmitter power than the "plate voltage times current" method. We are proposing to specify the maximum transmitter output in terms of peak envelope power (PEP), except at the beginner level where the emissions authorized do permit a fairly accurate measurement to be made of the input power using the method now specified. Under current rules and practices, the maximum output peak envelope power that could be developed would be on the order of 2000 watts (100 percent modulated, full carrier, double sideband A3). Specifying this level as advanced amateur practice, and 6 dB (approximately one "S" unit) as intermediate amateur practice (500 watts PEP output) is the method used to establish these proposals. An additional 6 dB lower step (250 watts input approximates 125 watts output PEP for A1 and F3 emissions) would be the beginner level.[6]

16. The requirements for a new license, as shown in the regulations below, are similar to those now in effect, except the content of the various examination elements would be adjusted to more closely correlate with the privileges for each particular license class. While we are not proposing to lower, or increase, the telegraphy speed requirements, we are proposing a modification in the manner of testing. In RM–1724, the petitioner claims most operators must pass through a "code hump" between the speeds of 11 and 13 words per minute. Possibly the 5 wpm rate and the 10 wpm rate require the same skill level. In any event, the 13 wpm rate does require a skill level above that required for a 5 wpm rate. Otherwise, there would be no point to have both a Technician Class and a General Class under the present rules, since the two skill levels are the only difference between the requirements. Therefore, we are not proposing any changes in the telegraphy examination speeds.

17. Under the proposed system, the operator license for an amateur qualifying by means of a mail examination on the basis of a protracted physical disability would have the letter (D) inserted following the operator class [example: Advanced (D) class]. A license of this type would be renewable without reexamination upon satisfactory showing the disability continued, and they could not appear for a regular Commission supervised examination. Otherwise, they would be required to demonstrate their proficiency through re-examination. The operator license of an amateur qualifying by means of a mail examination on the basis of difficulty in traveling to a regular Commission examination point, would have the letter (C) inserted following the operator class (example: General (C) class). The only purpose of this conditionally issued type of license would be to provide a temporary authorization until the person could qualify before a Commission examiner. Hence, these licenses would not be renewable, since it would not be unreasonable to expect a conditionally licensed amateur to travel to one of the many Commission examining points sometime within the five year period. He would then have to successfully complete a regular Commission su-

[6] See § 97.67.

pervised examination in order to continue as an amateur radio operator.

18. In the best interests of the Amateur Radio Service, and to be fair to all amateurs, we believe that every applicant should clearly establish his qualifications for the privileges authorized by an amateur radio operator license. Overall, our experience indicates mail examinations are not as effective as Commission supervised examinations in establishing qualifications. Because of our experience in re-examining amateur radio operators, and considering the proposed amendments may place additional demands upon a mail examination system, we are proposing some amendments in the regulations below intended to improve the system. Only an Extra Class licensee would be eligible to serve as a volunteer examiner for all examination elements. Advanced Class licensees would be eligible to administer examination elements for the General (C) and (D), and Novice Classes. Experimenter Class licensees would be eligible to administer examination elements for the Technician (C) and (D), and the Communicator Classes. Another proposal is to increase the required number of persons administering a volunteer examination. The second person may be the holder of any class of amateur operator license.

19. A specific call sign proposal is not included in this proceeding. However, because of the ramifications of this proposal, some relative comments are appropriate. Existing licensees will be able to retain current call signs if desired, and if authorized for both privileges, the same call sign may be used in both Series A and B. Licensees in Series B entering amateur radio as a result of this proceeding, will be issued a distinctive call sign for operation in that Series. If a later authorization for Series A privileges is granted, the single resulting call sign will reflect the dual Series authorization. Under this proposal, Technician Class licensees could obtain Novice privileges in Series A without examination, and therefore could retain their present call signs if desired. Further details will be contained in the call sign proceeding to be issued.

20. In view of the extensive amendments to the rules requested by the petitioners, and those proposed herein, it is imperative those submitting comments carefully consider the future needs of the Amateur Radio Service. To this end, we are allowing more than the normal amount of time for suggestions and comments to be filed. These proposals represent our best thoughts in these important matters. We are interested in receiving comments from informed amateurs in these areas.

21. Authority for the proposed rule changes herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

22. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before June 16, 1975, and reply comments on or before July 16, 1975. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision on the rules which are proposed herein, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

23. In accordance with the provision of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, pleadings, briefs, or other documents shall be furnished the Commission.

24. All filings in this proceeding will be available for examination by interested parties during regular business hours in the Commission's public reference room at its headquarters in Washington, D.C. (1919 M Street NW.).

Adopted: December 4, 1974.

Released: December 16, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[7]

[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX I
PETITIONERS

1. RM-1016, D. McGarrett, Centerreach, New York
2. RM-1363, K. J. Deskur, Endwell, New York
3. RM-1454, S. C. Davis, Manchester, Connecticut
4. RM-1456, W. Green, Peterborough, New Hampshire
5. RM-1516, E. W. DeCloedt, Cupertino, California
6. RM-1521, W. A. Welch, II, Wappong, Connecticut
7. RM-1526, E. C. Lips, Pittsburgh, Pennsylvania
8. RM-1535, American Radio Relay League, Newington, Connecticut
9. RM-1568, E. E. Gooch, Brilliant, Ohio
10. RM-1572, C. DeWitt, Omaha, Nebraska
11. RM-1602, C. R. Clark, Notre Dame, Indiana
12. RM-1615, C. C. Drumeller, Warr Acres, Oklahoma
13. RM-1629, M. K. Gormley, APO, New York, New York
14. RM-1633, W. Green, Peterborough, New Hampshire
15. RM-1656, Ronald A. Reed, West Los Angeles, California
16. RM-1724, R. A. Cowan, Port Washington, New York
17. RM-1793, G. Jacobs, Silver Spring, Maryland, S. F. Meyer, Linden, New Jersey
18. RM-1805, Radiotrician Confederation, Grouse Creek, Utah
19. RM-1841, United CB'ers of America, Detroit, Michigan
20. RM-1920, C. W. Tazewll, Baltimore, Maryland
21. RM-1947, R. R. Dopmeyer, Opelousa, Lousiana
22. RM-1976, Edgewood Amateur Radio Society, Baldwin Park, California
23. RM-1991, U.S. Citizens Radio Council
24. RM-2030, L. E. White, Closter, New Jersey
25. RM-2043, R. E. Heimberger, Shaker Heights, Ohio
26. RM-2053, Hercules Radio and Recording Studio, Daytona Beach, Florida
27. RM-2149, M. R. Wardean, Venice, California
28. RM-2150, W. A. Schroeder, Cherry Hill, New Jersey
29. RM-2162, Falmouth Amateur Radio Association, Woods Hole, Massachusetts
30. RM-2166, W. Brady, Norwalk, California
31. RM-2216, H. M. Krawetz, Sunnyvale, California
32. RM-2219, J. C. Halford, Ft. Stockton, Texas
33. RM-2256, M. S. Donnell, San Jose, California
34. RM-2284, S. E. Green, et al., Austin, Texas
35. RM-2449, P. Williams, Santa Cruz, California

[7] Commissioner Quello absent.

Part 97, of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 97.5 is revised to read:

§ 97.5 **Classes of operator licenses.**

(a) The following Series A operator licenses authorize operations in the amateur radio frequency bands below 29 MHz:

(1) *Advanced Class, Advanced(C) Class, Advanced(D) Class.* Licenses to conduct amateur radio communications using advanced level amateur practices.

(2) *General Class, General(C) Class, General(D) Class.* Intermediate grade licenses to conduct amateur radio communication for the purpose of developing individual proficiency toward qualifying for the Advanced Class license.

(3) *Novice Class.* Introductory grade license to conduct amateur radio operation for the purpose of developing proficiency toward qualifying for the General Class license.

(b) The following Series B operator licenses authorize operations in the amateur radio frequency bands above 29 MHz:

(1) *Experimenter Class, Experimeter (C) Class, Experimenter(D) Class.* Licenses to conduct amateur radio communication using advanced level practices.

(2) *Technician Class, Technician(C) Class, Technician (D) Class.* Intermediate grade licenses to conduct amateur radio communication for the purpose of developing individual proficiency toward qualifying for the Experimenter Class license.

(3) *Communicator Class.* Introductory grade license to conduct amateur radio communication for the purpose of developing individual proficiency toward qualifying for the Technician Class and Novice Class licenses.

(c) The Extra Class and Extra(D) Class licenses authorize amateur radio operation using all authorized privileges, including certain exclusive privileges.

(d) The designator (C) following the type of operator license class indicates the license is conditionally issued because the licensee qualified under the provisions of § 97.28.

(e) The designator (D) following the type of operator license class indicates the license is conditionally issued because the licensee qualified under the provisions of § 97.27.

2. Section 97.7 is revised to read as follows:

§ 97.7 Privileges of operator license.

The following operating privileges are authorized by the class of operator license indicated for all new amateur licenses issued after (effective date of new rules). Amateurs licensed prior to the date will receive a new license upon the first renewal after (effective date of new rules):

(a) *Extra Classes.* All amateur radio operator privileges.

(b) *Advanced Classes.* All amateur radio operator privileges below 29 MHz, except for frequencies 3500–3525 kHz, 7000–7025 kHz 14000–14025 kHz, and 21.000–21.025 MHz.

(c) *General Classes.* (1) Frequencies 1800–2000 kHz, 3525–3775 kHz, 3890–4000 kHz, 7.025–7.150 MHz, 7.225–7.300 MHz, 14.025–14.200 kHz, 14.275–14.350 kHz, 21.025–21.250 MHz, 21.350–21.450 MHz and 28.0–29.0 MHz within the limitations of § 97.61.

(2) Emissions A1, A3, and F3.

(3) Except for power limitations set forth in § 97.61, the maximum transmitter output power shall not exceed 500 watts peak envelope power.

(d) *Novice Class.* (1) Frequencies 3700–3750 kHz, 7100–7150 kHz, (7050–7075 kHz when the amateur radio operation is not within Region 2), 21.100–21.200 MHz, and 28.100–28.200 MHz.

(2) Emission A1.

(3) 250 watts input power to the transmitter final amplifying stage supplying radio frequency energy to the antenna, exclusive of power for heating the cathode of a vacuum tube(s), within the limitations of § 97.67.

(e) *Experimenter Classes.* All amateur radio operator privileges above 29 MHz.

(f) *Technician Classes.* (1) All amateur frequencies above 50 MHz.

(2) Emissions A1, A3, and F3.

(3) Except for power limitations set forth in § 97.61, the maximum transmitter output power shall not exceed 500 watts peak envelope power.

(g) *Communicator Class.* (1) All amateur frequencies above 144 MHz.

(2) Emission F3.

(3) 250 watts input power to the transmitter final amplifying stage supplying radio frequency energy to the antenna, exclusive of power for heating the cathode of a vacuum tube(s), within the limitations of § 97.67.

3. Section 97.9 is revised to read as follows:

§ 97.9 Eligibility for a new operator license.

Any citizen[1] or national of the United States is eligible to apply for an amateur radio operator license. A person may be issued no more than one operator license in Series A, and no more than one in Series B. A holder of an Extra Class operator license may not hold any other amateur radio operator license issued by the Commission. The requirements for each operator class are:

(a) *Extra Class.* Applicant shall have successfully completed examination elements 1(C), 2(A), 2(B), 3(A), 3(B), 4(A), and 4(B).

(b) *Advanced Class.* Applicant shall have successfully completed examination elements 1(B), 2(A), 3(A), and 4(A).

(c) *General Class.* Applicant shall have successfully completed examination elements 1(B), 2(A), and 3(A).

(d) *Novice Class.* Applicant shall have successfully completed examination elements 1(A) and 2(A).

(e) *Experimenter Class.* Applicant shall have successfully completed examination elements 1(A), 2(B), 3(B), and 4(B).

(f) *Technician Class.* Applicant shall have successfuly completed examination elements 1(A), 2(B), and 3(B).

(g) *Communicator Class.* Applicant shall have successfully completed examination element 2(B).

4. Section 97.13 and headnote are revised to read as follows:

§ 97.13 Eligibility for renewal of operator license.

(a) An amateur radio operator license, other than a conditionally issued license, may be renewed upon proper application, in which it is stated that the applicant is fully qualified in the requirements for the original license of the class being renewed. If the applicant is not fully qualified, the license will not be renewed, and the applicant may apply for a new operator license if and when he qualifies by examination at a later date.

(b) If a license, other than a conditionally issued license, is allowed to expire, application for renewal may be made during a period of grace of 1 year after the expiration date. During this 1 year period of grace, an expired license is not valid. A license renewed during the grace period will be dated currently and will not be backdated to the date of its expiration.

(c) Application for renewal of an amateur radio operator license shall be submitted on FCC Form 610 and shall be accompanied by the applicant's operator license or photocopy thereof. Application for renewal of unexpired licenses must be made during the license term. In any case in which the licensee has, in accordance with the provisions of this section, made timely and sufficient application for renewal of an unexpired license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(d) Operator licenses obtained on the basis of § 97.28 are not renewable.

(e) Operator licenses obtained on the basis of § 97.27 are not renewable unless the application is accompanied by a current physician's affidavit.

(f) Extra Class operator licenses are issued for the life of the licensee, and do not have to be renewed.

5. Section 97.15 is added new to read as follows:

§ 97.15 Modification of operator license.

(a) Application for modification of an amateur radio operator license shall be submitted on FCC Form 610 and shall be accompanied by the applicant's operator license(s) or photocopy(s) thereof.

(b) When only the name of the licensee is changed, or when only the mailing address is changed, a formal application for modification of license is not required. However, the licensee shall notify the Commission promptly of these changes. The notice, which may be in letter form, shall contain the name and address of the licensee as they appear in the Commission's records, the new name and/or address, as the case may be, the primary station call sign and class of operator license. The notice shall be sent to Federal Communications Commission, Gettysburg, Pennsylvania 17325, and a copy shall be kept by the licensee until a new license is issued.

6. Section 97.21 is revised to read as follows:

§ 97.21 Examination elements.

Examination for amateur radio operator privileges will comprise one or more of the following elements:

(a) *Element 1(A).* Slow speed telegraphy test in International Morse Code at 5 words per minute.

(b) *Element 1(B).* Intermediate speed telegraphy test in International Morse code at 13 words per minute.

(c) *Element 1(C).* High speed telegraphy test in International Morse code at 20 words per minute.

(d) *Element 2(A).* Rules, basic principles, and amateur practices essential to beginners' amateur radiotelegraphy operation using the privileges authorized to the Novice Class.

(e) *Element 2(B).* Rules, basic principles, and amateur practices essential to beginners' amateur radiotelegraphy operation using the privileges authorized to the Communicator Class.

(f) *Element 3(A).* Rules, intermediate level principles, and amateur practices essential to amateur radio operation using the privileges authorized to the General Class.

(g) *Element 3(B).* Rules, intermediate level principles, and amateur practices essential to amateur radio operation using the privileges authorized to the Technician Classes.

(h) *Element 4(A).* Advanced level principles and amateur practices essential to amateur radio operation using the privileges authorized to the Advanced Class.

(i) *Element 4(B).* Advanced level principles and amateur practices essential to amateur radio operation using the privileges authorized to the Experimenter Class.

7. Section 97.23 is revised to read as follows:

§ 97.23 Examination requirements.

(a) The telegraphy test required of an applicant for an amateur radio operator license shall determine the applicant's ability to send correctly by hand

[1] Senate Bill 2457 if enacted; would delete citizenship requirement.

using a hand key (or, if supplied by the applicant, a semi-automatic or electronic, hand operated key, other than keyboard type) and to receive correctly by ear, in plain language, messages in the International Morse code at not less than the prescribed speed, counting 5 characters to the word, each numeral or each punctuation mark counting as 2 characters.

(b) All written examinations for an amateur radio operator license shall be completed by the applicant in legible handwriting or hand printing by means of ink or pencil. Whenever the applicant's signature is required, his normal signature shall be used. Applicants unable to comply with these requirements, because of a physical disability, may dictate their answers to the examination questions and to the receiving code test. If the examination, or any part thereof, is dictated by the applicant, the examiner shall certify the nature of the applicant's disability and the name and address of the person(s) taking and transcribing the dictation.

8. Section 97.25 is revised to read as follows:

§ 97.25 Examination credit.

(a) An applicant for an amateur radio operator license will be given credit for those examination elements required for any other class or operator license held when the application is filed. However, credit will not be given for examination elements 1(B), 3(A), 3(B), 4(A), and 4(B) given under the provisions of § 97.30 for a class of operator license other than that being applied for, except for holders of Advanced (D) Class, Experimenter (D) Class, General (D) Class, and Technician (D) Class when qualifying for a license under the provisions of § 97.27.

NOTE.—Credit for examination elements will be given to applicants holding a valid operator license at the time of the adoption of this rule, in accord with the following schedule, during a period not exceeding one year following the expiration date on the current license:

(1) *Amateur Extra Class.* All examination elements.

(2) *Amateur Extra (C) Class.* Elements 1(A), 2(A), and 2(B). Also all other examination elements as if passed on the basis of § 97.27.

(3) *Advanced Class.* Elements 1(A), 1(B), 2(A), 2(B), 3(A), 3(B), 4(A), and 4(B).

(4) *Advanced (C) Class.* Elements 1(A), 2(A), and 2(B). Also elements 1(B), 3(A), 3(B), 4(A), and 4(B) as if passed on the basis of § 97.27.

(5) *General Class.* Elements 1(A), 1(B), 2(A), 2(B), 3(A), and 3(B).

(6) *Conditional Class.* Elements 1(A), 2(A), and 2(B). Also elements 1(B), 3(A), and 3(B) if passed on the basis of § 97.28.

(7) *Conditional Class (P) Class.* Elements 1(A), 2(A), and 2(B). Also elements 1(B), 3(A), and 3(B) as if passed on the basis of § 97.27.

(8) *Technician Class.* Elements 1(A), 2(B), 3(A), and 3(B).

(9) *Technician (C) Class.* Elements 1(A), 2(A), and 2(B). Also elements 3(A) and 3(B) as if passed on the basis of § 97.28.

(10) *Novice Class.* Elements 1(A) and 2(A).

(b) Upon request, an applicant for an amateur radio license will be given credit for element 1(A) and 1(B) if within 5 years prior to the receipt of his application by the Commission, he held a commercial radiotelegraph operator license or permit issued by the Federal Communications Commission.

(c) Upon request, an applicant for an amateur radio operator license will be given credit for elements 1(A), 1(B), and 1(C), if he holds a valid First Class commercial radiotelegraph operator license or holds any commercial radiotelegraph operator license or permit issued by the Commission containing aircraft radiotelegraph endorsement.

(d) Applicant submitting evidence of having held the Amateur Extra First Class operator license and having held its successor license will be given credit for examination element 1(C) if he so requests. An applicant must present his proof in advance of the desired examination time to the Amateur and Citizens Division, Washington, D.C., 20554 and receive a letter of certification for presentation to the Commission Field Office where the examination will be taken. No credit for the telegraphy requirement will be given without the letter of certification.

9. Section 97.27 and headnote are revised to read as follows:

§ 97.27 Availability of operator license to physically disabled persons.

If it is shown by physician's certificate an applicant is unable to travel to any regular Commission examination point because of a protracted physical disability, a new or renewed Extra (D) Class, Advanced (D) Class, Experimenter (D) Class, General (D) Class, or Technician (D) Class operator license may be issued on the basis of examinations successfully passed under the provisions of § 97.30. These licenses may not be renewed without a current physician's affidavit.

10. Section 97.28 and headnote are revised to read as follows:

§ 97.28 Availability of operator license to persons residing at great distances from Commission examination points.

(a) A new Advanced (C) Class, Experimenter (C) Class, General (C) Class, or Technician (c) Class license may be issued on the basis of examinations successfully passed under the provisions of § 97.30 under one of the following conditions:

(1) If the applicant's legal residence, mailing address, and/or any station location or proposed station location are more than 175 miles actual distance from the nearest Commission examining point.

(2) If the applicant is shown by certificate of the commanding officer to be in the armed forces of the United States at an Army, Navy, Air Force, or Coast Guard station and, for that reason, to be unable to appear for examination at a Commission examination point.

(3) If the applicant demonstrates by sufficient evidence that he is unable to appear at a Commission examination point because his current temporary residence, for the 12 coming months is outside the continental limits of the United States, its teritories or possessions.

(b) Operator licenses obtained under the provisions of these rules are not renewable.

11. Section 97.29 and headnote are revised to read as follows:

§ 97.29 Manner of conducting Commission supervised examinations.

(a) Except as provided by § 97.27 and § 97.28, examination elements 1(B), 1(C), 3(A), 3(B), 4(A), and 4(B) may only be administered by an authorized Commission employee or representative at locations and at times specified by the Commission.

(b) Examination element 4(A) may only be administered to a person having successfully passed element 3(A).

(c) Examination element 4(B) may only be administered to a person having successfully passed element 3(B).

(d) Examination element 3(A) may only be administred to a person having successfully passed element 2(A).

(e) Examination element 3(B) may only be administered to a person having successfully passed examination elements 2(B).

12. Section 97.30 is added new to read as follows:

§ 97.30 Manner of conducting mail examinations.

(a) Unless otherwise prescribed by the Commission, examination elements 1(A), 2(A), 2(B), and any elements administered under the provisions of § 97.27 and § 97.28 will be conducted and supervised by two proxy volunteer examiners proposed by the applicant and approved by the Commission. The volunteer examiners shall be at least 21 years of age, shall be unrelated to the applicant, and at least one shall hold the proper class of license to administer examinations in accordance with the following schedule:

(1) *Extra Class.* All examination elements.

(2) *Advanced Class.* Examination elements 1(A), 1(B), 2(A), and 3(A).

(3) *Experimenter Class.* Examination elements 1(A), 2(B), and 3(B).

(b) Written examinations shall be obtained, administered, and submitted in accordance with the following procedure:

(1) Within 10 days after successfully passing any required telegraphy examination element, an applicant shall submit an application (FCC Form 610), together with any filing fee prescribed, to the Commission's office in Gettysburg, Pennsylvania 17325. The application shall include a written request from the volunteer examiners for the appropriate examination papers. The examiners' written request shall include (1) the name and mailing address of the volun-

teer examiners, (2) the name of the applicant, (3) a statement by the volunteer examiners that the applicant has passed the telegraphy examination element for the class of operator license, if required, under their supervision within the 10 days prior to the submission of the request, and (4) the volunteer examiners' signatures. Examination papers will be forwarded to one of the volunteer examiners.

NOTE.—When the applicant is entitled to credit for any telegraphy examination element under the provisions of § 97.25, an application may be submitted without regard to the 10 day limitation. The examiners' request should then state that a telegraphy examination was not administered for that reason. The applicant should furnish details as to the class, number, and expiration date of any license involved.

(2) The proxy volunteer examiners shall be responsible for the proper conduct and necessary supervisions of the examination. Administration of the examination shall be in accordance with the instructions included with the examination papers.

(3) The examination papers, either completed, or unopened in the event the examination if not administered for whatever reason, shall be returned by the volunteer examiner to the Commission's office at Gettysburg, Pennsylvania, no later than 30 days after the date the papers are mailed by the Commission (the date of mailing is normally stamped by the Commission on the outside of the examination envelope).

13. Section 97.33 is revised to read as follows:

§ 97.33 Eligibility for re-examination.

An applicant who fails an examination for an amateur radio operator license may not take another examination for the same or higher class license in the same series within 30 days.

14. Section 97.35 and headnote are revised to read as follows:

§ 97.35 Additional requirements for licensees holding licenses on the basis of mail examinations.

(a) A licensee holding an amateur radio operator license obtained by a mail examination administered by proxy volunteer examiners may be required to appear for a Commission supervised examination, the amateur radio license(s) the Commission. If the licensee fails to appear for this examination when directed to do so, or fails to pass such examination, the amteur radio license(s) involved shall be subject to cancellation. When a license is cancelled under this provision, a new license will not be issued for the same class of operator license as that cancelled.

(b) A holder of an amateur radio operator license obtained on the basis of a mail examination under the provisions of § 97.27 shall make application for re-examination within one-year upon becoming able to travel to any Commission examination point.

(c) A holder of an amateur radio operator license obtained on the basis of mail examination under the provisions of § 97.28 shall apply for re-examination within one-year of when the licensee changes his legal residence, or mailing address, and/or any station or proposed station location within 175 miles actual distance to the nearest Commission examination point, or when a new examination point is established within 175 actual miles distance to the licensee's legal residence, mailing address, or station location.

15. Section 97.38 is added new to read as follows:

§ 97.38 Types of station licenses and eligibility.

(a) The following types of station licenses are available to properly licensed amateur radio operators.

Type of station	*Eligible licensees*
Series A Primary station.	Extra Class, any Series A Class operator.
Series A Secondary station.	-Do-
Series B Primary station.	Extra Class, any Series B Class operator.
Series B Secondary station.	-Do-
Series A Club station.	Extra Class, Advanced Class operator.
Series B Club station.	Extra Class, Experimenter Class operator.
Repeater station, Control station, Auxiliary Link station, Space station.	Extra Class Experimenter Class operator.
Military Recreation station.	Individual, whether or not a licensed amateur radio operator, who is in charge of a proposed Military Recreation station.

16. Section 97.67 (a) and (b) are revised and paragraph (d) added to read as follows:

§ 97.67 Maximum authorized power.

(a) Within all other limitations specified herein, amateur radio stations shall use the minimum amount of transmitter power necessary to carry out the desired communications.

(b) Except for power limitations set forth in §§ 97.7 and 97.61, the maximum transmitter output power shall not exceed 2000 watts peak envelope power.[1]

* * * * *

(d) Any transmitter capable of exceeding the power limitations specified herein shall not be operated in the Amateur Radio Service unless there is incorporated adequate measures to insure the limitations will not be exceeded.

[FR Doc.74-29511 Filed 12-19-74;8:45 am]

[1] This is one proposal under consideration. The Commission is also considering alternatives such as PEP input, average power input, ratios of peak to average power output and limitations on dissipation ratings of final power amplifier devices or a combination of these. Specific comments on the practicality of these proposals, alternate proposals and the practicality of attendant power measuring techniques by amateur stations are requested.

We request comments on the need for rules limiting the use of techniques which increase the average power in A3 single sideband suppressed carrier transmissions, without increasing the peak envelope power. The commehts should discuss the various techniques utilized for the purpose in the Amateur Radio Service, the engineering standards that must be observed for good amateur practice when using these techniques, the nature of any unnecessary interference that can be caused by the improper use of these techniques, and the capabilities of amateurs to make measurements necessary to proper usage.

FEDERAL POWER COMMISSION

[18 CFR Parts 35, 101, 104, 154, 201, 204]

[Docket No. RM75-13]

ACCOUNTS AND REPORTS

Construction Work in Progress

DECEMBER 13, 1974.

Amendments to Uniform Systems of Accounts for Public Utilities and Licensees and for Natural Gas Companies (Classes A, B, C and D) and to regulations under the Federal Power Act and the Natural Gas Act, to provide for inclusion of construction work in progress in rate base.

On November 27, 1974, the American Public Power Association filed a motion to extend the time for filing comments to the above-designated rulemaking noticed November 14, 1974. Similar motions were filed by the Power Section, Georgia Municipal Association on November 29, 1974, the North Carolina Electric Membership Corporation on December 4, 1974, and the Edison Electric Institute on December 10, 1974.

Upon consideration, notice is hereby given that the time for filing comments in the above matter is extended to and including March 31, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-29683 Filed 12-19-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 231 and 271]

[Release No. 33-5546, IC-8609; File No. S7-537]

SALES LITERATURE FOR INVESTMENT COMPANIES

Proposed Amendments of Statement of Policy; Extension of Comment Period

The Securities and Exchange Commission has received requests for an extension of the due date for comments upon its proposal to amend the Statement of Policy under the Securities Act of 1933. These proposed amendments would permit certain sample charts portraying investment results on a total return basis to be set forth in the sales literature employed in the sale of investment company securities. Notice of the proposed amendments was published on November 4, 1974 in Release Nos. 33-5537 and IC-8571

and in the FEDERAL REGISTER on November 20, 1974, 39 FR 40789.

The Commission desires a prompt determination with respect to adoption of the proposed amendments but has determined that an extension until February 14, 1975, is appropriate and will not result in undue delay.

By the Commission.

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

DECEMBER 6, 1974.

[FR Doc.74-29651 Filed 12-19-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1030, 1001, 1002, 1004, 1006, 1007, 1011, 1012, 1013, 1015, 1032, 1033, 1036, 1040, 1044, 1046, 1049, 1050, 1060, 1061, 1062, 1063, 1064, 1065, 1068, 1069, 1070, 1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096, 1097, 1098, 1099, 1101, 1102, 1104, 1106, 1108, 1120, 1121, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1136, 1137, 1138, and 1139]

[Docket No. AO 361-A12, etc.]

MILK IN THE CHICAGO REGIONAL, AND CERTAIN OTHER MARKETING AREAS

Decision and Order To Terminate Proceeding on Proposed Amendments to Marketing Agreements and to Orders [1]

7 CFR part	Marketing area	Docket No.
1030	Chicago Regional	AO 361-A12.
1001	Boston Regional	AO 14-A54.
1002	New York-New Jersey	AO 71-A69.
1004	Middle Atlantic	AO 160-A52.
1006	Upper Florida	AO 356-A12.
1007	Georgia	AO 366-A12.
1011	Appalachian	AO 251-A17.
1012	Tampa Bay	AO 347-A16.
1013	Southeastern Florida	AO 286-A24.
1015	Connecticut	AO 305-A32.
1032	Southern Illinois	AO 313-A26.
1033	Ohio Valley	AO 166-A45.
1036	Eastern Ohio-Western Pennsylvania	AO 179-A40.
1040	Southern Michigan	AO 225-A29.
1044	Michigan Upper Peninsula	AO 299-A21.
1046	Louisville-Lexington-Evansville	AO 123-A41.
1049	Indiana	AO 319-A24.
1050	Central Illinois	AO 355-A17.
1060	Minnesota-North Dakota	AO 360-A11.
1061	Southeastern Minnesota Northern Iowa (Dairyland)	AO 367-A10.
1062	St. Louis-Ozarks	AO 10-A48.
1063	Quad Cities-Dubuque	AO 105-A40.
1064	Greater Kansas City	AO 23-A47.
1065	Nebraska-Western Iowa	AO 86-A33.
1068	Minneapolis-St. Paul	AO 178-A34.
1069	Duluth-Superior	AO 153-A23.
1070	Cedar Rapids-Iowa City	AO 229-A29.
1071	Neosho Valley	AO 227-A30.
1073	Wichita	AO 173-A31.
1075	Black Hills, S. Dak	AO 248-A16.
1076	Eastern South Dakota	AO 260-A22.
1078	North Central Iowa	AO 272-A24.
1079	Des Moines, Iowa	AO 295-A29.
1090	Chattanooga, Tenn	AO 266-A19.
1094	New Orleans, La	AO 103-A36.
1096	Northern Louisiana	AO 257-A24.
1097	Memphis, Tenn	AO 219-A30.
1098	Nashville, Tenn	AO 184-A36.
1099	Paducah, Ky	AO 183-A30.
1101	Knoxville, Tenn	AO 195-A23.
1102	Fort Smith, Ark	AO 237-A24.
1104	Red River Valley	AO 298-A24.
1106	Oklahoma Metropolitan	AO 210-A37.
1108	Central Arkansas	AO 243-A28.
1120	Lubbock-Plainview, Tex	AO 328-A17.
1121	South Texas	AO 364-A9.
1124	Oregon-Washington	AO 368-A7.
1125	Puget Sound, Wash	AO 226-A27.
1126	North Texas	AO 231-A42.
1127	San Antonio, Tex	AO 232-A28.
1128	Central West Texas	AO 238-A31.
1129	Austin-Waco, Tex	AO 256-A24.
1130	Corpus Christi, Tex	AO 259-A28.
1131	Central Arizona	AO 271-A18.
1132	Texas Panhandle	AO 262-A26.
1133	Inland Empire	AO 275-A27.
1134	Western Colorado	AO 301-A15.
1136	Great Basin	AO 309-A21.
1137	Eastern Colorado	AO 326-A19.
1138	Rio Grande Valley	AO 335-A22.
1139	Lake Mead, Nev	AO 274-A2.

[1] See 39 FR 40782; November 20, 1974.

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the aforesaid marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Rosemont, Illinois, October 8-10, 1974, pursuant to notice thereof issued on September 18, 1974 (39 FR 34295).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary for Marketing and Consumer Services, on November 13, 1974, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein subject to the following changes:

Under Issue No. 1, paragraphs 8 through 13 are revised into paragraphs 8 through 15.

The material issues on the record relate to:

1. Revising the basic formula floor price for Class I pricing purposes during the next few months; and

2. Whether an emergency exists to warrant the omission of a recommended decision.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I price level.* No action should be taken at this time to raise the minimum "floor" price for Class I milk in the Federal milk orders.

Presently, Class I prices under all orders are determined by adding a specified differential to a basic formula price, which is the average of prices paid during the second preceding month for manufacturing grade milk in Minnesota and Wisconsin. The basic formula price provisions of the orders specify that for the purpose of computing Class I prices such basic formula price shall be not less than $4.33. (The Red River Valley order does not have a basic formula price provision. Class prices under this order are tied to the Oklahoma Metropolitan order that uses the basic formula price.)

As stated in the hearing notice, the purpose of the hearing was to receive evidence with respect to the economic and emergency marketing conditions that relate to the minimum level of Class I price to be established for the forthcoming fall and winter months under each order. The specific proposal considered was to "amend each of the respective orders to provide immediately for a minimum basic formula price of up to $7.50 and for each of the months through March 1975."

Producer cooperative representatives in all markets testified in support of a basic formula "floor" price of $7.50 for computing Class I prices November 1974 through March 1975. Such witnesses stated that a $7.50 basic formula "floor" price is the minimum amount needed to help maintain an adequate supply of milk this fall and winter because recent large increases in the price of feed and other production items (notably fuel, fertilizer, machinery, electricity, hardware, and supplies) in the face of a drastic drop in milk prices last summer has placed dairy farmers in a severe cost-price squeeze which threatens the continued production of milk.

Milk producers from all regions of the country testified on the cost and returns situation on their farms. They cited rising production costs and the recent decline in the prices received for the milk, cattle, and calves they ship to market, and stated that they could not continue in milk production without significant improvement in the price received for their milk.

Cooperative association and producer witnesses were supported in their request for emergency price action by several members of Congress; state officials; representatives of national, state and local farm organizations; as well as certain proprietary handlers and associations of handlers. Other handler witnesses and a consumer witness gave proponents qualified support in that they do not expect dairy farmers to produce at a loss.

Certain handler witnesses expressed concern that immediate adoption of a $7.50 basic formula "floor" price would force handlers to increase resale prices too rapidly and would result in some loss in fluid milk sales volume. In this regard one handler proposed that any basic formula "floor" price be not more than $7.25 and not be made effective before December 1974. Handlers also expressed their concern that it takes some time to adjust their resale prices and therefore urged that they be afforded 25 days of advance notice of any Class I price increase.

Although the record amply demonstrates that the price decline in the second quarter of 1974 placed dairy farmers in a difficult cost-price situation, the current level of milk production continues to exceed demand, and thus there is no basis for modifying the present Class I price formulas at this time.

Milk and dairy product prices, which declined sharply in the second quarter of this year, have since increased rather

significantly. As indicated in the record, the Minnesota-Wisconsin price increased from the seasonal low of $6.29 per hundredweight in July to $6.69 in September. Official notice was taken in the recommended decision of the Minnesota-Wisconsin price of $6.82 for October. Prices substantially above the July level are expected to prevail through early 1975.

Wholesale prices for butter and cheese likewise strengthened significantly by the time of the hearing. Average prices in September for these products were 6.5 to 7 cents per pound higher than during the summer months when these prices were at a low point this year. It is expected that such prices will remain above the earlier low levels through early 1975.

The decline in milk production experienced for an extended period has slackened. Milk production was up almost 3 percent over a year ago in September, the sharpest increase in almost a decade. This followed production gains during July and August. Monthly milk production is expected to be close to corresponding months of the prior year through early 1975, since dairy farmers are likely to retain their cows and feed supplies of roughage stored for this barn feeding season. Increased milk production in the third quarter accompanied by lower fluid milk sales pushed more milk into manufacturing uses, particularly into butter and nonfat dry milk.

On the demand side, during the first six months of 1974, Class I prices averaged about $2.50 above the prior year and Class I sales were about 5 percent lower for the corresponding period. This sales decline nearly stopped in September 1974 when Class I prices were $1.65 less than what they averaged during the first six months of the year.

The Commodity Credit Corporation has removed over one billion pounds of milk equivalent from the commercial market this year under the price support program. Purchases of nonfat dry milk continue to be sizable during the seasonally low milk production period, and some cheese is still being purchased. CCC inventories of nonfat dry milk are rising at a rapid rate, reaching about 135 million pounds at the end of October; a year ago CCC had no stocks. Commercial stocks of butter, cheese, and nonfat dry milk are at record levels, reflecting in substantial measure the excess of domestic production over domestic consumption.

The 2-month advance announcement of Class I prices under milk orders affords a measure of price assurance from now until action is required to be taken under the price support program. The October Minnesota-Wisconsin price of $6.82 is the basic formula price for computing December Class I prices. As indicated, it is expected that the Minnesota-Wisconsin price will remain near this level into early 1975. Under the circumstances, dairy farmers have reasonable assurance of Class I price levels through the remainder of the period through March 1975.

Further price assurance to dairy farmers is provided under the dairy price support program. The level of support required is that which will attract the production of adequate supplies of milk to meet the nation's needs. The support level for the 1975–76 marketing year must be established by April 1, 1975, and may not be less than 75 percent of parity. Even if the support price is established at the statutory minimum, the level of support will exceed the current level of manufacturing milk prices. Dairy farmers will benefit from this higher level of price assurance.

2. *Need for omitting recommended decision.* This proceeding included the issuance of a recommended decision and the opportunity to file exceptions thereto.

Consideration was given at the hearing to the need for omitting certain customary procedural steps to expedite the effectuation of any pricing amendments that might result from the hearing. For reasons set forth earlier, it was concluded that the orders should not be amended. Thus, no emergency was found that necessitated the omission of a recommended decision and the opportunity for interested parties to file exceptions to the proposed findings and conclusions.

Ruling on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Termination Order

In view of the foregoing, it is hereby determined that the proceeding with respect to proposed amendments to the tentative marketing agreements and to the orders should be and is hereby terminated.

Signed at Washington, D.C., on: December 16, 1974.

Richard L. Feltner,
Assistant Secretary.

[FR Doc.74-29703 Filed 12-19-74;8:45 am]

notices

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

DEPARTMENT OF STATE

[Public Notice 438]

ERIE COUNTY, NEW YORK

Application for Presidential Permit for a Pipeline at Erie County, New York

With reference to Executive Order 11423, the Secretary of State has received an application from the Lakehead Pipe Line Company, Inc., a Delaware Corporation and a wholly-owned subsidiary of Interprovincial Pipe Line Company, a Canadian corporation, for a permit for the construction, connection, operation and maintenance of a pipeline across the U.S.–Canadian boundary at a point on the boundary approximately 535 feet west of Lot 39, Town of Grand Island, Erie County, State of New York.

The pipeline will carry liquid hydrocarbons, and is an integral part of the proposed expansion of that part of the Interprovincial-Lakehead pipeline system between Westover, Ontario and Buffalo, New York.

The applicant has advised that it has applied to the Corps of Engineers for a permit in respect of the proposed crossing of the Niagara River.

Public comments on the application are invited. Anyone wishing to review the application and associated documents may do so in Room 6420, Department of State, Washington, D.C.

For the Secretary of State.

[SEAL] TERRY L. LEITZELL,
Acting Assistant Legal Adviser for Ocean, Environment and Scientific Affairs.

[FR Doc.74–29626 Filed 12–19–74;8:45 am]

[Public Notice CM–5/1]

GOVERNMENT ADVISORY COMMITTEE ON INTERNATIONAL BOOK AND LIBRARY PROGRAMS

Notice of Meeting

The Government Advisory Committee on International Book and Library Programs will meet in open session in Room 1406 in the Department of State, 2201 C Street, NW., Washington, D.C. from 9:00 a.m. to 5:00 p.m. on January 16, 1975.

The Committee will re-examine its role and establish priorities for its 1975 program. It will also begin discussions on improving techniques to teach the reading of English to non-native speakers.

For purposes of fulfilling building security requirements, anyone wishing to attend the meeting must advise the Executive Secretary by telephone in advance of the meeting. Telephone: 632–2841.

Dated: December 16, 1974.

CAROL M. OWENS,
Executive Secretary.

[FR Doc.74–29639 Filed 12–19–74;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 75–3]

FOREIGN CURRENCIES

Certification of Rates

DECEMBER 10, 1974.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 74–264 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Austria schilling:	
Nov. 25, 1974	$0.0564
Nov. 26, 1974	.0565
Nov. 27, 1974	.0565
Nov. 28, 1974	Holiday
Nov. 29, 1974	.0563
Belgium franc:	
Nov. 25, 1974	$0.026840
Nov. 26, 1974	.026880
Nov. 27, 1974	.026890
Nov. 28, 1974	Holiday
Nov. 29, 1974	.026840
Denmark krone:	
Nov. 25, 1974	$0.1720
Nov. 26, 1974	.1728
Nov. 27, 1974	[1]
Nov. 28, 1974	Holiday
Nov. 29, 1974	.1723
Germany deutsche mark:	
Nov. 25, 1974	$0.4068
Nov. 26, 1974	.4075
Nov. 27, 1974	.4059
Nov. 28, 1974	Holiday
Nov. 29, 1974	.4044
Netherlands guilder:	
Nov. 29, 1974	$0.3896
Switzerland franc:	
Nov. 25, 1974	$0.3720
Nov. 26, 1974	.3755
Nov. 27, 1974	.3725
Nov. 28, 1974	Holiday
Nov. 29, 1974	.3687

[SEAL] R. N. MARRA,
Director, Duty Assessment Division.

[FR Doc.74–29716 Filed 12–19–74;8:45 am]

[1] Use Quarterly Rate.

Fiscal Service

[Dept. Circ. 570, 1974 Rev., Supp. No. 7]

NEW ENGLAND INSURANCE CORPORATION

Surety Companies Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $2,858,000 has been established for the company.

Name of Company, location of principal executive office, and State in which incorporated:

New England Reinsurance Corporation

Boston, Massachusetts

Massachusetts

Certificates of Authority expire on June 30 each year, unless sooner revoked and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Government Financial Operations, Audit Staff, Washington, D.C. 20226.

Dated: December 13, 1974.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.74–29715 Filed 12–19–74;8:45 am]

Office of the Secretary

PORTABLE ELECTRIC TYPEWRITERS FROM JAPAN

Antidumping; Withholding of Appraisement Notice

Information was received on February 14, 1974, that portable electric typewriters from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (refered to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the Federal Register of March 20, 1974, on page 10456. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price or exporter's sales price, as applicable (sections 203 and 204 of the Act; 19 U.S.C 162 and 163) of portable electric typewriters from Japan is less, or is likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

STATEMENT OF REASONS

The information currently before the U.S. Customs Service tends to indicate that the probable basis of comparison for fair value purposes will be between purchase price or exporter's sales price, and third country prices of such or similar merchandise.

Purchase price will probably be calculated on the basis of the f.o.b. packed, Japanese port price, with deductions for freight and shipping charges.

Exporter's sales price will probably be calculated on the basis of the resale price in the United States, with deductions for the applicable transportation and insurance costs, selling expenses in the United States, commissions, warranty costs, and brokerage charges.

Third country price will probably be calculated on the basis of both delivered and resale prices in Canada. Deductions from these prices will probably be made for the applicable transportation costs, and various direct and indirect costs incurred in sales of the merchandise.

Using these criteria, there are reasonable grounds to believe or suspect that the purchase price or exporter's sales price, as applicable, will be lower than the adjusted third country price.

Customs officers are being directed to withhold appraisement of portable electric typewriters from Japan in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20229, in time to be received by his office not later than December 30, 1974. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by this office not later than January 20, 1975.

This notice, which is published pursuant to § 153.34(b), Customs Regulations (19 CFR 153.34(b)), shall become effective on December 20, 1974. It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

Dated: December 19, 1974.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-29883 Filed 12-19-74;10:29 pm]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that a closed Panel meeting of the DIA Scientific Advisory Committee will be held at Pomponio Plaza, Rosslyn, Virginia on:

Wednesday and Thursday, 22-23 January, 1975.

The entire meeting commencing at 0900 hrs. is devoted to the discussion of classified information as defined in section 552(b), title 5 of the U.S. Code, therefore will be closed to the public.

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

DECEMBER 17, 1974.

[FR Doc.74-29704 Filed 12-19-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[INT DES 74-110]

OUTER CONTINENTAL SHELF OFFSHORE CENTRAL GULF OF MEXICO

Notice of Availability of Draft Environmental Impact Statement and of Public Hearing Regarding Possible Oil and Gas Lease Sale

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement relating to a possible Outer Continental Shelf general oil and gas lease sale of 594 tracts of submerged lands on the Outer Continental Shelf in the Central Gulf of Mexico.

Single copies of the draft environmental statement can be obtained from the Office of the Manager, Gulf of Mexico Outer Continental Shelf Office, Bureau of Land Management, Suite 3200, The Plaza Tower, 1001 Howard Avenue, New Orleans, Louisiana 70113, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft environmental statement will also be available for public review in the main libraries in the following cities: New Orleans, Lafayette, and Baton Rouge, Louisiana; and Galveston and Houston, Texas.

Maps of the area of the Central Gulf of Mexico upon which tracts being considered for leasing have been depicted and a listing of these tracts may also be obtained from either the Bureau of Land Management's Gulf of Mexico Outer Continental Shelf Office or the Office of Public Affairs, Bureau of Land Management at the above listed addresses.

In accordance with 43 CFR 3301.4, a public hearing will be held beginning at 9 a.m. on January 21, 1975, in the St. Maxent Room, Downtown Howard Johnson, 330 Loyola, New Orleans, Louisiana 70112, for the purpose of receiving comments and suggestions relating to the possible lease sale. If necessary, the hearing will extend through January 22, 1975.

The hearing will provide the Secretary with additional information from both the public and private sectors to help evaluate fully the potential effects of the possible offering of the 594 tracts on the total environment, aquatic resources, aesthetics, recreation and other resources in the entire area during the exploration, development, and operation phases of the leasing program.

The hearing will also provide the Secretary, under section 102(2)(C) of the National Environmental Policy Act of 1969, with the opportunity to receive additional comments and views of interested State and local agencies.

Interested individuals, representatives of organizations and public officials wishing to testify at the hearing are requested to contact the Manager, Gulf of Mexico Outer Continental Shelf Office, Bureau of Land Management, at the above listed address by 4:15 p.m., c.s.t., January 15, 1975. Written comments from those unable to attend the hearing should be addressed to the Director (Attn: 732), Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240. The Department will accept written testimony and comments on the draft environmental statement until February 12, 1975. This should allow ample time for those unable to testify at the hearing to make their views known and for the submission of supplemental materials by those presenting oral testimony. Time limitations make it necessary to limit the length of oral presentations to ten minutes. An oral statement may be supplemented, however, by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the hearing record. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

After all testimony and comments have been received and analyzed a final environmental statement will be prepared.

CURT BERKLUND,
Director, Bureau of Land Management.

Approved:

STANLEY D. DOREMUS
Deputy Assistant Secretary of the Interior.

DECEMBER 18, 1974.

[FR Doc.74-29756 Filed 12-19-74;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant:
Oregon Cooperative Wildlife Research Unit
104 Nash Hall
Oregon State University
Corvallis, Oregon 97331

Howard M. Wight, Leader
E. Charles Meslow, Assistant Leader

APPLICATION FOR ENDANGERED WILDLIFE RESEARCH PERMIT

Director, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

Attention: Chief, Division of Law Enforcement

Numbering corresponds to 50 CFR Part 13. Section 13.12(a):

(1–3) Oregon Cooperative Wildlife Research Unit, 104 Nash Hall, Oregon State University, Corvallis, Oregon 97331, 503/754–1531.

Howard M. Wight, Leader
E. Charles Meslow, Assistant Leader
Thomas Gavin, Graduate Research Assistant
Field Technicians as required

(4) Activity to be conducted principally on lands of the Columbian White-tailed Deer National Wildlife Refuge. Activities may extend to a lesser degree on any habitat of the species in Oregon and Washington.

(5) 13.12(b) and reference to § 17.23 do not apply because we are not involved with importation of foreign wildlife.

(6) Not applicable.

(7) We hereby certify that we have read and are familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50; and we further certify that the information submitted in this application for a permit is complete and accurate to the best of our knowledge and belief. We understand that any false statement hereon may subject us to the criminal penalties of 18 U.S.C. 1001.

(8) Desired effective date: December 1, 1974.

(9) Application date: October 23, 1974.

(10) Signatures:

Howard M. Wight,
Unit Leader.
E. Charles Meslow,
Assistant Unit Leader.

The following information is of the sort requested in § 17.23(a)(1)–(7), but we are not dealing with imported endangered foreign wildlife.

Numbering corresponds to 50 CFR Part 13. Sec. 17.23 (a):

(1) Columbian White-tailed Deer (*Odocoileus virginianus leucurus*).

We wish to capture and mark up to approximately 30 percent of the estimated 250 deer on the Washington mainland portion of the Columbian White-tailed Deer National Wildlife Refuge. All sex and age groups are involved.

(2) Not applicable.
(3) Research contract attached.
(4–7) Not applicable.

[Amendment No. 1—Contract No. 14–16–0008–752]

JUNE 21, 1974.

OREGON STATE UNIVERSITY,
Corvallis, Oregon 97331

GENTLEMEN: Contract No. 14–16–0008–752, for research studies on the ecology of the Columbian white-tailed deer, along the lower Columbia River in Washington and Oregon, is hereby amended by extending the performance time to June 30, 1976, and by the addition of $7,000 to the contract to cover fiscal year 1975.

This amendment is necessary to carry out the second year's study under the original contract.

All other terms and conditions of the contract remain unchanged.

Please indicate your acceptance of this amendment by signing and returning the original to this office.

Sincerely yours,

LELAND H. BARRINEAU,
Chief, Division of Contracting and General Services (Contracting Officer).

The above amendment and all conditions relating thereto are hereby accepted.

Oregon State University:

By: George Hand.
Title: Division — AES.
Date: July 11, 1974.

C. E. WARREN,
Acting Head, Department of Fisheries and Wildlife.

Date: July 1, 1974.

CONTRACT—RESEARCH ON ECOLOGY OF THE COLUMBIAN WHITE-TAILED DEER ALONG THE LOWER COLUMBIA RIVER IN WASHINGTON AND OREGON

This contract entered into pursuant to the authority under the Federal Property and Administrative Services Act of 1949 as amended, section 302(c)(5), and the Fish and Wildlife Act of 1956, 70 Stat. 1119, (16 USC–742 d and f), this 4th day of June 1973, between the United States of America, acting through the authorized Contracting Officer of the Bureau of Sport Fisheries and Wildlife, of the Fish and Wildlife Service, Department of the Interior (hereinafter called the Bureau) and the Oregon State University (hereinafter called the Contractor).

Witnesseth: The Parties hereto do mutually agree to the conduct of the work pursuant to the General Provisions attached hereto and made a part hereof as follows:

1. Description of Work: The Contractor will conduct research on the Ecology of the Columbian White-tailed Deer, along the Lower Columbia River in Washington and Oregon, as more particularly set forth in the Contractor's proposal attached hereto and made a part hereof.

2. Cost: $7,000.00.

3. OPE: 10 percent Salaries and Wages.

4. Period of Performance: June 1, 1973, through June 30, 1974. Contract will be renewed for two (2) additional years, provided funds are appropriated.

5. Project Leader: Howard M. Wight, Leader, Oregon Cooperative Wildlife Research Unit, Oregon State University.

6. Equal Employment Opportunity: The attached Form 3–176, entitled Equal Employment Opportunity Clause, is made a part of this contract.

In witness thereof, the Parties hereto have executed this contract as of the day and month and year first above written.

Oregon State University:

By: Wilson H. Foots.

Title: Associate Director, Agri. Exper. Sta.

THE UNITED STATES OF AMERICA

LELAND H. BARRINEAU,
Contracting Officer Bureau of Sport Fisheries and Wildlife.

A PROPOSED REFUGE MANAGEMENT STUDY OUTLINE; OFFICE OF ENDANGERED SPECIES

TITLE OF STUDY

Ecology of the Columbian Whitetailed Deer along the Lower Columbia River in Washington and Oregon, Phase II.

The purpose of this statement is to present information concerning the second phase of the study. It is assumed that the reader will be aware of previous statements concerning the justification for the study.

OBJECTIVES

1. To determine the effect of the experimental pasture management plan to be initiated in spring 1973 on utilization of habitat by the Columbian whitetailed deer on the Washington mainland.

Ho_1—uniform pattern of utilization of all pastures by white-tailed deer in relation to climatic seasons.

Ho_2—uniform pattern of utilization of all pastures by white-tailed deer in relation to utilization by cattle.

Ho_3—uniform pattern of utilization of all pastures by white-tailed deer in relation to cultivation practices and phenology of height of herbaceous vegetation.

TECHNIQUES TO BE USED

Sight observations and pellet group counts.

Enclosures and clip quadrants to estimate production and differential utilization of forage by cattle and deer.

METHODS OF ANALYSIS

Chi-square, linear regression, and correlation.

RELATIONSHIP TO MARSHALL MEMO OF 10–72

Objective 1 will assist in gathering biological information useful in categories and subcategories 1112, 11121, 111211, 111212, 113, 121, 1211, 12111, 12112, 12113, 1213, 12131, 12132, 12133, 12211, 123, 128, 129, 131.

SIGNIFICANCE OF OBJECTIVE TO MANAGEMENT

Knowledge of the relationship of intensity of grazing by cattle to utilization of existing plant communities by whitetailed deer is essential to formulating an effective management plan. The dispersion of the deer on the study area is believed related to the vegetative pattern on the study areas. A grazing plan for cattle has been agreed upon by the Refuge Division and a leasee. This plan provides for differential grazing of cattle in relation to the plant communities represented on the Washington mainland. The differential grazing will permit the examination of the three hypotheses listed under Objective 1.

2. To determine changes in population parameters that reflect changes in density of white-tailed deer on the Island in relation to reduction in grazing pressure.

Ho_1—the density of whitetailed deer will remain the same.

TECHNIQUES TO BE USED

Diurnal and nocturnal (spotlight) observations that include notation of sex and age distribution, fawn-doe ratios and trends in indices.

Observations of marked and unmarked animals.

Pellet group counts as appropriate.

Analysis of composition of vegetation within communities.

METHODS OF ANALYSIS

Chi-square and qualitative appraisal.

RELATIONSHIP TO MARSHALL MEMO OF 10–72

Objective 2 will assist in gathering biological information useful in categories and subcategories 11, 111, 1112, 11121, 1113, 1114, 121, 1213, 128, 129, and 131.

SIGNIFICANCE OF OBJECTIVE TO MANAGEMENT

The opportunity to allow the population of white-tailed deer on the mainland portion of the Columbian white-tailed deer refuge to expand in numbers appears limited. However, the population on Tenasillahe Island portion of the refuge is sufficiently isolated and sufficiently low in density, to attempt an increase in density. Thus, the Island population may be utilized as an experimental population to determine potential for increase, for trapping and transplating of deer, and application of other techniques that might detract from public enjoyment of the subspecies on the mainland. It is recognized that the Island is not yet under Bureau control, and the timing of the exchange of property to the Bureau is unknown. However, it is essential to have a plan of approach for determining whether a competitive relationship exists between grazing of cattle and the deer. Changes in the rate of increase of the Island population will assist in that determination. The current population level on the Island is approximately 20 animals. This is far below the density of the mainland population. The exploitation of the Island through heavy grazing by the corporation currently controlling the Island may have affected the ability of the Island to sustain a more dense population of white-tailed deer. Therefore, it is important to determine changes in population parameters that may occur following the exchange of land ownership. It is essential that this potential be recognized so that preliminary research may be conducted prior to the exchange of land ownership. Otherwise, the information desired to define the situation prior to the exchange of land ownership would be wanting. It is further recognized that the land transfer may not occur during the period of the research project. If that were the case, the objective would not be activated.

3. To determine the social groupings of the white-tailed deer in relation to various climatic seasons of the year.

Ho_1—no difference between seasons in the sex and age groupings of the white-tailed deer.

Ho_2—no exchange of individuals occurs between social groups in relation to climatic seasons.

TECHNIQUES TO BE USED

Marked and unmarked animals and sight observations.

METHODS OF ANALYSIS

Chi-square and association tables.

RELATIONSHIP TO MARSHALL MEMO OF 10–72

Objective 3 will assist in gathering biological information useful in categories and subcategories 12, 121, 1214, 122, 1221, 12211, 12212, 122121, 122122, 122123, and 123.

SIGNIFICANCE OF OBJECTIVE TO MANAGEMENT

It is essential to detail the social grouping of white-tailed deer as the seasons change. Social changes that may occur during fawning and raising young, during rut, and during winter, need to be quantified. Examination of the social groupings of the deer will allow predictions concerning the maximum probable densities that the population will withstand. There appears to be an increase in the deer numbers on the Washington mainland during the January–February period of the current study. Examination of the social groupings and changes of social groupings will help us to describe this population change. In addition, the information gathered under Objective 3 will be of great value in interpreting reactions of the individuals to changing densities as they may occur. This will be particularly important with the island population if and when it begins to increase. The information gained under this objective will be of value in informing the general public concerning the basic life history and behavior of this subspecies. Persons visiting the Refuge can be presented with ideas concerning specific things to look for in the interactions between individual deer on the Refuge and, thus, heighten their interest in basic biology.

4. To determine the home range of white-tailed deer on the Washington mainland and the Island.

Ho_1—that home range does not differ between sex and age groupings.

Ho_2—that home range does not differ between seasons.

Ho_3—that home range does not differ between animals living on the mainland and on the Island (possibly a density comparison).

Ho_4—that home range remains the same as the cattle are introduced and removed as well as during the duration of stay.

Ho_5—that home range remains unaffected by changes in the number of visitor days to the Washington mainland.

TECHNIQUES TO BE USED

Marked animals and sight observations.

METHODS OF ANALYSIS

Several methods of describing home range will be evaluated. The one providing the most realistic pattern will be chosen as the standard for comparison and testing of the several hypotheses. The repetitiveness of ability to make observations will determine the final choice of techniques.

RELATIONSHIP TO MARSHALL MEMO OF 10–72

Objective 4 will assist in gathering biological information useful in categories and subcategories 12, 121, 1214, 122, 1221, 12211, 12212, 122121, 122122, 122123, and 123.

SIGNIFICANCE OF OBJECTIVE TO MANAGEMENT

The home range of many ungulent species is known to vary with the population density. It is important to know the home range of the individuals within the population during the years of the study in order to relate possible changes in home range to manipulation of vegetation and cattle. Knowledge of home range size is essential to determining where and how techniques designed for habitat improvement can be applied, and to evaluate these techniques when they are applied. Evaluation of home ranges in relation to season will provide information concerning tolerance of individuals during various times of the year. Evaluation of differences in home range size between the mainland and the Island may give us a possible comparison of the relationship of density since the mainland population is greater than the insular population. Evaluation of home range size in relation to the presence or absence of cattle on the area assist in evaluating the inter-relationships between these two species. In addition, the concepts of home range and dispersion may allow us to evaluate the effect of increasing numbers of visitors to the Washington mainland. Animals marked for this phase of the study will be useful for two other phases of the study.

5. To determine movement of white-tailed deer in relation to season, sex, and age.

Ho_1—that there is no differential movement of deer in relation to season.

Ho_2—that there is no differential movement of deer in relation to sex.

Ho_3—that there is no differential movement of deer in relation to age.

TECHNIQUES TO BE USED

Marked animals and sight observations.

METHODS OF ANALYSIS

All movement (significant shift in home range) will be plotted and evaluated in relation to season, sex, and age. Timing and distances of movement will be compared between groupings using appropriate statistical methods.

RELATIONSHIP TO MARSHALL MEMO OF 10–72

Objective 5 will assist in gathering biological information useful in categories and subcategories 1112, 11121, 121, 1214, 122, 123, 125, and 128.

SIGNIFICANCE OF OBJECTIVE TO MANAGEMENT

Information concerning seasonal movements in relation to sex and age are important in determining how the species might adapt to other areas where introductions might occur. Information on movement will allow determination of the relationship of ingress and egress and how to account for it in any popu-

lation model we devise to assist in management. Marked animals will allow evaluation of the potential of ingress and egress that appears to occur in late winter. Exchange of animals between the Washington and Oregon mainlands and the Island can be quantified.

OTHER DATA TO BE GATHERED

Social behavior in relation to season and density (if possible).

Listing of foods identified as being consumed by white-tailed deer.

Interspecific behavior with any and all species where interaction occurs, (cattle, waterfowl, black-tailed deer, canids, and other carnivores).

Reaction to "disturbance" factors in relation to sex, age, season, (slamming doors, sonic booms, firearms, barking dogs, voices).

BREADTH OF THE RESEARCH

It is recognized that five objectives and fourteen hypotheses are proposed for study during the next phase of the project. The design will provide the opportunity for the observer to gather information useful for testing more than a single hypothesis. Differential techniques for testing each of the hypotheses is not required. The investigator will describe changes in the vegetation, make observations of animals under a systematic scheme, make pellet counts over established transects, and capture and mark animals to provide for individual recognition essential to Objectives 3, 4, and 5. The plant communities have been evaluated, and equipment and facilities will be on hand. I see no reason why a Ph. D. candidate cannot adequately perform the tasks stated in this document.

DATA ANALYSIS AND INTERPRETATION

Analysis of the data will be accomplished on a continuing basis. A graduate research assistant will be responsible for initial accumulation and analysis of the data. Statistical analysis and interpretation will be accomplished with guidance of statistical consultants on the University campus and the principal investigator. The ultimate responsibility for the content and preparation of reports lies with the principal investigator, Dr. Paul A. Vohs, Jr.

COOPERATORS

Refuge Division, Bureau of Sport Fisheries and Wildlife, Region 1
Oregon Cooperative Wildlife Research Unit, Oregon State University
Department of Fisheries and Wildlife, Oregon State University
Oregon State Game Commission
State of Washington Department of Game

RESPONSIBILITY

Supervision of graduate research assistants and temporary assistance in conducting the research project will be the responsibility of the principal investigator. Supervision of the personnel while in residence on the study area and when using refuge facilities and equipment will be the responsibility of the Refuge Division.

The Division of Refuges will provide the study area, boats and motors as needed, adequate on-refuge transportation including an all-terrain vehicle for movement on Tenasillahe Island, and housing on the study area. The Oregon Cooperative Wildlife Research Unit will provide binoculars, spotting scope, rocket net traps, reference library, scales and balances, and other laboratory equipment. The University will provide secretarial assistance, laboratory space, statistical consulting services, library services, veterinary diagnosis, project overhead, and the services of the principal investigator.

TIME TABLE

Personnel. Graduate Research Assistant (Ph. D. candidate) 1 July 1973 to 30 June 1976.

PROJECT OBJECTIVES

1. Continuous from 1 July 1973 to 1 January 1977 with limited data obtained from 15 September 1973 to 15 June 1974.
2. As appropriate as control of Island permits.
3. 15 June 1974–30 June 1976.
4. 15 June 1974–30 June 1976.
5. 15 June 1974–30 June 1976.

PROJECT COSTS

$7,000 annually for fiscal years 1974, 1975, 1976.

Proposed budget, fiscal year 1974:

Graduate stipend (Ph.D. level) 1974	[1]$3,648
Student assistance wages	500
Other payroll expense (10% S&W)	415
Off-Refuge transportation and per diem (assistant and principal investigator)	750
Services and supplies:	
Computer programming and operation	400
Film and film processing	200
Darts, bait, cartridges	300
Supplies	500
Miscellaneous and contingency	287
Total	7,000

[1] These will increase each year according to the following scale: Year 1975—$3,792, Year 1976—$3,888 (Other areas of the budget will be reduced accordingly).

REPORTS

Reports of progress will be made on a quarterly basis and included in the quarterly report of the Oregon Cooperative Wildlife Research Unit. The final report will be due 1 January 1977 and will be comprised of a thesis accepted by the Department of Fisheries and Wildlife, Oregon State University. Additional written material as appropriate to the project will be provided to the Refuge Division. In the event of the absence of a thesis, the principal investigator shall prepare an appropriate report. The Division of Wildlife Refuges will receive three copies of all reports.

PUBLICATION

Manuscripts reporting completed work will be submitted to scientific journals as appropriate following review by cooperators.

SUBMITTED BY

Paul A. Vohs, Jr., *Associate Professor of Wildlife Ecology*, Department of Fisheries and Wildlife, Oregon State University.
Date: seventeenth of April, 1973.

APPROVED BY

_____ H. Toole, Associate Director, Agricultural Experiment Station, April 26, 1973.

COOPERATORS ENDORSEMENTS

Howard M. Wight, Leader, Oregon Cooperative Wildlife Research Unit April 20, 1973.

Charles E. Warren, Acting Head, Department of Fisheries and Wildlife April 26, 1973.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before January 20, 1975 will be considered.

Dated: December 16, 1974.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74-29705 Filed 12-19-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 75-69]

BEAR COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861 (c) (1970), Bear Coal Co., Inc., has filed a petition to modify the application of 30 CFR § 75.1405 to its Bear Mine, Somerset, Colorado.

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. * * *

Petitioner's reasons for obtaining a waiver of § 75.1405 may be summarized as follows:

(1) The subject mine cars are small and of early design. As a result, it would be impractical to purchase automatic couplers which the cars could not accommodate.

(2) The cars enter the mine in trips comprised of 13 cars. These trips remain intact

and there is no coupling or uncoupling of the cars except between the car linked to the locomotive and the locomotive.

(3) When the cars are brought to the surface, they are dumped individually. During the dumping procedure, the cars are held stationary by brakes and wedges. At no time is coupling or uncoupling accomplished while the car is in motion.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 20, 1975. Such requests or comments must be filed with the Departmental Hearings Branch—OHA, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84138. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

DECEMBER 12, 1974.

[FR Doc.74-29621 Filed 12-19-74;8:45 am]

[Docket No. M75-71]

LONE MOUNTAIN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861 (c) (1970), Lone Mountain Coal Company has filed a petition to modify the application of 30 CFR § 77.1605(k) to its No. 1 Mine, Scott County, Tennessee.

30 CFR § 77.1605(k) reads as follows:

* * * Berms or guards shall be provided on the outer bank of elevated roadways. * * *

In support of its petition, Petitioner states:

The modification of the subsection of the Code of Federal Regulations, referred to above, is necessary to the safe and confident operation of Petitioner's mine. Furthermore, the alternate methods hereinafter suggested and specified will at all times guarantee no less than the same measure of safety and protection afforded to the miners, as does the regulation sought to be modified.

The alternate methods of accomplishing the purpose of the regulation sought to be modified are:

1. A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

2. All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retraining programs.

3. Roadway surfaces shall be kept free of debris, excessive water, snow and ice, and maintained as free as practicable of small ditches (washboard effects).

4. A traffic system shall be put into use requiring that loaded vehicles have the right-of-way on the highwall side of the roads regardless of their direction of travel.

5. Warning signs shall be posted designating curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs shall also be posted designating passing points.

6. All equipment operators shall be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

7. All haulage vehicles shall have:

(A) original manufacturers brakes and

(B) emergency (parking) braking systems.

8. Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

9. On roads that afford only one traffic lane, a minimum width of 12 feet shall be maintained, with passing points provided at intervals of not more than 1,000 feet.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 20, 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.

[FR Doc.74-29622 Filed 12-19-74;8:45 am]

[Docket No. M75-70]

NEW RIVER COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), New River Coal Company has filed a petition to modify the application of 30 CFR § 77.1605(k) to its No. 2 Mine, Scott County, Tennessee.

30 CFR § 77.1605(k) reads as follows:

* * * Berms or guards shall be provided on the outer bank of elevated roadways. * * *

In support of its petition, Petitioner states:

The modification of the subsection of the Code of Federal Regulations, referred to above, is necessary to the safe and confident operation of Petitioner's mine. Furthermore, the alternate methods hereinafter suggested and specified will at all times guarantee no less than the same measure of safety and protection afforded to the miners, as does the regulation sought to be modified.

The alternate methods of accomplishing the purpose of the regulation sought to be modified are:

1. A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

2. All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retraining programs.

3. Roadway surfaces shall be kept free of debris, excessive water, snow and ice, and maintained as free as practicable of small ditches (washboard effects).

4. A traffic system shall be put into use requiring that loaded vehicles have the right-of-way on the highwall side of the roads regardless of their direction of travel.

5. Warning signs shall be posted designating curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs shall also be posted designating passing points.

6. All equipment operators shall be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

7. All haulage vehicles shall have:

(A) original manufacturers brakes and

(B) emergency (parking) braking systems.

8. Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

9. On roads that afford only one traffic lane, a minimum width of 12 feet shall be maintained, with passing points provided at intervals of not more than 1,000 feet.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 20, 1975. Such requests or comments must be file dwith 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.

DECEMBER 6, 1974.

[FR Doc. 74-29623 Filed 12-19-74;8:45 am]

[Docket No. M 75-67]

RONCCO COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861 (c) (1970), Roncco Coal Company has filed a petition to modify the application of 30 CFR § 75.313 to its Roncco Mine, Thermopolis, Wyoming.

30 CFR § 75.313 reads in pertinent part:

* * * The Secretary or his authorized representative shall require, as an additional device for detecting concentrations of methane, that a methane monitor, approved as reliable by the Secretary after March 30, 1970, be installed, when available, on any electric face cutting equipment, continuous miner, longwall face equipment, and loading machine. * * *

In support of its petition, Petitioner states:

1. The subject mine is above the water table.

2. No mining is being carried on in virgin coal.

3. There has never been any gas detected in this mine.

4. It would be unreasonable and impractical to mount a methane monitor on the cutting machine.

5. The methane monitor would be exposed to loose particles of coal since the machine is situated near an area which is constantly being blasted.

6. Presently, pillars are being pulled down and Petitioner plans to close down the mine in the coming year.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 20, 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.

DECEMBER 12, 1974.

[FR Doc.74-29624 Filed 12-19-74;8:45 am]

National Park Service

[INT. DES. 74-108]

PROPOSED MASTER PLAN; GUADALUPE MOUNTAINS NATIONAL PARK, TEXAS

Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for a proposed Master Plan for Guadalupe Mountains National Park, Texas, and invites written comment by February 3, 1975. Written comment should be addressed to the Superintendent, Guadalupe Mountains National Park, at the address given below.

The draft environmental statement considers the extent and kind of physical development needed to accommodate the types and levels of public use that can be allowed within the widely varying environmental conditions of the park area. Proposed master plan concepts include park operations headquarters, transportation system, management facilities, interpretive facilities, access roads, wilderness-use facilities and land classification.

Copies are available from or for inspection at the following locations:

Southwest Regional Office
National Park Service
Old Santa Fe Trail
Post Office Box 728
Santa Fe, New Mexico 87501

Guadalupe Mountains National Park
3225 El Paso Road
Carlsbad, New Mexico 88220

Chamizal National Memorial
Room 620—Southwest National Bank Bldg.
300 East Main Drive
El Paso, Texas 79901

Dated: December 13, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-29710 Filed 12-19-74;8:45 am]

Office of the Secretary

OUTER CONTINENTAL SHELF

Geological and Geophysical Exploration

Correction

In FR Doc. 74-29190, appearing on page 43562, in the issue for Monday, December 16, 1974, the signature "John C. Whitaker, Secretary of the Interior", should be "John C. Whitaker, Acting Secretary of the Interior".

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation Number A108]

MISSOURI

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in 16 counties in Missouri. The Secretary has found that this need exists as a result of natural disasters shown on the attached chart which also lists the 16 counties.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Christopher S. Bond that such designation be made.

Applications for Emergency loans must be received by this Department no later than February 6, 1975, for physical losses and September 9, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 13th day of December, 1974.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

MISSOURI

1974

County	Excessive rainfall	Drought	Freeze	Hailstorms
Butler	Mar. 1 to June 10 (cold weather).	June 15 to Aug. 15	Mar. 23 and 24, Oct. 1 and 2.	
Franklin	Mar. 30 to May 15	June 15 to Aug. 1	Mar. 29, Oct. 1 and 2	
Howell	Mar. 9 to June 10 (cold spring).	June 1 to Aug. 26	Mar. 24 to 30	
Jefferson	May 1 to June 10	June 10 to Aug. 15	Mar. 23 and 24, Oct. 1 and 2.	
Macon	Apr. 1 to June 15 (flooding).	June 15 to Aug. 15	Oct. 1 and 2	
Mercer	Apr. 1 to June 15	do	do	
Miller	Mar. 1 to June 10	June 10 to Aug. 15	Mar. 23 and 24.	
Mississippi	Mar. 9 to May 31	do	Mar. 23 and 24, Oct. 1 and 2.	
Moniteau	Apr. 15 to June 15	June 15 to Aug. 15	Oct. 1 and 2	
New Madrid	Apr. 20 to May 15	June 15 to Aug. 9	do	
Osage	May 1 to May 31 (flooding).	June 1 to Aug. 8	Mar. 23, Oct. 1 and 2	
Pemiscot	Mar. 1 to June 10	June 1 to Aug. 9	Oct. 1 and 2	July 19 to 22.
Pettis	Apr. 1 to June 10	June 10 to Aug. 5	do	
Ray		June 15 to Aug. 13	do	
Scott	Mar. 1 to June 10	June 10 to Aug. 15	Mar. 23 and 24, Oct. 1 and 2.	
St. Charles	Mar. 30 to May 15	June 15 to Aug. 1	do	

[FR Doc.74-29496 Filed 12-19-74;8:45 am]

Soil Conservation Service

BELLE CREEK WATERSHED PROJECT, MINN.

Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 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 Belle Creek Watershed Project, Goodhue County, Minnesota.

Recent environmental studies and consultation 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. Harry M. Major, State Conservationist, Soil Conservation Service, USDA, 200 Federal Building, 316 North Robert Street, St. Paul, Minnesota 55101, 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, trout stream improvement and flood prevention. The planned works of improvement include conservation land treatment supplemented by five single purpose floodwater retarding

structures, two grade stabilization structures and two miles of trout stream improvement.

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

Soil Conservation Service, USDA, 200 Federal Building, 316 North Robert Street, St. Paul, Minnesota 55101

No administrative action of implementation of the proposal will be taken until January 6, 1975.

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

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

DECEMBER 11, 1974.

[FR Doc.74-29610 Filed 12-19-74;8:45 am]

CANE CREEK WATERSHED PROJECT, NORTH CAROLINA AND SOUTH CAROLINA

Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 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 Cane Creek Watershed Project, Union County, North Carolina and Lancaster County, South Carolina.

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. G. E. Huey, State Conservationist, Soil Conservation Service, USDA, 601 Federal Building, 901 Sumter Street, Columbia, South Carolina 29201, 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, flood prevention, municipal and industrial water supply, and basic recreational facilities. The remaining planned works of improvement include conservation land treatment measures supplemented by five single purpose floodwater retarding structures, two multiple purpose structures for flood prevention and municipal and industrial water supply, and basic recreational facilities.

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

Soil Conservation Service, USDA, 601 Federal Building, 901 Sumter Street, Columbia, South Carolina 29201

No administrative action on implementation of the proposal will be taken until January 6, 1975.

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

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

DECEMBER 11, 1974.

[FR Doc.74-29611 Filed 12-19-74;8:45 am]

LEONA RIVER WATERSHED PROJECT, TEX.

Availability of Final 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 final environmental impact statement for the Leona River Watershed Project, Uvalde County, Texas, USDA-SCS-EIS-WS-(ADM)-74-13(F).

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement provide for conservation land treatment, 4 floodwater retarding structures, and channel work consisting of about 3.5 miles of enlargement to an existing ephemeral stream channel through an urban area.

The final environmental impact statement has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill singe copy requests;

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

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

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

DECEMBER 11, 1974.

[FR Doc.74-29612 Filed 12-19-74;8:45 am]

LOWER PINE CREEK WATERSHED PROJECT, CALIF.

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1970; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and § 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19651, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Lower Pine Creek Watershed Project, Contra Costa County, California, USDA-SCS-EIS-WS-(ADM)-75-1-(D)-CA.

The environmental impact statement concerns a plan for watershed protection, flood prevention and recreation. The planned works of improvement include water control structures and recreational development. The water control structures involve two earthfill dams connected through a saddle to create a single flood retarding and recreation reservoir. Total area to be occupied by the dams and reservoir is 56 acres. The recreational development planned will occupy 151 acres including the dams and reservoir. Facilities will include provisions for swimming, boating, picnicking and hiking. A park with capacity to handle 3600 visitors daily is planned. Local average annual demand for the recreation development is estimated to be 193,800 visitor days per year.

A limited supply of copies is available at the following location:

Soil Conservation Service, USDA, 2828 Chiles Road, Davis, California 95616

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 should be addressed to George H. Stone, State Conservationist, Soil Conservation Service, P.O. Box 1019, Davis, California 95616.

Comments must be received on or before February 28, 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.

DECEMBER 11, 1974.

[FR Doc.74-29613 Filed 12-19-74;8:45 am]

ROCK CREEK WATERSHED PROJECT, OREG.

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 § 650.7(e) 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 Rock Creek Watershed Project, Gilliam

and Morrow Counties, Oregon, USDA–SCS–EIS–WS–(ADM)–75–2–(D)–OR.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and irrigation. The planned works of improvement will include conservation land treatment measures on 38,200 acres of cropland, 45,000 acres of rangeland, and 15,000 acres of forest land; a multiple-purpose dam and reservoir with 14,430 acre-feet of storage and a surface area of 264 acres. Other structural measures include a check dam and diversion plus a multistage pumping plant and 44,400 feet of pressurized pipeline ranging in size from 10 to 30 inches in diameter with a 36 c.f.s. capacity for the irrigation water distribution system.

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

(Soil Conservation Service, USDA, 1218 S.W. Washington Street, Portland, Oregon 97205

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 James W. Mitchell, State Conservationist, Soil Conservation Service, 1218 SW. Washington Street, Portland, Oregon 97205.

Comments must be received on or before February 10, 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.

DECEMBER 13, 1974.

[FR Doc.74-29615 Filed 12-19-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[File No. 23/64; Case No. 250]

GEORG EIGLER

Conditional Restoration of Export Privileges

In the matter of Georg Eigler, Parkstrasse 10, Salzburg, Austria; Respondent.

By order effective August 4, 1958, the above-named respondent was denied U.S. export privileges for the duration of export controls, after having been temporarily denied those privileges on December 17, 1957. In a letter of March 5, 1974, the respondent requested that he be removed from the Table of Denial and Probation Orders. The request was referred to the Hearing Commissioner and was duly considered by him. He has reported that it appears from representations made by the respondent and otherwise from information in possession of the Compliance Division, Office of Export Administration, that conditional restoration of the respondent's export privileges is consistent with the purposes of the export administration program. The Hearing Commissioner has recommended that an order be entered to restore conditionally the export privileges of said respondent and to place him on probation for the duration of export controls.

The undersigned has considered the record herein and concurs with the Hearing Commissioner that conditional restoration of Georg Eigler's export privileges and placing him on probation for the duration of export controls is consistent with the purposes of the U.S. Export Administration Act of 1969, as amended, and the regulations issued thereunder.

Accordingly, it is hereby ordered: That the export privileges of Georg Eigler be and hereby are restored conditionally, and the respondent is placed on probation for the duration of export controls. The conditions of probation are that the respondent: (1) Shall fully comply with all the requirements of the Export Administration Act of 1969, as amended, and all regulations, licenses, and orders issued thereunder; (2) shall on request of the Office of Export Administration, or a representative of the U.S. Government acting on its behalf, promptly and fully disclose the details of respondent's participation in any and all transactions involving U.S.-origin commodities or technical data, including information as to the disposition or intended disposition of those commodities or technical data and on request shall also furnish all records and documents relating to such matters. Further, on request, the respondent shall promptly disclose the names and addresses of his partners, agents, representatives, employees, and other persons associated with him in trade or commerce.

Upon a finding by the Director, Office of Export Administration, or any other official as may be exercising the duties now exercised by the Director, that the respondent has failed to comply with any of the conditions of probation, the Director, or any other official as may be exercising the duties now exercised by the Director, may by supplemental order, with or without prior notice to the respondent, revoke the probation of the respondent and thereby deny him all export privileges for such period as the Director or the other official may deem appropriate. This order shall not preclude the Bureau of East-West Trade from taking further action as may be warranted for any violation.

This order shall become effective immediately and supersedes the denial order issued against the respondent on August 4, 1958, to the extent that the new order is inconsistent therewith.

RAUER H. MEYER,
Director, Office of Export Administration.

DECEMBER 12, 1974.

[FR Doc.74-29711 Filed 12-19-74;8:45 am]

Social and Economic Statistics Administration

SURVEY OF RETAIL SALES, PURCHASES, AND INVENTORY

Notice of Determination

In accordance with Title 13, United States Code, sections 181, 224, and 225, and due notice of consideration having been published November 8, 1974 (39 FR 39590) I have determined that certain 1974 annual data for retail trade are needed to provide a sound statistical basis for the formation of policy by various governmental agencies and are also applicable to a variety of public and business needs. This annual survey is a continuation of similar surveys conducted each year since 1951, and makes available on a comparable classification basis, data covering 1974 year-end inventories, annual sales and purchases. These data are not publicly available on a timely basis from nongovernmental or other governmental sources.

Reports will be required only from a selected sample of retail firms in the United States. The sample will provide, with measurable reliability, statistics on the subjects specified above. Reports will be requested from sample stores on the basis of their sales size, selection in census list sample mail panel, and location in census sample areas. A group of the largest firms, in terms of number of retail stores, will be requested to report their sales and number of stores by county; but those firms which are participants in the Bureau's monthly survey will be asked to report in total only.

Report forms will be furnished to the firms covered by the survey and will be due 15 days after receipt. Copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that an annual survey be conducted for the purpose of collecting these data.

Dated: December 7, 1974.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

[FR Doc.74-29723 Filed 12-19-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

SAFETY AND OCCUPATIONAL HEALTH STUDY SECTION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), the Director, Center for Disease Control, announces the meeting dates and other required information for the following National Advisory body of the National Institute for Occupational Safety and Health which is scheduled to assemble during the month of January 1975.

Committee Name	Date/Time/Place	Type of Meeting and/or Contact Person
Safety and Occupational Health Study Section.	Jan. 23 to 24, 1975, 9 a.m., Conference Room G Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20852.	Open Jan. 23, 1975, 9 a.m. to 10 a.m. Closed remainder of meeting. Contact Dr. John F. Bester, Parklawn Bldg., 5600 Fishers Lane, Rooms 3-44, Rockville, Md. 20852. Code: 301-443-4493.

Purpose: The committee is charged with the initial review of research, training, demonstration, and fellowship grant applications for Federal assistance in program areas administered by the National Institute for Occupational Safety and Health, and with advising the Institute staff on training and research needs.

Agenda: From 9 a.m. to 10 a.m. on January 23, the Study Section will be open for administrative and staff reports. From 10 a.m. on January 23 through the end of the meeting, the Study Section will be reviewing research and demonstration grant applications and will not be open to the public, in accordance with the determination by the Director, Center for Disease Control, pursuant to the provisions of Public Law 92-463, section 10(d).

Agenda items are subject to change as priorities dictate.

A portion of the meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: December 11, 1974.

WILLIAM C. WATSON, Jr.,
Director,
Center for Disease Control.

[FR Doc.74-29620 Filed 12-19-74;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION RULES, REGULATIONS AND PROPOSAL COMMITTEE

Meeting

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the National Advisory Council on Indian Education Rules, Regulation and Proposal Committee will be held on January 4, 1975, 9 am-5 pm and January 5, 1975, 9 am-5 pm at the Newton Sands Motel, 3320 East Van Buren Street, Phoenix, Arizona 85007.

The National Advisory Council on Indian Education is established under section 401 of the Indian Education Act (Pub. L. 92-318, Title IV). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under Section 318 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering Indian Education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other federal laws relating to Indian Education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The proposed agenda includes:

1. Developing procedures for the reading process of Title IV, Part B and C Proposals.
2. Recommendations of Reader Review.
3. Other Committee Business.

This meeting is open to the public. Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th St., NW Room 326, Washington, D.C. 20004.

Signed at Washington, D.C. on December 18, 1974.

DWIGHT A. BILLEDEAUX,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.74-29761 Filed 12-19-74;8:45 am]

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION RESEARCH AND PUBLICATIONS COMMITTEE

Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the National Advisory Council on Indian Education (Research and Publication Committee) will be held on January 3, 1975, 9 a.m.-5 p.m., at the Newton Sands Motel, 3320 East Van Buren Street, Phoenix, Arizona 85007.

The National Advisory Council on Indian Education is established under section 401 of the Indian Education Act (Pub. L. 92-318, Title IV). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the arministration of this title, including policies and procedures governing the approval of State plans under Section 318 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering Indian Education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other federal laws relating to Indian Education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The proposed agenda includes:

1. Preparation for National Advisory Council on Indian Education's Second Annual Report to Congress.
2. Other Committee Business.

This meeting is open to the public. Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th St., NW Room 326, Washington, D.C. 20004.

Signed at Washington, D.C. on December 18, 1974.

DWIGHT A. BILLEDEAUX,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.74-29760 Filed 12-19-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-455-DR; NFD-242]

PUERTO RICO

Amendment to Notice of Major Disaster

Notice of Major Disaster for the Commonwealth of Puerto Rico, dated December 2, 1974, and published December 6, 1974 (39 FR 42706), is hereby amended to include the following municipalities among those municipalities determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of November 30, 1974:

The Municipalities of:

Adjuntas	Penuelas
Guanica	Sabana Grande
Guayanilla	San Sebastian
Lares	Villalba
Maricao	Yauco

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

Dated: December 16, 1974.

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

[FR Doc.74-29725 Filed 12-19-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON RIVER BEND STATION, UNITS 1 & 2

Rescheduling of Meeting

The meeting of the Advisory Committee on Reactor Safeguards' Subcommittee on River Bend Station, Units 1 & 2, originally scheduled for December 17, 1974, notice of which was published at 39 FR 41759, December 2, 1974, has been rescheduled for January 6, 1975. The time and place for the meeting remain unchanged from the original notice.

The following additional changes are made concerning the original meeting notice:

(a) Written statements submitted on the agenda item should be postmarked no later than December 30, 1974.

(b) The time set aside for oral statements will be January 6, 1975.

(c) Calls to the Advisory Committee on Reactor Safeguards regarding cancellation or rescheduling should be made by prepaid telephone call on January 3, 1975.

(d) Copies of the transcript of the open portion of the meeting will be available after January 7, 1975.

(e) Copies of the minutes of the meeting will be available after April 7, 1975.

All other aspects of the original notice for the meeting remain unchanged, and the determination made to close specific portions of the meeting is applicable to the rescheduled meeting.

JOE B. LA GRONE,
Acting Advisory Committee, Management Officer.

[FR Doc.74-29105 Filed 12-19-74;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 Nos. 50-514, 50-515]

PORTLAND GENERAL ELECTRIC 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

Portland General Electric Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed August 6, 1974 for authorization to construct and operate two generating units utilizing two pressurized water reactors. The Environmental Report and Site Suitability Report were tendered on June 7, 1974. Following a preliminary review for completeness, the Environmental Report and Site Suitability Report were, on August 6, 1974, found to be acceptable for docketing. The applicant submitted the PSAR August 6, 1974 and it was found to be acceptable on October 18, 1974. Docket Nos. 50-514 and 50-515 have been assigned to the application and should be referenced in any correspondence relating to the application.

The proposed nuclear facilities, designated by the applicant as the Pebble Springs Nuclear Plant, Units 1 and 2 are located in Gilliam County, Oregon. Each unit is designed for initial operation at 3600 megawatts (thermal), with a net electrical output of 1260 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 February 7, 1975. The request should be filed in connection with Docket Nos. 50-514-A and 50-515-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Arlington Public School, District 3, P.O. Box 10, Arlington, Oregon 97812.

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 June 7, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is being made available for public inspection at the aforementioned locations and at the Federal Aid Coordination Section, Local Government Relations Division, Executive Department 301 Public Service Building, Salem, Oregon 97310 and the East Central Oregon Association of Counties, Umatilla County Court House, Pendleton, Oregon 97801.

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 22 day of November, 1974.

For the Atomic Energy Commission.

A. SCHWENCER,
Chief, Light Water Reactors Branch 2-3, Directorate of Licensing.

[FR Doc.74-28371 Filed 12-6-74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REGULATORY GUIDES

Meeting

DECEMBER 17, 1974.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Regulatory Guides will hold a meeting on January 8, 1975 in Room 1046, 1717 H Street, NW, Washington, D.C. This meeting will have both open and closed sessions.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

WEDNESDAY, JANUARY 8, 1975, 9:30 A.M. UNTIL ABOUT 11 A.M.

The Subcommittee will hear presentations from the Regulatory Staff and will hold discussions with this group pertinent to its review of existing seismic requirements in Regulatory Guides 1.26 and 1.29 in regard to individual systems and to discuss changes to Draft 1 of Revision 1 to Regulatory Guide 1.88 on Collection, Storage, and Maintenance of Nuclear Power Plant Quality Assurance Records.

In connection with the above agenda items, the Subcommittee may hold one or more Executive Sessions, not open to the public, at approximately 9 a.m. and 11 a.m. on January 8 to consider matters related to the above review. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee members and internal deliberations for the purpose of formulating recommendations to the ACRS.

After the above portion of the meeting is concluded, the Subcommittee will meet in closed session with the AEC Regulatory Staff and any consultants at about 11:15 a.m. until the close of business to discuss the following working papers:

1. Emergency Plans for Nuclear Power Plants.
2. Instrument Span and Trip Setting.
3. Overhead Crane Handling Systems for Nuclear Power Plants.
4. Effects of Residual Elements on Predicted Radiation Damage.

This portion of the meeting may include Executive Sessions both before and after the closed session with the Regulatory Staff:

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that other closed sessions will be held to discuss and exchange views on working papers which fall within exemption (5) of 5 U.S.C. 552(b). Further, any nonexempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or Subcommittee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting concerning existing seismic requirements in Regulatory Guides 1.26 and 1.29 in regard to individual systems and Draft 1 of Revision 1 to Regulatory Guide 1.88 on Collection, Storage, and Maintenance of Nuclear Power Plant Quality Assurance Records, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the above documents may do so by mailing 25 copies thereof, postmarked no later than January 2, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 9:30 a.m. and 10:30 a.m. on January 8, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on January 7, 1975 to the Advisory Committee on Reactor Safeguards (telephone 202-634-1413) between 8:30 a.m. and 5:15 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portion of the meeting will be available for inspection on or after January 9, 1975 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE, Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(i) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545 after April 8, 1975. Copies may be obtained upon payment of appropriate charges.

ROBERT A. KOHLER,
Acting Advisory Committee Management Officer.

[FR Doc.74-29719 Filed 12-19-74;8:45 am]

[Docket Nos. STN 50-522 and STN 50-523]

PUGET SOUND POWER AND LIGHT CO. ET AL.

Receipt of Application for Construction Permits and Licenses

Notice of receipt of application for construction permits and facility licenses and availability of applicants' environmental report and certain site suitability information; time for submission of views on antitrust matters.

The Puget Sound Power and Light Company, acting for itself and as agent for the Pacific Power and Light Company, The Washington Water Power Company, the Idaho Power Company, and the Washington Public Power Supply System (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, have filed an application, which was docketed September 30, 1974, for authorization to construct and operate two generating units utilizing two boiling water reactors. The application was tendered on August 6, 1974. Following a preliminary review for completeness, the application [environmental report and site suitability information required for an authorization to conduct certain on-site work in accordance with 10 CFR § 50.10(e)] was found to be acceptable for docketing. Docket Nos. STN 50-522 and STN 50-523 have been

assigned to the application and they should be referenced in any correspondence relating to the application. The Preliminary Safety Analysis Report, which was tendered on November 27, 1974, is undergoing a preliminary review to determine its acceptability for a detailed review.

The proposed nuclear facilities, designated by the applicants as the Skagit Nuclear Power Project, Units 1 and 2, are to be located in Skagit County, Washington, approximately 5 miles northeast of Sedro Woolley. Each unit is designed for initial operation at approximately 3800 megawatts (thermal), with a net electrical output of approximately 1300 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 February 19, 1975. The request should be filed in connection with Docket Nos. STN 50-522-A and STN 50-523-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545, and at the Sedro Woolley Library, 802 Ball Avenue, Sedro Woolley, Washington 98284.

The applicants have 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 September 18, 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 Office of the Governor, State Planning and Community Affairs Agency, Olympia, Washington 98504.

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 11th day of December, 1974.

For the Atomic Energy Commission.

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

[FR Doc.74-29398 Filed 12-19-74;8:45 am]

[Docket Nos. STN 50-522 and STN 50-523]

PUGET SOUND POWER AND LIGHT CO., ET AL.

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 before an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Puget Sound Power and Light Company, acting for itself and as agent for the Pacific Power and Light Company, The Washington Water Power Company, Idaho Power Company, and the Washington Public Power Supply System (the applicants), for construction permits for two boiling water nuclear reactors designated as the Skagit Nuclear Power Project, Units 1 and 2 (the facilities), each of which will be designed for operation at 3800 thermal megawatts with a net electrical output of approximately 1300 megawatts. The proposed facilities are to be located 5 miles northeast of Sedro Woolley in Skagit County, Washington.

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. Frank F. Hooper, Mr. Gustave A. Linenberger, and Samuel W. Jensch, 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, 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 applicants. In the event that a separate hearing is held with respect to a Limited Work Authorization, Item 6 below describes the matters for consideration.

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 applicants have described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and have 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 applicants and the applicants have 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 applicants are technically qualified to design and construct the proposed facilities,

3. Whether the applicants are 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.

ISSUES PURSUANT TO 10 CFR § 2.761a (LIMITED WORK AUTHORIZATION)

6. Pursuant to 10 CFR § 2.761a, a separate hearing and partial 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 separate hearing, makes favorable findings on such issues, the Director of Regulation may, pursuant to 10 CFR § 50.10(e) authorize the applicants to conduct certain onsite work entirely at their own risk prior to completion of the remainder of the proceeding.

In the event that this proceeding is not a contested proceeding, as defined by

10 CFR § 2.4(n), the Board will determine without conducting a de novo evaluation of the application: (1) 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 this 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 construction permits should be issued to the applicants.

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 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 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.

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 by February 19, 1975. The presiding Atomic Safety and Licensing Board may make further provision with respect to limited appearances subsequently during the course of this proceeding.

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 rights of the applicants 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 20, 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).

Pursuant to 10 CFR 2.101, the application was filed without the full Preliminary Safety Analysis Report (PSAR) covering the matters in 10 CFR 50.34(a) and 50.34a, but with certain site suitability information required for an authorization to conduct certain on-site work in accordance with 10 CFR 50.10 (e). Under 10 CFR 2.101, the omitted material can be filed by the applicants within six months. The full PSAR, which was tendered on November 27, 1974, is undergoing a preliminary review by the Commission's Regulatory staff to determine its acceptability for a detailed review. In view of this, any person who wishes to participate as a party in this proceeding pursuant to 10 CFR 2.714 need not set forth in any petition for leave to intervene required to be filed by January 20, 1975, any contentions related to matter covered by the PSAR except for contentions related to matter covered by the site suitability information which has already been docketed. A deadline for filing of other contentions related to matter covered by the PSAR will be established by the Board subsequent to the acceptance of the full PSAR for a detailed review. In all other aspects, said petition must meet the requirements of 10 CFR 2.714, namely, setting forth the interest of the petitioner in the proceeding, facts and reasons why intervention should be permitted, and a general statement as to the subject matter in the proceeding as to which intervention is sought.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicants by January 10, 1975.

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 any petition for intervention 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 Mr. Robert Lowenstein, Lowenstein, Newman, Reis and Axelrad, Suite 1214, 1025 Connecticut Avenue, NW., Washington, D.C. 20036, attorney for the applicants.

For further details, see the application for construction permits dated September 18, 1974, and amendments thereto, and the applicants' environmental report dated September 18, 1974, and site suitability information which are available as noted above 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 Sedro Woolley Library, 802 Ball Avenue, Sedro Woolley, Washington 98284, for inspection by members of the public between the hours of: 2 p.m. and 5 p.m. and 7 p.m. and 9 p.m. on Monday through Thursday; 2 p.m. and

5 p.m. on Friday; and 10 a.m. and 12 p.m. on Saturday. As they become available, copies 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, the 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, 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 12th day of December.

UNITED STATES ATOMIC ENERGY COMMISSION,
GORDAN M. GRANT,
Assistant Secretary of the Commission.

[FR Doc.74-29399 Filed 12-19-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26973]

AEROMAR, C. POR A.

Charter and Nonscheduled Authority; Dominican Republic-United States; Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in this proceeding is assigned to be held on January 15, 1975, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C., before the undersigned.

Dated at Washington, D.C., December 17, 1974.

[SEAL] ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc.74-29722 Filed 12-19-74;8:45 am]

[Docket No. 23604, etc.]

KODIAK-WESTERN ALASKA RENEWAL PROCEEDING

Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding now assigned to be held on December 16, 1974 (39 FR 41198, November 25, 1974), is hereby postponed to January 8, 1975, at 10 a.m. (local time) in Room 1031, North Universal Building, 1875 Connecticut Ave., NW., Washington, D.C., before the undersigned Administrative Law Judge.

The postponement is granted at the request of Kodiak-Western Alaska Airlines, Inc.

Dated at Washington, D.C., December 16, 1974.

[SEAL] WILLIAM H. DAPPER,
Administrative Law Judge.

[FR Doc.74-29720 Filed 12-19-74;8:45 am]

[Docket No. 26977]

NEW YORK-RIO-JOHANNESBURG CASE

Reassignment of Proceeding

This proceeding has been reassigned from Administrative Law Judge Milton H. Shapiro to Administrative Law Judge Greer M. Murphy. Future communications should be addressed to Judge Murphy. An earlier notice dated December 9, 1974 (39 FR 43419, December 13, 1974), noted the reassignment but ascribed an incorrect docket number to the proceeding.

Dated at Washington, D.C., December 17, 1974.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.74-29721 Filed 12-19-74;8:45 am]

COMMISSION ON CIVIL RIGHTS

DELAWARE STATE ADVISORY COMMITTEE

Notice and Agenda 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 Delaware State Advisory Committee (SAC) to this Commission will convene at 12 noon, on January 10, 1975, YMCA Building, 11th and Washington Streets, Wilmington, Delaware.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20037.

The purpose of this meeting to plan a conference on equal employment opportunity in Wilmington, Delaware, during March 1975.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 17, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-29646 Filed 12-19-74;8:45 am]

ILLINOIS STATE ADVISORY COMMITTEE

Notice and Agenda 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 Illinois State Advisory Committee (SAC) to this Commission will convene at 1 p.m. on January 16, 1975, at 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is to discuss project proposals and appoint new members to project sub-committee.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., December 17, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-29644 Filed 12-19-74;8:45 am]

MARYLAND STATE ADVISORY COMMITTEE

Notice and Agenda of Open Meeting

Notice is hereby given, pursuant to be the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland State Advisory Committee (SAC) to this Commission will convene at 8 p.m. on January 9, 1974, Federal Building, 31 Hopkins Plaza, Room 108, 21201.

Persons wishing to attend this meeting should contact the Commission Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20037.

The purpose of this meeting election of officers, reports of subcommittees and planning for new SAC activities.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 17, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-29645 Filed 12-19-74;8:45 am]

MICHIGAN STATE ADVISORY COMMITTEE

Notice and Agenda 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 Michigan State Advisory Committee (SAC) to this Commission will convene at 9 a.m. on January 16, 1975, at University Inn, 1100 Trowbridge, Lansing, Michigan 48823.

Persons wishing to attend this meeting should contact the Committee Chairman or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is to consider alternative possibilities for Advisory Committee projects for the coming year, to discuss methods of committee organization and operation, and to set general policy on issues to be addressed by the Committee.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., December 17, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-29647 Filed 12-19-74;8:45 am]

NEW JERSEY STATE ADVISORY COMMITTEE

Notice and Agenda of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on January 14, 1975, Labor Education Center, New Brunswick, New Jersey 07102.

Persons wishing to attend this meeting should contact the Committee Chairman, or the New York Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to review the Committee's report on the Prison Project.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., December 16, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-29648 Filed 12-19-74;8:45 am]

UTAH STATE ADVISORY COMMITTEE

Notice and Agenda of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Utah State Advisory Committee (SAC) to this Commission will convene at 7 p.m. on January 23, 1975, Northwest Multipurpose Center-1300 W. 2n, Salt Lake City, Utah, 84101.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purpose of this meeting shall be that Utah SAC will hear reports from four subcommittees on Housing, Education, Administration of Justice and Police/Community Relations. SAC members will also discuss their involvement in the legal proposal designed to look at the enrollment of minorities and women in Law Schools in Utah.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., December 16, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-29643 Filed 12-19-74;8:45 am]

COUNCIL ON WAGE AND PRICE STABILITY

DIRECTOR OF THE COUNCIL ON WAGE AND PRICE STABILITY

Delegation of Authority

DECEMBER 12, 1974.

Delegation of authority by the Chairman to the Director of the Council on Wage and Price Stability to request data from any Department or Agency of the United States which collects, generates or otherwise prepares or maintains data or information pertaining to the economy.

Pursuant to the authority vested in me as Chairman of the Council on Wage and Price Stability (hereinafter "the Chairman") by the Council on Wage and Price Stability Act (hereinafter "the Act"), Public Law 93-387, it is hereby ordered as follows:

1. The Director of the Council on Wage and Price Stability (hereinafter "the Director") is hereby directed and authorized to exercise all of the authorities vested in the Chairman by section 4(a) of the Act.

2. Significant policy decisions under section 4(a) of the Act shall be made under the general guidance and pursuant to any general policies which might be developed by the Chairman.

3. The Director is authorized to redelegate any or all of the authorities vested in him by this Order.

4. This Order shall be effective immediately.

WILLIAM E. SIMON,
Chairman, Council on Wage and Price Stability.

[FR Doc.74-29656 Filed 12-19-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/157; FRL 307-6]

NOTICE OF 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 18, 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 18, 1975.

APPLICATIONS RECEIVED

EPA File Symbol 498-RNA. Chase Products Co., 19th & Gardner Rd., Broadview IL 60153. SPICE GLYCOLIZED AIR SANITIZER DEODORIZER NO. 2. Active Ingredients: Triethylene Glycol 6.00%; Isopropyl Alcohol 10.00%; Methyl Dodecyl Benzyl Trimethyl Ammonium Chloride 0.008%; Methyl Dodecyl Xylene bis (Trimethyl ammonium chloride) 0.002%; Essential oils 0.29%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 498-RNG. Chase Products Co. MINT GLYCOLIZED AIR SANITIZER DEODORIZER NO. 2. Active Ingredients: Triethylene Glycol 6.00%; Isopropyl Alcohol 10.00%; Methyl Dodecyl Benzyl Trimethyl Ammonium Chloride 0.008%; Methyl Dodecyl Xylene bis (Trimethyl ammonium chloride) 0.002%; Essential Oils 0.31%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 498-RNU. Chase Products Co. EVERGREEN GLYCOLIZED AIR SANITIZER DEODORIZER. Active Ingredients: Triethylene Glycol 6.00%; Isopropyl Alcohol 10.00%; Methyl Dodecyl Benzyl Trimethyl Ammonium Chloride 0.008%; Methyl Dodecyl Xylene bis (Trimethyl ammonium chloride) 0.002%; Essential Oils 0.84%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 15300–T. Chemical Treatment Co., Hanover Ind. Air Park, 500 Lickinghole Rd., Ashland VA 23005. CHEMICAL TREATMENT COMPANY CL–212. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34973–R. Down East Chemical Corp., 233 Oxford St., Portland ME 04111. D.E. FOOD PLANT CLEANER, CLEANER-DEODORANT-DISINFECTANT-FUNGICIDE. 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%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 35045–R. Durbal Industries, 247 Oakwood Ave., Staten Island NY 10301. SEA GUARD ANTIFOULING PAINT WITH TEFLON. Active Ingredients: Cuprous Oxide 40.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6621–LL. Eagle Chem. Co., 2819 W. Lake St., Chicago IL 60612. CLEAN BOWL. Active Ingredients: Hydrogen Chloride 7.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34624–R. Ecometics Inc., 4 Wilton Ave., Norwalk CT 06851. THE AMAZING NEW ECOMETICS FLEA & TICK SHAMPOO & CONDITIONER. Active Ingredients: Pyrethrins 0.045%; Piperonyl Butoxide, Technical 0.090%; N-Octyl bicycloheptenedicarboximide 0.150%; Petroleum Distillate 0.215%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11497–RE. Enviro Chem. Corp., PO Box 29113, Dallas TX 75229. SUPER FOGICIDE CONTROLS MOSQUITOES, FLIES, GNATS. Active Ingredients: Petroleum distillate 93.3%; Piperonyl Butoxide Technical 5.02%; Pyrethrins 0.502%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13442–A. Environment Engineering, Inc., 1310 Headquarters Dr., Greensboro NC 27405. ENCOR M–28. Active Ingredients: Disodium cyanodithioimidocarbonate 4.2%; Potassium N-methyldithiocarbamate 5.8%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1598–EGL. FCX, Inc., PO Box 2419, Raleigh NC 27602. FCX TOXAPHENE 8 EMULSIFIABLE INSECTICIDE. Active Ingredients: Toxaphene 71%; Xylene 24%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11529–I. Farris Chem. Co., Inc., PO Box 10126, Knoxville TN 37919. BAF–60. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11529–O. Farris Chem. Co., Inc., PO Box 10126, Knoxville TN 37919. BAF–60. Active Ingredients: Disodium cyanodithioimidocarbonate 7.35%; Potassium N-methyldithiocarbamate 10.15%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 824–RN. Givaudan Corp., Sindar Div., 321 W. 44th St., New York NY 10036. GIVAUDAN GIV–GARD BNS 25%–AF. Active Ingredients: B-Bromo-B-nitrostyrene 25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 32461–G. Jamestown Chem. Co., PO Box 68, Trumbull CT 06611. B–105. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(d) of interim policy.

EPA File Symbol 4822–RUE. S. C. Johnson & Son, Inc., 1525 Howe St., Racine WI 53403. DEEP WOODS FORMULA OFF! FLY AND MOSQUITO REPELLENT TOWELETTES. Active Ingredients: N,N-Diethyl-meta-toluamide 30.69%; related isomers 1.62%; 2,3:4,5-bis(2-butylene) tetrahydro-2-Furaldehyde 1.08%; N-octyl bicycloheptenedicarboximide 4.31%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 635–ATU. E–Z–Flo Chem. Co., Div. of Kirsto Co., PO Box 808, Lansing MI 48903. E–Z–FLO MANEB 80 W. Active Ingredients: Maneb (Manganese ethylenebisdithiocarbamate) 80.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10778–U. Metropolitan Refining Co., Inc., 50–23 23rd St., Long Island City NY 11101. VAPORENE L. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 27581–G. Midland Research Lab., Inc., 9420 Quivira Rd., Lenexa KS 66215. CHEM–I–CAL 608. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1706–RUG. Nalco Chem. Co., 6216 W. 66th Pl., Chicago IL 60638. NALCO 4WC239 MICROORGANISM CONTROL CHEMICAL. Active Ingredients: Methylene bis(thiocyanate) 10.0%; bis (tributyltin) oxide 1.0%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 12488–G. Norman Chem. Co., 1630 Carroll Ave., St. Paul MN 55104. 962M BIOCIDE. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 3008–GA. Osmose Wood Preserving Co. of Amer., Inc., 980 Ellicott St., Buffalo NY 14209. OSMOSE K–33–C WOOD PRESERVATIVE (50%). Active Ingredients: Arsenic Acid 17.00%; Copper Oxide 9.25%; Chromic Acid 23.75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34736–T. Owens Service Co., 930 E. 80th St., Bloomington MN 55420. OWENCIDE N–175M. Active Ingredients: Disodium cyanodithioimidocarbonate 7.35%; Potassium N-methyldithiocarbamate 10.15%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34736–A. Owens Service Co., 930 E. 80th St., Bloomington MN 55420. OWENCIDE N–87M. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 4581–GER. Pennwalt Corp., Three Parkway, Philadelphia PA 19102. PENNWALT APL-LUSTR G COATING WITH SCALD INHIBITOR. Active Ingredients: Ethoxyquin (6-ethoxy-1,2-dihydro-2,2,4-trimethyl quinoline) 0.35%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9241–R. The Powell Co., Inc., PO Box 1317, 700 N. Main St., Lima OH 45805. POCO-SOL GERMICIDAL BOWL CLEANSE. Active Ingredients: Hydrogen chloride 23.00%; n-alkyl(C14 50%, C12 40%, C16 10%) dimethyl benzyl ammonium chlorides 0.05%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 655–LET. Prentiss Drug & Chem. Co., Inc., 363 7th Ave., New York NY 10001. PRENTOX ROACH BAIT INSECTICIDE (CONTAINS 2% BAYGON). Active Ingredients: 2-(1-Methylethoxy) phenol methylcarbamate 2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 602–ELR. Ralston Purina Co., Checkerboard Square, St. Louis MO 63188. PURINA LICE AND FLY KILLER-CR. Active Ingredients: 0-0-Diethyl 0-(3-chloro - 4-methyl-2-oxo-(2H)-1-benzopyran-7-yl) phosphorothioate 1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 602–ELN. Ralston Purina Co., Checkerboard Square, St. Louis MO 63188. PURINA CATTLE DUSTER INSECTICIDE. Active Ingredients: 0,0-Diethyl 0-(3-chloro-4-m e t h y l-2-oxo-(2H)-1-benzopyran-7-yl) phosphorothioate 1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6811–UI. Research Products Co., 2423 Merrell Rd., Dallas TX 75229. CLEAR-PYNE DISINFECTANT DEODORANT. Active Ingredients: Isopropanol 4.75%; Pine Oil 3.95%; Alkyl (C14 68%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 523–IU. Roberts Laboratories, 4995 N. Main St., Rockford IL 61101. ROBERTS DUST'M ALL PURPOSE LIVESTOCK AND POULTRY DUST WITH RABON. 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 11547–UN. Share Corp., 2655 N. 126th St., Brookfield WI 53005. SHARE CORP. ELECTRO-SPRAY-CONCENTRATE. 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 11547–GO. Share Corp. SHARE CORP. FOUR WAY DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sosium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11547–GI. Share Corp. SHARE CORP. GERMICIDAL CLEANER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasilicate 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9800–RU. Stewart Hall Chem. Corp., 222 Washington St., Mt. Vernon NY 10553. ALGAEGON 11. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support:

Application proceeds under 2(b) of interim policy.

EPA File Symbol 9800-RG. Stewart Hall Chem. Corp. ALGAEGON 9. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9800-RE. Stewart Hall Chem. Corp. ALGAEGON 17. Active Ingredients: Disodium cyanodithioimidocarbonate 7.35%; Potassium N-methyldithiocarbamate 10.15%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11687-TG. Transvaal, Inc., PO Box 69, Jacksonville AR 72076. TRANSVAAL SODIUM-TCA GRASS KILLER. Active Ingredients: Sodium Trichloroacetate 90.0%. Method of Support: Application proceeds under 2(C) of interim policy.

EPA File Symbol 1769-ELO. National Chemsearch, Div. of USAchem, Inc., 2727 Chemsearch Blvd., Irving TX 75062. GRENADIER CLEANER - DISINFECTANT - DEODORIZER-FUNGICIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 12042-G. Verax Chemical Co., 3753 Brooklyn Ave., N.E., Seattle WA 98105. TEST BEST DISINFECTANT-DEODORIZER-SANITIZER. 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 12042-U. Verax Chemical Co., 3753 Brooklyn Ave., N.E., Seattle WA 98105. RINSEQUIP DISINFECTANT-DEODORIZER-SANITIZER. 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 5645-RU. Veterinary Laboratories, Inc., PO Box 5394, Lenexa KS 66215. VET-LABS FOUR-WAY SCREWWORM BOMB. Active Ingredients: Gamma Isomer of Benzene Hexachloride from Lindane 3.0%; Xylene 12.5%; Mineral Oil 30.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7401-ELO. Voluntary Purchasing Groups, Inc., PO Box 460, Bonham, TX 75418. HI-YIELD SPECIAL 4-2 MIX. Active Ingredients: Toxaphene, Technical Chlorinated Camphene 39.5%; 0,0-diethyl 0-p-nitrophenyl phosphorothioate 19.3%; Aromatic Petroleum Derivatives Solvent 28.3%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: December 10, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74-29247 Filed 12-19-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20277; File No. BP-19564 etc.]

BRONCO BROADCASTING COMPANY, INC. ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing

In the matter of Applications of Bronco Broadcasting Company, Inc., St. Louis, Missouri; Norman Broadcasting Co., (WGNU) (Docket No. 20277; File No. BP-19564), Granite City, Illinois; Curtis L. Mann, Trustee in bankruptcy (KWK) (Docket No. 20278; File No. BP-19648), St. Louis, Missouri; construction permits for Curtis L. Mann, Trustee in bankruptcy (KWK) (Docket No. 20279; File No. BR-4884), St. Louis, Missouri; for renewal of license, Curtis L. Mann, Trustee in bankruptcy (Assignor) Docket No. 20280; File No. BAL-8127), and Doubleday Broadcasting Company, Inc. (Assignee) for Commission consent to assignment of license for radio station KWK, St. Louis, Missouri.

1. The Commission has before it for consideration the above-described applications, two of which have been accepted for filing. Among those which have not been accepted for filing is the application of Norman Broadcasting Company (hereinafter WGNU), licensee of standard broadcast station WGNU, 920 kHz, Granite City, Illinois, which was tendered for filing December 28, 1973, requesting a construction permit to change frequency to 1380 kHz, 5 kW, DA-2, U. The application of Bronco Broadcasting Company, Inc. (Bronco), which has not been accepted for filing, was tendered for filing on June 12, 1974. Bronco requests the facilities formerly authorized to Vic-Way Broadcasting, Inc., bankrupt former licensee of station KWK, St. Louis, Missouri. The question which we must resolve initially in this proceeding is whether either or both of these applications are acceptable for filing. An understanding of the sequence of events preceding the filing of these applications is necessary in placing our decision in this proceeding in proper perspective.

2. Vic-Way Broadcasting, Inc., licensee of station KWK, encountered serious and, as it turned out, fatal financial difficulties in its operation of station KWK and, on September 21, 1973, ceased operations. On October 10, 1973, Mr. Curtis L. Mann was appointed Receiver to take over the assets of Vic-Way, including the facilities of station KWK. On November 5, 1973, the Receiver filed an application (BR-4884) for renewal of the license of station KWK. The "cut-off" date for filing competing applications against this application was January 1, 1974. On December 17, 1973, Vic-Way was adjudicated a bankrupt and Mr. Mann was appointed Trustee in Bankruptcy. On December 28, 1973, the WGNU application was tendered for filing and purported to be mutually exclusive with the KWK application for renewal. In the meantime, however, offers to purchase the assets of station KWK from the bankrupt estate were made by Doubleday Broadcasting Company, Inc., and Bronco. On January 14, 1974, the bankruptcy court issued an order authorizing the Trustee to accept the offer of Doubleday and the following week, on January 21, 1974, the Trustee filed an application (BAL-8077) to assign the license of station KWK from the Receiver to the Trustee. This application was granted on February 26, 1974. In the meantime, however, Bronco, on January 24, 1974, filed a notice of appeal from the bankruptcy court's order authorizing acceptance of Doubleday's offer. On March 26, 1974, the United States District Court for the Eastern District of Missouri, Eastern Division, filed a Memorandum and Order (Vic-Way Broadcasting Company, et al. v Curtis L. Mann, No. 73B-1629), denying Bronco's appeal.

3. Following the District Court's action, an application (BAL-8127) was filed on April 5, 1974, requesting the Commission's consent to the assignment of the license of station KWK from Curtis L. Mann, Trustee, to Doubleday. Three days later, on April 8, 1974, an application was tendered by the Trustee and Doubleday, jointly, requesting modification of the facilities of station KWK.[1] This application, which has not been accepted for filing, requests a change in nighttime transmitter location to Davis Street, 0.8 miles south of the city limits of Carondelet, Illinois, reduction of nighttime power to 1 kW, and equipment changes. This application for modification and the copending application for assignment to Doubleday are, admittedly, mutually contingent in that the Trustee indicates that, because he will not operate the station, he does not want a grant of the modification application unless the assignment application is granted; Doubleday indicates that it does not want the assignment unless it can have the modification. The applications are, in substance, "accommodation" applications filed by the Trustee for the benefit of his proposed assignee. With matters in this posture, Bronco tendered an application, on June 12, 1974, requesting the same facilities as those authorized for station KWK. These various events, however, did not escape the filing of opposing pleadings at each step along the way.

4. We treat first with the WGNU application, for it presents fewer difficulties. The WGNU application was tendered for filing on December 28,

[1] See paragraph 13, infra.

1973, specifying the present site of station WGNU, approximately 2½ miles northeast of the site where the KWK facilities had been located,[2] and proposing to change frequency to KWK's frequency (1380 kHz) and to increase power to 5 kW. On February 1, 1974, Doubleday filed a Motion to Dismiss the WGNU application.[3] Basically, Doubleday's attack is bottomed on WGNU's alleged failure to comply with the provisions of § 73.37 of the Commission's rules. It is said that WGNU made no showing that the proposed operation would comply with § 73.37(a) of the rules regarding prohibited overlap with existing stations. In addition, it is alleged that WGNU did not show that its proposal would comply with § 73.37(e) of the rules, which requires that the proposed operation serve 25 percent unserved area, day or night, or that there is no FM channel available for use in the community and that 20 percent of the principal city receives less than two aural services. The failure to make the showing, it is said, renders the WGNU application incomplete and not acceptable for filing under the provisions of § 1.227(b)(6) of the rules. There is no question that WGNU proposes a major change in its facilities. WGNU maintains that the provisions of § 73.37 (a) and (e) are inapplicable to an application which specifies substantially the same facilities as those specified in a co-pending application for renewal, but, in the event that the Commission determines otherwise, requests a waiver of the rule.

5. Unquestionably, there would be a substantial increase in the service area of station WGNU operating as proposed compared to its present service area. There would, however, be no significant difference between the proposed service area and that authorized to station KWK as set forth in the renewal application. With the exception of a difference in site of approximately 2.4 miles, the requested facilities are virtually identical to the KWK facilities proposed in the application for renewal. This being so, there is no requirement that a timely filed application specifying the same facilities as those specified in the application for renewal of the license of an authorized station make any of the showings required by § 73.37 of the rules. To find otherwise would be to require a fruitless and unproductive act on the part of such applicants. Doubleday also alleged, in its petition for dismissal of the WGNU application, that the proposed WGNU predicted 2 mV/m contour would completely encompass the predicted 25 mV/m contour of station KJCF, 1400 kHz, Festus, Missouri. In response to this allegation, WGNU made field intensity measurements from its present (and proposed) site and demonstrated that such overlap would not occur. Doubleday did not pursue the point. The Commission's own computations support the WGNU showing. We hold, on the basis of the foregoing, that WGNU has met those parts of § 73.37 which, under our rules and policies, it was required to meet and that the application is substantially complete, acceptable for filing, and timely filed. We are, therefore, accepting the WGNU application for filing. We further find that the application is mutually exclusive with the application of the Trustee for renewal of the license of station KWK.

6. The time element in connection with the Bronco application is essential in understanding our action with respect to that application. According to information contained in the pleadings, Bronco first manifested an interest in acquiring the facilities of station KWK from the Receiver in October 1973, when its principals contacted counsel for the Receiver. Following the filing of the application (BR–4884) for renewal by the Receiver in November 1973, Bronco, on December 4, 1973, submitted a bid of $750,000 conditioned upon its ability to obtain necessary financing and approval of its board of directors. The offer was to be valid until February 1, 1974. On December 17, 1973, a hearing was held in the bankruptcy court at which Vic-Way was adjudicated a bankrupt and the Receiver was appointed Trustee in Bankruptcy. All interested parties were advised that 10 percent of the offered purchase price must be deposited with the Trustee. Bronco indicated that it would furnish the deposit ($75,000) in ten days. On December 28, 1973, another hearing was held with respect to the Bronco offer and Bronco deposited with the Trustee $15,000 and promised to provide the balance of the deposit before January 2, 1974. Bronco's attorney indicated that, if the balance of the deposit were not provided by that date, the court could proceed without regard to Bronco's offer. This offer was also made contingent on the availability of financing by January 10, 1974, after which Bronco would expect to receive no further consideration if it did not furnish the balance of the purchase price. The date for filing an application mutually exclusive with the renewal application was January 1, 1974, and by that date only the WGNU application had been submitted. By January 10, 1974, the date which Bronco itself had established as the date by which it would consider itself out of contention if the money had not been deposited, Bronco was unable to provide the full amount of deposit, but offered only an additional $20,000. On January 11, 1974, Bronco's deposit ($35,000) was returned to it.

7. On January 14, 1974, the Bankruptcy Court issued an order authorizing the Trustee to accept Doubleday's offer of $660,000. The following week, on January 21, 1974, an application (BAL–8077) was filed by the Receiver seeking the Commission's consent to the involuntary assignment of KWK's license to himself as Trustee. This application was granted February 26, 1974. In the meantime, however, on January 24, 1974, Bronco filed a notice of appeal from the Bankruptcy Court's decision. On January 28, 1974, Bronco submitted an alternative offer of $670,000, subject to Bronco's ability to obtain satisfactory financing. On February 28, 1974, oral argument was held in the United States District Court for the Eastern District of Missouri, Eastern Division, on Bronco's appeal and at that argument, Bronco conceded that it had not yet been able to obtain the necessary financing. On March 26, 1974, the District Court denied Bronco's appeal, noting that Bronco had expressly conditioned its offer on the procurement of the offered amount by January 10, 1974, a condition it did not meet. The March 26 date is critical, for at this time, Bronco knew that it could not acquire KWK's assets by assignment. On April 5, 1974, the application (BAL–8127) for assignment from the Trustee to Doubleday was filed and, three days later, on April 8, 1974, the application for modification of the facilities of KWK was filed jointly by the Trustee and Doubleday.[4] Nothing further of significance transpired until Bronco tendered its application on June 12, 1974. This application was accompanied by a request for waiver of § 1.516(e)(1) of the rules, relating to the time within which a competing application must be on file.[5] The question now is whether Bronco is "cut off" and, if so, whether a waiver is warranted.

8. Bronco argues that the public interest would be served by grant of a waiver because the "cut-off" rule is inapplicable where a Trustee does not propose to operate the station and for this reason he is in a different posture than a regular renewal applicant. Moreover, Bronco argues, orderly processing and action or the renewal application would not be impeded because the Trustee's modification application and the WGNU application have not been accepted for filing and no hearing is under way. In any event, it is said, the renewal application cannot be granted except in conjunction with the assignment application. Finally, Bronco argues that the public interest is an overriding consideration in this case where the Commission may have a choice among a greater number of applicants. Bronco insists that it acted diligently throughout this entire sequence of events.

9. It is true that Commission policy favors a wide choice of qualified applicants, but there are other considerations of equal or transcendent importance. In the first place, despite Bronco's insistence that time is not of the essence, an argument it unsuccessfully urged on the District Court, early resolution of this pro-

[2] The Commission understands that at least the six-tower array of station KWK has been dismantled. The state of other equipment is not known.

[3] WGNU filed an opposition thereto on March 1, 1974, Doubleday filed its reply on March 22, 1974.

[4] See paragraph 13, infra.

[5] WGNU filed an opposition to the petition for waiver on June 24, 1974, and Doubleday filed its opposition on July 12, 1974. Bronco replied to both on August 9, 1974.

ceeding is necessary for the protection of innocent creditors. It is unrealistic to argue that a third applicant in this case would not complicate and prolong the hearing. Standing alone, the interests of the creditors may not be sufficient to preclude acceptance of the Bronco application, but there are other factors. The Commission's cut-off rules have a purpose and are necessary in order to conduct proceedings in an orderly and efficient manner. Prairie Broadcasting Company, 47 FCC 2d 373, 30 RR 2d 613. The cut-off procedures were adopted in order to promote the orderly and timely processing of renewal applications and this requires that there be a date certain, prior to the expiration of the current license term, by which the Commission and the license renewal applicant may be informed as to the filing of mutually exclusive applications. Broadcast License Renewal Applications, 16 FCC 2d 858 (1969). These cut-off procedures are observed in all cases except where unusual and compelling circumstances require otherwise. We have concluded, for the reasons discussed below, that Bronco has not shown the existence of compelling or unusual reasons. We note, at this point, that to accept Bronco's late-filed application would adversely affect the rights of WGNU as well as those of Doubleday and the Trustee because WGNU timely filed and, as of the cut-off date, was entitled to prepare for a contest only with the renewal applicant.

10. The question of whether Bronco was diligent in its pursuit of an authorization for KWK's facilities is dispositive of the acceptability of its application. Assuming, without deciding, that Bronco could not reasonably have been expected to file a competing application while it sought the facilities of KWK by assignment, we start from March 26, 1974, the date the District Court denied Bronco's appeal. At that point, certainly, Bronco knew that, if it were to have a chance at the KWK facilities, it must file a competing application. In fact, it did not do so until nearly three months later. When Doubleday questioned this lapse of nearly three months, Bronco responded:

> Bronco submits that the period between March 26, 1974, and the filing of its application on June 12, 1974, is reasonable and necessary for conducting an ascertainment of community needs survey, and for the preparation of an application for a new broadcast radio station in a large city such as St. Louis.

The facts show that Bronco conducted its ascertainment survey in two parts: The first being a survey of community leaders, the second being a survey of the general public. The community leaders survey consisted of participation in the joint effort of a group of St. Louis broadcasters conducted by the St. Louis Broadcasters Association in July 1973. Bronco, along with the other St. Louis broadcasters, employed Media Statistics, Inc. (Mediastat) in June 1973 to conduct the survey of the general public. The latter was completed and a report submitted dated July 12, 1973. It is apparent, therefore, that the ascertainment survey was accomplished nearly one year before Bronco filed its application. Bronco did not attempt to explain its alleged need for an additional three months, nor did it file a supplement indicating that it did more than the Association survey. Its engineering was signed April 29, 1974, and its equipment proposal was dated May 1, 1974. Its letter from Commerce Bank of University City, purporting to be a financial proposal, was dated May 28, 1974. We know that its efforts to obtain financing began long before May 28, 1974. In summary, it is clear that Bronco's survey was complete in July 1973, and its application was complete and could have been filed, at the latest, at the end of May 1974. We think, however, that Bronco was bound to prepare its application long before March 26, 1974.

11. The acceptance of Doubleday's offer, by order of the Bankruptcy Court, on January 14, 1974, was an event which should have alerted Bronco to the likelihood that it could not acquire KWK by assignment. Bronco chose to pursue its appeal, but it did not, at the same time, prepare an application for submission in the event that it did not succeed on appeal. But, "* * * the burden * * * is, and properly should be, upon an interested person to act affirmatively to protect himself." Red River Broadcasting Co. v. Federal Communications Commission 69 U.S. App. D.C. 1, 98 F 2d. 282, cert. denied, 305 U.S. 625 (1938); Spanish International Broadcasting Company v. Federal Communications Commission, 128 U.S. App. D.C. 93, 385 F 2d. 615, 9 RR 2d 2053. A "hard look" at the bona fides of Bronco's efforts leaves much to be desired. Bronco claims that the public interest requires that the Commission have as wide a choice of qualified applicants as possible, but, while we agree with the proposition, we cannot number Bronco among the qualified. There can be no doubt that the heart of the problem is Bronco's ability to finance its proposal; this failure led to its rejection by the bankruptcy court in the first place. Bronco's financial proposal is totally unacceptable, even at this late date. It consists of a letter from Commerce Bank of University City stating:

> As you know, we are considering a $400,000 line of credit to this Company. We are impressed by the quality and abilities of the Investor Group and wish to investigate this situation further.

The final paragraph states:

> We appreciate your cooperation in this matter and should be in a position to give to you the results of our loan committee decision in three or four weeks.

This is a letter, dated May 28, 1974, to Bronco's attorneys. Nothing further from the bank has been filed. Certainly, this is far from a commitment to lend funds. Bronco did submit further amendments to its financial proposal consisting of changes in stockholdings and guarantees by these stockholders of the amount of any bank loan. These were dated prior to the letter from the bank, yet nothing was filed to indicate either that these guarantors were financially qualified to meet their commitments, nor that such commitments were acceptable to the bank. We do not here pass upon Bronco's financial qualifications, but where a prospective applicant urges on us the existence of unusual and compelling circumstances warranting a waiver of our cut-off rules and acceptance of its application, we think that a far greater degree of perfection is required. Bronco, after all, asks for a waiver of a rule and the principle is well established that the burden of justifying a waiver is on the party requesting the waiver. United States v. Storer Broadcasting Company, 351 U.S. 192, 76 S. Ct. 763, 13 RR 2151. It is hardly arguable, moreover, that a question of candor is raised by Bronco's assertion that additional time was needed to make a community survey. We are simply unable to discern any justification for Bronco's failure to file a timely application. We are also acutely aware of the danger to our procedures which a waiver under these circumstances would represent. It could well destroy the value of the cut-off rules and would undoubtably constitute an invitation to numerous requests for similar waivers. Where, as here, we can find no justification for the delay in filing, we would be hard pressed to distinguish this case from others which must inevitably follow.

12. For the reasons stated, we will deny Bronco's request for waiver and return its application. At the same time, we are accepting the WGNU application and the Trustee's application for modification. We will simultaneously designate all of the pending applications for hearing in a consolidated proceeding. The pendency of mutually contingent applications for assignment and modification is not unusual and, because they are realistically "accommodation" applications, they are often routinely granted; e.g. KTRB Broadcasting, Inc., 48 FCC 2d 635, 31 RR 2d 306.

13. As mentioned in paragraph 3, supra, an application for modification of the facilities of KWK was filed jointly by the Trustee in Bankruptcy and Doubleday. Since Doubleday has no present interest in the facilities of station KWK and has nothing which could be modified, we are accepting this application as an application filed by the Trustee in Bankruptcy. We have before us, then, the above-captioned application of WGNU for a construction permit to make changes in the facilities of station WGNU, the application of the Trustee in Bankruptcy for modification of the facilities of station KWK, the application of the Trustee for renewal of the license of station KWK, and the application for assignment. The question arises as to what proposals are to be compared in this proceeding. It is obviously unrealistic to compare the WGNU proposal with the Trustee's application for renewal for, as we have pointed out, the Trustee has no intention of operating the station, either as presently licensed or as proposed. In fact, WGNU will be competing against the application of the Trustee for operation of sta-

tion KWK as it is proposed to modify that operation. The comparison will, therefore, be between the WGNU proposal and the application for renewal taken in conjunction with the applications for assignment and modification of KWK. Doubleday will, of course be made a party to the proceeding. The applications for renewal, modification, and assignment must stand or fall together. Doubleday is involved in pending antitrust litigation. In the event of grant of the renewal, modification and assignment applications, therefore, the authorization will be subject to an appropriate condition.

14. The Trustee in Bankruptcy proposes to serve St. Louis, Missouri, and Norman Broadcasting Co. proposes to serve Granite City, Illinois. It is apparent, therefore, that a determination must be made as to whether a decision in this matter will be based upon the criteria set forth in section 307(b) of the Communications Act of 1934, as amended, with respect to a fair, efficient and equitable distribution of radio service. Accordingly, appropriate issues are being specified. Since the proposals contemplate service of substantial areas in common, if a choice cannot be made between them on the basis of the criteria of section 307(b), it will be necessary to determine, on a comparative basis, which of the applicants is better qualified. A contingent comparative issue is, therefore, being specified. Because there is a significant disparity in the areas and populations to be served by the proposed nighttime operations, the data adduced with respect to the areas and populations to be served nighttime will be relevant to a determination on a comparative basis if this is the basis upon which the choice between the applicants is to be made.

15. We find that the applicants are qualified to construct, own and operate as proposed. Because the applications are mutually exclusive, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, for the reasons stated, *It is ordered*, That the request of Bronco Broadcasting Company, Inc., for waiver of § 1.516(e)(1) of the Commission's rules is denied, and its application is returned as unacceptable for filing; the above-described application of Norman Broadcasting Co. is accepted for filing, and the above-described application of Curtis L. Mann, Trustee in Bankruptcy, for modification of the facilities of station KWK, is accepted for filing.

It is further ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications of Norman Broadcasting Co. and Curtis L. Mann, Trustee, for construction permits; of Curtis L. Mann, Trustee, for renewal of license; and of Curtis L. Mann, Trustee, for assignment of license to Doubleday Broadcasting Company, Inc., are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary aural (1 mV/m or greater in the case of FM) service to such areas and populations.

2. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the event that it is concluded that a choice between the applicants should not be based solely upon considerations relating to section 307(b), which of the proposals would better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That Doubleday Broadcasting Company, Inc., is made a party to this proceeding.

It is further ordered, That, in the event of grant of the applications of the Trustee in Bankruptcy for renewal, modification and assignment, the authorization issued pursuant to the grants will be subject to the following condition:

This grant is subject to the condition that it is without prejudice to whatever action, if any, the Commission may deem appropriate as the result of final action in the civil antitrust actions now pending in which either Doubleday Broadcasting Company, Inc., or its parent corporation, is a party, and subject also to the condition that the Commission shall be notified immediately of the final disposition of each of the cases.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

By the Commission Commissioner Hooks dissenting; Commissioner Quello absent.

Adopted: December 4, 1974.

Released: December 16, 1974.

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

[FR Doc.74-29696 Filed 12-19-74;8:45 am]

[Docket Nos. 19892, 19894; File Nos. BPH-8240, BPH-8327; FCC 74R-441]

GREAT SOUTHWEST MEDIA CORP. AND ARKADELPHIA BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In the matter of applications of Great Southwest Media Corp., Arkadelphia, Arkansas (Docket No. 19892; File No. BPH-8240) and Arkadelphia Broadcasting Co. Arkadelphia, Arkansas (Docket No. 19894; File No. BPH-8327) for construction permits.

1. Before the Review Board is a motion to enlarge issues, filed August 27, 1974, and a motion to reopen record, filed October 4, 1974, by Arkadelphia Broadcasting Company (Arkadelphia), requesting the addition of § 1.65 and/or § 1.514 and misrepresentation issues against Great Southwest Media Corporation (Southwest).[1]

2. In support of its requests, Arkadelphia alleges that on February 19, 1974, the Secretary of State of Arkansas revoked Southwest's corporate charter because of Southwest's failure to pay its required state franchise tax.[2] As a consequence, movant avers, since Southwest has lost its corporate charter, it no longer has the necessary legal status to further prosecute the instant application.[3] In addition, petitioner asserts that Southwest, in violation of the Commission's disclosure rules, failed to inform the Commission of either the loss of its state charter or that the control of its FM application has been transfered to an unincorporated association of individuals. In light of the above, Arkadelphia requests the addition of legal qualifications and § 1.65 and/or § 1.514 issues against Southwest. Arkadelphia also alleges that Southwest, in contravention of § 1.65 and/or § 1.514, failed to notify the Commission that on March 21, 1974, the City of Gurdon, Arkansas, granted Southwest a franchise for the establishment of a cable television system in Gurdon, and also that Southwest, on February 25, 1974, paid $500 to the City of Gurdon as binding consideration for the issuance of

[1] Also before the Review Board for consideration are: (a) The Broadcast Bureau's comments, filed September 11, 1974; (b) opposition, filed September 20, 1974, by Southwest; and (c) reply, filed October 2, 1974, by Arkadelphia.

[2] To support this allegation, Arkadelphia submits the affidavit of John M. Riggle, a principal of Arkadelphia, and a certificate from the Arkansas Secretary of State which reveals that Southwest's charter was revoked by Governor's Proclamation on February 19, 1974, under Act 304 of 1953, for non-payment of franchise taxes and had not been reinstated as of July 25, 1974.

[3] Petitioner, in support, attaches an affidavit by Mr. Jack Files, an attorney for Arkadelphia, in which Files states that in his legal opinion, Southwest is not a legal entity or a corporate body and "is not authorized to do business, hold property, or to act in any legal way in the State of Arkansas."

the franchise.[4] Moreover, Arkadelphia argues that Southwest's failure to disclose to the Commission the franchise award and the $500 payment is inconsistent with Southwest's pledge to keep the Commission informed of all its business transactions, and requires the addition of a misrepresentation issue against the applicant.[5]

3. Opposing enlargement, Southwest asserts that on August 29, 1974, the Secretary of State of Arkansas restored Southwest's corporate charter.[6] Consequently, the applicant maintains that its reinstatement moots any possible question regarding its legal capacity to prosecute its application. Turning to the corporate charter—§ 1.65 issue, Southwest submits an affidavit from Wayne Duncan, its President, who states that neither he nor any other Southwest stockholder had received notice of the franchise tax due or of the charter revocation until August 27, 1974, when Duncan read the instant motion during the hearing.[7] Moreover, Southwest states that immediately upon learning of the revocation, it took the steps necessary to have its charter restored. Therefore, Southwest claims, it had no intention of withholding pertinent information from the Commission, and urges the Board to deny Arkadelphia's § 1.65 and § 1.514 requests. With regard to the CATV franchise question, Southwest contends that, contrary to petitioner's assertions, the franchise awarded by the City of Gurdon does not obligate Southwest to construct the cable television system, but merely grants the applicant an option to establish the system. Accordingly, Southwest argues that it does not have a binding commitment with Gurdon to construct the CATV system and, thus, is under no obligation to report the award and payment to the Commission, either under § 1.65, § 1.514, or pursuant to Southwest's prior representations (see footnote 5, supra). In light of the foregoing, Southwest requests that the misrepresentation and failure to disclose issues be denied.

4. The Review Board will add a § 1.65 issue against Southwest for its failure to inform the Commission of the award of the CATV franchise and will deny the motion in all other respects. As noted in its petition to reopen record, the record in this proceeding was closed on August 27, 1974, the day on which the instant pleading was filed. A decision to reopen the record is an action that we are ordinarily reluctant to take in light of the "doctrine of administrative finality and the important public policy of orderliness, expedition and finality in the adjudicating process." Athens Broadcasting Co., 37 FCC 2d 374, 25 RR 2d 483 (1972). However, the doctrine of administrative finality is not a bar to a reopening of the record where the need for further hearing to make reasonably certain that the prospective licensee will operate the facility responsibly and in the public interest outweighs the need for finality. See DuPage County Broadcasting, Inc., 23 FCC 2d 22, 19 RR 2d 568 (1970). Here, the Board is of the view that Southwest's failure to inform the Commission of both the awarding of the CATV franchise and the $500 payment could be such a serious violation of § 1.65 as to cast doubt upon its qualifications to be a broadcast licensee. In this regard, we note that the CATV franchise could have a substantial impact on the comparative criterion of diversification of mass media, and that the Commission has clearly held that a CATV franchise is an interest which must be reported under § 1.65 of the rules. See Media, Inc., 22 FCC 2d 875, 18 RR 2d 1175 (1970), and TV Signal Company of Aberdeen, 23 FCC 2d 603, 19 RR 2d 298 (1970). Moreover, Southwest had previously conceded to the Commission that it had a CATV proposal pending before the Gurdon City Council and also pledged to inform the Commission of all its business transactions, including any new developments as to the Gurdon CATV franchise—a pledge Southwest has apparently breached.[8] Accordingly, a § 1.65 issue will be added.[9] As to the remaining allegations, the Board is of the opinion that they are not sufficient to warrant a reopening of the record. Thus, it is clear that the reinstatement of Southwest's corporate charter "seemingly moots any question concerning its prospective corporate activity in prosecuting its application," Intercast, Inc., 43 FCC 2d 658, 28 RR 2d 367 (1973), and consequently a legal qualifications issue will not be added. In addition, although § 1.65 required the disclosure of the revocation of Southwest's corporate charter,[10] we have no reason to doubt the veracity of Southwest in asserting that it did not receive notification of a required tax payment or the revocation of the corporate charter; therefore, it could not be expected to report this information. Cf. RKO General, Inc. (WOR–TV), 47 FCC 2d 939, 30 RR 2d 1355 (1974).

5. Accordingly, *It is ordered*, That the motion to enlarge issues, filed August 27, 1974, and the petition to reopen record, filed October 4, 1974, by Arkadelphia Broadcasting Company, are granted to the extent herein indicated, and are denied in all other respects; and

6. *It is further ordered*, That the record herein is reopened and the issues are enlarged by the addition of the following issue:

To determine whether Great Southwest Media Corporation failed to amend its application as required by § 1.65 of the Commission's rules and, if so, to determine the effect thereof upon the applicant's basic and/or comparative qualifications to be a Commission licensee.

7. *It is further ordered*, That the burden of proceeding with the introduction of evidence under the issue added herein shall be upon Arkadelphia Broadcasting Company, and the burden of proof thereunder shall be upon Great Southwest Media Corporation.

Adopted: December 4, 1974.

Released: December 16, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[11]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.74-29697 Filed 12-19-74;8:45 am]

[Docket Nos. 20010, 20011; File Nos. BRCT-10; 4540; FCC 74R-444]

CBS, INC. AND FIRST DELAWARE VALLEY CITIZENS TELEVISION, INC.

Applications for Renewal of Broadcast License and Construction Permit

1. This proceeding involves the mutually exclusive applications of CBS, Inc. (WCAU–TV) (CBS) for renewal of broadcast license and First Delaware

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[4] In support, movant attaches the affidavits of Riggle (see footnote 2, supra), and Dick Jackson, Mayor of Gurdon. Jackson, in his sworn statement, declares that prior to the franchise award and the $500 payment by Southwest, a written presentation was made before the Gurdon City Council by representatives of Southwest (including its President, Wayne Duncan), on December 11, 1973, in their attempt to obtain a CATV franchise.

[5] According to petitioner, Southwest, in response to an earlier motion to enlarge filed by Arkadelphia on January 4, 1974, conceded to the Commission that it had a CATV franchise proposal pending before the City Council of Gurdon, but, that it had not reported the proposal to the Commission. Moreover, petitioner asserts, Southwest specifically pledged to keep the Commission informed of all of its business interests, and this pledge was noted by the Review Board in its Memorandum Opinion and Order, 46 FCC 2d 1142, 30 RR 2d 378 (1974). It is movant's position that the failure of the applicant to report the franchise award and the $500 payment demonstrates that its prior representations were false.

[6] Southwest attaches to its pleading a copy of a certificate from the Secretary of State of Arkansas indicating that as of August 29, 1974, Southwest's corporate charter had been reinstated.

[7] Southwest also submits an affidavit from B. W. Sanders, its attorney, in which the affiant states that the applicant never received the required notification of the tax due and the charter revocation, due to a failure of the State's Franchise Tax Division to follow its normal procedures.

[8] In this connection, we note that Southwest's obligation to report developments in its attempts to acquire a CATV franchise arises regardless of whether or not the applicant is contractually bound to construct the system.

[9] With respect to the requested misrepresentation issue sought concerning Southwest's alleged failure to abide by its earlier representations to the Commission regarding the reporting of its business transactions, the Board notes that an inquiry into the § 1.65 allegation may encompass an examination of Southwest's possible intent in withholding the information, thereby rendering a separate misrepresentation issue unnecessary.

[10] The Board notes that according to the information now before it, the non-payment of the franchise tax and the revocation of Southwest's corporate charter both occurred subsequent to the filing of Southwest's application and therefore § 1.514 is inapplicable.

[11] Concurring statement of Board Member Kessler filed as part of the original document.

Valley Citizens Television, Inc. (First Delaware) for authority to construct a new television broadcast station at Philadelphia, Pennsylvania. Presently before the Review Board are two motions to enlarge issues, filed May 16 and July 9, 1974, by CBS, requesting addition of numerous issues against First Delaware.[1]

SUBURBAN ISSUE

2. In support of its request for a Suburban issue, CBS first states that it contacted 102 of the 788 persons listed in First Delaware's community leader survey, and that of this group 11 have sworn that to the best of their recollection they have had no contact with First Delaware representatives and 13 have sworn that to the best of their recollection, while they may have had contact with a First Delaware representative, they were not asked for and did not give their views on the comunity's needs, interests or problems.[2] With respect to this latter contention, CBS also asserts that the manner in which First Delaware conducted its community leader interviews distorted the survey's results; thus, CBS refers to 19 affidavits of community leaders contacted by First Delaware, which, in CBS's opinion, demonstrate that First Delaware asked questions primarily designed to elicit views about the adequacy of local television service (including that of WCAU–TV), rather than the community's needs and interests. CBS argues that evidence of distortion in the survey results is revealed by the fact that "mass media" is the fifth ranked problem in First Delaware's community leader survey, but that, in contrast, its general public survey produced no adverse comments about the media, whatsoever. In this regard, CBS also urges that First Delaware sought to mislead the Commission as to the reason for the frequency of community leader comments regarding the media by stating that such frequency was due to the interviewer's identification with the proposed new broadcast facility. Finally, CBS contends that its contacts with 102 of the community leaders listed by First Delaware reveal several other Primer[3] violations; specifically, petitioner alleges that four leaders' views were obtained by written questionnaries rather than personal contact, that at least six of the leaders contacted by First Delaware were not informed of the nature or purpose of the group making the contact and that three leaders discussed their views with a secretary, rather than principals or prospective management-level employees. Relevant supporting affidavits are submitted. In sum, CBS urges that all of the above requires addition of Suburban and misrepresentation issues, citing Belo Broadcasting Corporation 42 FCC 2d 1011, 28 RR 2d 732 (1973), reconsideration granted on other grounds, 44 FCC 2d 707, 29 RR 2d 323 (1974).

3. As an initial matter, First Delaware states that all community leaders it listed as being contacted were interviewed in order to ascertain the needs and interests of the community. In support of these assurances, First Delaware supplies affidavits from principals who conducted the interviews in question, avering that the interviews had taken place, that they had subsequently recontacted the interviewees wherever possible, and describing the results of the recontacts.[4] Also supplied by First Delaware are a number of memoranda taken by its principals during the initial interviews, including descriptions of the interviewees' comments, as well as curative affidavits from five of the CBS affiants who, upon being recontacted by First Delaware, now recall the interview. In any event, First Delaware argues that the affidavits submitted by CBS do not support its allegations; rather, contends opposer, these affidavits are more properly characterized as equivocal, since they employ such terms as "to the best of my recollection", "I do not remember", "I do not recall", etc., when referring to the contact by First Delaware; and, moreover, in view of the substantial lapse of time since the contacts were made (one to two years), it is not surprising that memories have dimmed. As to the alleged "distortion" of the survey, First Delaware maintains that its principals did, in fact, fully identify themselves,[5] but submits that even if they had not, the ascertainment involved would not have been inconsistent with the Primer's injunction because the pertinent issue is whether the community leaders were interviewed. Moreover, argues First Delaware, although explaining the purpose of the interview often prompted comments about local programming, such discussion was discounted unless it was specifically raised by the interviewee. As to the other alleged deficiencies, First Delaware points to the affidavits from its principals averring that each interview was conducted by them either in person or by telephone[6] and contends that any indication of support for CBS' allegations is due to the faulty memory of the interviewees. Finally, concludes First Delaware, even assuming, arguendo, that the 35 community leaders in question were to be totally discounted, CBS has not presented sufficient evidence to warrant addition of a Suburban issue, citing Radio Dinuba Co., 38 FCC 2d 573, 25 RR 2d 1190 (1972). The Broadcast Bureau agrees with First Delaware that the affidavits supplied by CBS do not adequately demonstrate either that the community leaders were not interviewed or that the questions posed by First Delaware distorted the survey's results. The Bureau also considers any other shortcomings alleged by CBS to be de minimis.

4. In reply, CBS asserts that First Delaware has unfairly characterized the averments of the CBS affiants since six of them have stated positively that they were not contacted or were not asked their views on community problems. Moreover, petitioner continues, even though First Delaware has recontacted many of the affiants to "aid their recollection",[7] most have refused to retract their earlier averments. However, CBS contends even allowing for First Delaware's contentions in this regard, the Commission has held that affidavits of persons who do not recall being interviewed are sufficient to raise a misrepresentation issue, citing, inter alia, RKO General, Inc. (WOR–TV), 47 FCC 2d 827, 30RR 2d 1155 (1974); and Itawamba County Broadcasting Co., 46 FCC 2d 60, 29 RR 2d 1154 (1974). Furthermore, urges CBS, where, as here, the number of controverting affiants is significant, the Commission has rejected the argument that the passage of time provides an excuse for the failure to recall the contact. CBS also argues that the affidavits of the First Delaware principals cannot defeat addition of appropriate issues because, to the extent that they contradict the CBS affiants, they simply

[1] Also before the Board are the following related pleadings: (a) opposition to May 16, 1974, motion to enlarge, filed July 11, 1974, by First Delaware; (b) Broadcast Bureau's comments on May 16, 1974, motion to enlarge; (c) errata to (a), filed July 15, 1974, by First Delaware; (d) Broadcast Bureau's comments on July 9, 1974, motion to enlarge; (e) opposition to July 9, 1974, motion to enlarge, filed July 24, 1974, by First Delaware; (f) reply to (a), filed July 31, 1974, by CBS; (g) reply to (e), filed August 5, 1974, by CBS; (h) errata to (f), filed August 7, 1974, by CBS; (i) petition for leave to file a supplement and supplement to the first motion of CBS, filed September 19, 1974, by CBS; (j) comments to (i), filed September 24, 1974, by First Delaware; (k) comments to (i), filed September 26, 1974, by the Broadcast Bureau; (l) petition for leave to file reply and reply, filed October 8, 1974, by CBS; (m) petition for leave to file second supplement to motion to enlarge and supplement thereto, filed October 24, 1974, by CBS; (n) opposition to (m), filed November 5, 1974, by First Delaware; and (o) comments on (m), filed November 5, 1974, by First Delaware.

[2] CBS attaches the affidavits of these interviewees to its petition and also asserts that 11 other leaders listed by First Delaware indicated that they were not contacted but declined to execute affidavits.

[3] Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 21 RR 2d 1507 (1971) (hereinafter the Primer).

[4] In most cases of recontact, the principals aver that the interviewees were simply not certain as to whether the previous contact occurred, rather than adamant that it had not; however, most declined to sign further affidavits.

[5] In support, First Delaware supplies copies of the form used in conducting the interviews.

[6] In support of its position that telephone contacts are permissible, First Delaware cites Lexington County Broadcasters, Inc., 40 FCC 2d 694, 27 RR 2d 416 (1973), rev. den. FCC 73–1295; and California Stereo, Inc., 39 FCC 2d 401, 26 RR 2d 887 (1973).

[7] In this regard, CBS submits a further affidavit from one of its affiants averring that the First Delaware principal who contacted him used "highly questionable techniques" in an effort to force him to change his position. CBS also believes this casts doubt on the reliability of other modifications obtained by First Delaware.

raise a factual question and, to the extent that they discuss statements of the CBS affiants, they are hearsay. CBS next contends that First Delaware has failed to refute CBS's allegations that the primary focus of First Delaware's community leader survey was local television service rather than the community's needs and interests. As to the other alleged deficiencies, CBS argues that the only rebuttal supplied by First Delaware is, in the main, composed of self-serving affidavits from its own principals, rather than rehabilitating statements from those CBS affiants who reported the deficiencies.

5. The Review Board will deny the requested misrepresentation and Suburban issues. After a careful study of all the material submitted by the parties, we have concluded that CBS has not raised a substantial question of misrepresentation. By CBS' own admission,[8] only four of its affiants have stated unequivocally that they were not contacted by First Delaware and only two others state that they were not asked about the community's needs and interests.[9] The remainder of the CBS affiants, five of whom now recall the prior First Delaware contact after being recontacted,[10] indicate only that they do not recall the First Delaware interview. Thus, of the 788 community leaders listed in First Delaware's survey, CBS has supplied affidavits challenging less than 1 percent. In such circumstances, the Commission has consistently held that a misrepresentation issue is not warranted. See, *e.g.*, Lake Radio, Inc., 42 FCC 2d 737, 28 RR 2d 587 (1973), (two challenged out of 45); Childress Broadcasting Corp. of West Jefferson, FCC 70–1032, 20 RR 2d 335 (two out of 50); Home Service Broadcasting Corp., 24 FCC 2d 192, 19 RR 2d 347 (1970) (one out of 120). See also, Radio Dinuba Co., supra.[11]

[8] CBS' reply, pp. 12–13.

[9] Moreover, we note that the Bureau is of the view that the wording of the CBS affidavits indicates that only one of the four unequivocally denies being interviewed. While we believe that there is room for legitimate disagreement in this regard, we do not believe that, in the total context of First Delaware's Suburban showing, either number is sufficient to require further inquiry.

[10] Both the statements by CBS that several First Delaware interviewees declined to execute affidavits and the averments of First Delaware principals that CBS affiants, when recontacted, indicated that they now remember the first contact must be discounted as hearsay. See, e.g., Eastern Broadcasting Corp., 29 FCC 2d 472, 21 RR 2d 1147 (1971).

[11] In the cases relied upon by CBS either the percentage of possibly improper contacts was significantly higher or there were other, substantiating evidence of misrepresentation. Thus, in RKO General, Inc. (WOR–TV), supra, as many as 63 community leaders were not, or did not recall being, contacted and in Itawamba County Broadcasting Co., Inc., supra, 17 of 150 were apparently not contacted, three of whom may have been deceased at the time of the survey. Finally, we believe Belo Broadcasting Corporation, supra, is distinguishable on the grounds that in the present situation opposer has supplied affidavits of its own principals and contemporaneous notes regularly taken during the interviews in question as well as numerous uncontroverted affidavits from the interviewees in retraction of earlier affidavits.

And, in contradiction of these affidavits, First Delaware has supplied both the averments of its principals that the CBS affiants were, in fact, contacted and copies of the notes made during the interviews. Compare RKO General, Inc. (WOR–TV), supra. Moreover, we believe that the relatively insignificant amount of contradictions shown by CBS could well be accounted for by the passage of time and/or the cursory nature of the contact. See, e.g., Home Service Broadcasting Corp., supra. For these reasons, combined with the fact that we are unable to find any apparent motive for the alleged falsification of such a low percentage of interviews, the misrepresentation issue will be denied. Nor do we believe that a Suburban issue is warranted. We cannot agree with CBS that its affidavits support its allegations of "distortion" of First Delaware's community leader survey. Thus, as noted by the Bureau, in only one instance did an interviewee categorically deny being asked about the problems, needs and interests of his community and, while certain interviewees state that they also discussed how present television service relates to these problems, we can perceive no basis for concluding that the inclusion of this line of questioning necessarily invalidates the survey. Also, upon being recontacted by First Delaware, various interviewees have supplied new affidavits indicating that they now recall making the statements attributed to them concerning the community's needs and interests. The likelihood of this is, in our view, borne out since the form used by First Delaware clearly directs that the appropriate questions be asked, compare WPIX, Inc. (WPIX), 34 FCC 2d 419, 24 RR 2d 59 (1972). Finally, aside from the fact that First Delaware has supplied further affidavits which substantially mitigate CBS' remaining charges of First Delaware's total ascertainment effort, we agree with the Bureau that they are de minimis[12] and that the public interest quiry.

Misrepresentation Issue re Edward P. Morgan

6. Next, CBS requests an issue to determine whether Edward P. Morgan, a 5 percent shareholder in First Delaware and a senior partner of a law firm which regularly practices before the Commission, has participated in making serious and material misrepresentations to the Commission in another nonrelated proceeding presently pending before the Commission.[13, 14] Noting that the Review Board had added an issue in the Belo Broadcasting proceeding to determine whether the applicant WADECO, Inc. had made misrepresentations to the Commission regarding the availability of a $2,500,000 bank loan,[15] and that WADECO had been represented during the pertinent period by the law firm of Welch and Morgan of which Morgan is the senior partner, CBS alleges that Morgan was involved in or had knowledge of the alleged misrepresentations. Thus, CBS asserts that while Morgan was not directly in charge of the case, he did receive copies of memoranda and correspondence pertaining to problems concerning the availability of the Castle Trust loan commitment letter,[16] and, in one instance, was the recipient of a letter from WADECO's president informing him of the unsuitability of the loan commitment.[17] This letter, quite aside from other indicia of knowledge, CBS reasons, clearly served to put Morgan on notice that reliance on the bank loan commitment was misplaced and therefore that continuing to represent its availability to the Commission constituted an affirmative misrepresentation.[18]

[12] Although the use of telephone contacts could bear on the question of whether a dialogue with community leaders has been achieved, the use of telephone contacts is not specifically prohibited and it appears that this method was used only on a few occasions. We therefore do not believe that a substantial question in this regard has been raised. Cf. Lexington County Broadcasters, Inc., supra.

[13] The proceeding to which CBS refers is the Dallas, Texas, TV broadcast proceeding (Docket Nos. 19744–19745), which involves the mutually-exclusive application of Belo Broadcasting Corp. (WFAA–TV) and WADECO, Inc.

[14] CBS has twice petitioned for leave to file supplements to its motion to enlarge issues with respect to this issue in order to submit information which was obtained during the taking of depositions in the Belo Broadcasting proceeding. Since this information was promptly brought to the Board's attention and is relevant to our disposition of the requested issue, the Board will grant both petitions.

[15] Belo Broadcasting Corp. (WFAA–TV), 42 FCC 2d 520, 28 RR 2d 325 (1973).

[16] In this connection, Mr. Wade, the president of WADECO has testified and deposed that he had advised the attorney in charge of the case, Thomas M. P. Christensen, repeatedly during the period beginning shortly after the filing of the commitment letter until over a year later that the letter was invalid and should be withdrawn.

[17] This letter, dated June 30, 1972, reads in pertinent part:

As you know I have tried diligently for almost a year to secure a suitable letter of credit for our FCC application and have met with nothing but disappointment—I must reluctantly say I have lost all hope of securing such a letter before we are granted the franchise. Likewise I am convinced—and have been verbally assured repeatedly—that we will have no trouble at that time securing the operating capital. Therefore, I am requesting you to do whatever you can to get an early designation for hearing notwithstanding our financial vulnerability.

[18] In a deposition session held during October 1974, Wade stated that Morgan may have been informed of the fact that the loan commitment was invalid prior to that time; Wade relates that he may have informed Morgan of this fact during a meeting in Detroit in the early spring of 1972; however, Wade also explains that he became aware of problems with the bank letter after receiving an inquiry from the Commission which was sent subsequent to the time his Detroit meeting with Morgan was held.

7. In opposition, First Delaware submits an affidavit executed by Morgan in which the affiant denies any personal knowledge or involvement with the circumstances surrounding the alleged misrepresentation. Morgan explains that the Belo case was assigned to Christensen, and that, with one exception,[19] the correspondence referred to by CBS which was directed to Christensen was dealt with by Christensen. With respect to his own role in the proceeding, Morgan explains that he did not follow the day-to-day developments of the case, and, as a result, he did not give close attention to the copies of correspondence pertaining to the proceeding which he regularly received. And, as to the June 30, 1972, letter from Wade, see note 17, supra, Morgan avers that he placed a wholly reasonable, albeit different, interpretation upon it than CBS. Morgan avers that he interpreted the letter to mean that Wade's continuing efforts to secure local financing had met with no success and that this was Wade's reason for using the term "suitable letter of credit", rather than a reference to the Castle Trust letter. Nor, continues Morgan, did he interpret Wade's stated desire to go to hearing "notwithstanding our financial vulnerability" to refer to the validity of the Castle Trust letter; rather, avers Morgan, the only problems he was aware of concerning the Castle Trust letter were about its suitability, i.e., whether or not it was adequate to meet Commission requirements. As indication of what his interpretation of Wade's letter had been at the time of receipt, Morgan submits his letter of reply, which Morgan contends, demonstrates that he was not aware of the necessity of withdrawing the Castle Trust letter.[20] Moreover, avers Morgan, he never had oral discussions with Wade concerning Wade's June 30, 1972, letter. Finally, First Delaware also supplies an affidavit of Thomas Christensen in which he avers that, to the best of his recollection, "Mr. Morgan was neither involved in negotiations relating to the bank letter written by the Castle Trust, nor the author of correspondence or pleadings relating to that matter." The Broadcast Bureau agrees that CBS has failed to adequately demonstrate that Morgan was involved in or aware of any misrepresentation which may have been committed. Thus, the Bureau accepts both Morgan's interpretation of Wade's letter and Morgan's statement concerning the one Castle Trust letter addressed to him as reasonable.

8. In reply, CBS contends that Morgan's affidavits do not deny that he received copies of all relevant documents and correspondence between the bank and Christensen and between Christensen and Wade, and that because a misrepresentation issue was added in the Belo proceeding an issue is required here to determine the extent of Mr. Morgan's involvement in any misrepresentation. CBS also rejects Morgan's interpretation of Wade's letter, arguing that the Wade-Morgan exchange of letters only makes sense if both parties were referring to the difficulties with the loan commitment which had led to the Commission letter of inquiry.

9. The Board will deny the requested misrepresentation issue against Morgan. In order to add the requested issue it would be necessary for CBS to show that Morgan either had some connection with the filing of a possibly invalid financial commitment letter or, subsequent to filing, Morgan become aware that a possibly invalid letter had been filed and failed to so inform the Commission. This, in the Board's view, CBS has failed to do. Stripped of conjecture and speculation, CBS' allegations are based on the one Castle Trust letter addressed to Morgan, the June 30, 1972, letter from Wade to Morgan, and the deposition testimony of Wade. However, as to the Castle Trust letter, we find reasonable Mr. Morgan's explanation that it was addressed to him because of the absence of Mr. Christensen, and that, in light of customary mail room practices and the presence of Christensen's, rather than his, initials on the letter, he did not even see it. Moreover, we have both Morgan's and Christensen's sworn affidavits that Morgan did not participate in the arrangements resulting in the Castle Trust commitment letter. And, with respect to the June 30, 1972, letter from Wade to Morgan, we agree with the Bureau that Morgan's construction of the letter is reasonable[21] and this construction is fully supported by Morgan's reply, see note 20, supra. In this regard, we have also reviewed the available letters and memoranda which may have gone across Morgan's desk concerning the Castle Trust loan commitment and we do not believe that any of these would necessarily indicate the existence of a possible or potential misrepresentation. Finally, we have reviewed the entire relevant deposition testimony of Mr. Wade and find it fails to support CBS' theory that Morgan had knowledge of the alleged misrepresentation. With the exception of the June 30, 1972, letter discussed above, nowhere does Wade unequivocally state that he communicated to Morgan, either in writing or orally, his opinion that the letter was invalid or that the letter should be withdrawn. Accordingly, the requested issue will be denied.

Alleged Violations of Federal Securities Law

10. CBS next requests an issue to determine whether First Delaware engaged in misrepresentations and other unlawful conduct in the offer and sale of its stock. Specifically, CBS initially charges that First Delaware principals made serious misstatements and failed to disclose material facts in soliciting investments, thereby violating the Securities Act of 1933. In support of these assertions, CBS supplies an affidavit from a Mr. Barry Nemcoff[22] in which he avers that the president of First Delaware, Mr. Barnhouse, in asking Nemcoff to convey an offer to invest to his superior (Mr. Segel) had informed him that the law firm representing First Delaware had represented a successful challenger in another, nonrelated proceeding in Boston, Massachusetts, that this proceeding could be resolved "fairly quickly, perhaps within a year or two", and that CBS was in violation of Commission regulations relating to "overlap".[23] CBS charges that the statements of Barnhouse are incorrect and that such misstatements clearly would mislead potential investors. CBS also alleges that similar misrepresentations were made by Mr. Barnhouse in public statements and in support of this contention CBS quotes articles in two newspapers and a magazine. Petitioner also submits an affidavit from Geogory M. Harvey, who avers that he attended a meeting of a private club in Philadelphia at which Mr. Barnhouse, as speaker, made similar misstatements. Therefore, concludes CBS, the misrepresentations made in the solicitations of stock offers are a violtaion of federal securities law and clearly could reflect on First Delaware's character qualifications. CBS also alleges that federal securities law requires First Delaware to register its stock and provide each offeree with a detailed prospectus, but that First Delaware has not done so and therefore an issue is required to determine the effect of this fail-

[19] Morgan avers that a letter from Castle Trust was addressed to him because of the absence of Christensen for medical reasons, that he (Morgan) has no recollection of seeing this letter, and that Christensen, rather than Morgan, initiated it, indicating that the office employee who opens the mail, knowing that the case was assigned to Christensen, routed it directly to Christensen.

[20] The text of this letter to Wade, dated July 5, 1972, reads as follows:

Your letter of June 30, raises two matters: i.e., (1) the thought that a suitable bank letter will not be forthcoming until WADECO's application is granted; and (2) a request that we secure an early hearing designation.

Apropos (1), above, we can never be found financially qualified and thereby secure a grant ['franchise'] absent a satisfactory bank letter covering the cost of construction and initial [3 months] operations. Hopefully, this can be secured before the hearing is concluded. However, it is simply not in the cards to obtain a grant until such time as an applicant is found to be financially qualified.

In the case of (2), the only thing holding up hearing designation is our own amendments. Once these cease, we will be designated for hearing.

[21] As further noted by the Bureau, what Wade intended to communicate is not directly relevant to the question of what Morgan knew.

[22] Nemcoff, in his affidavit, states that until mid-May, 1972, he was news director at WCAU–TV but that at the time of the relevant communications with Barnhouse, he was vice president for communications for Franklin Mint Corporation, Philadelphia, Pennsylvania.

[23] An affidavit from a Mr. John Facenda, an employee of WCAU–TV, is also submitted by CBS in which the affiant states that his participation in the applicant had been solicited.

ure on First Delaware's character and basic qualifications.

11. In opposition, First Delaware contends that CBS' allegations of fraud and misrepresentation are insufficient to warrant the addition of the requested issue.[24] Aside from this lack of sufficiency, First Delaware submits affidavits, which, in its view, serve to counter CBS' more particular allegations. In an affidavit executed by Barnhouse, the affiant avers that there was never an offer or intention to offer either of the CBS affiants an opportunity to invest in or associate with First Delaware and, in fact, asserts Barnhouse, he had not even heard of First Delaware at the time of his initial conversations with Nemcoff and Fecundal.[25] Moreover, as a rebuttal of the Harvey affidavit, First Delaware again refers to the Barnhouse affidavit in which the affiant denies that he made the statements attributed to him by Harvey, as well as to corroborative affidavits executed by two members of the audience.[26] In any event, First Delaware continues, the actual composition of the present group of stockholders belies the suggestion that Barnhouse engaged in solicitation of its members; thus, the applicant notes that the present stockholders were the friends and acquaintances of the members of the organizing groups, and that each investor had the opportunity to meet with the company's attorneys and discuss the full circumstances of his proposed participation. Finally, as to CBS' allegation that federal law requires First Delaware to file a registration statement, First Delaware argues that it is exempt since it extended only a private offering, but that even if it had not, no issue should be added because this area of securities law is complex, confusing and in a state of flux and, because there is clearly no intent to misrepresent or deceive, no purpose would be served by further inquiry by the Commission. The Broadcast Bureau basically supports First Delaware's position, arguing that CBS has not shown that Barnhouse was soliciting investments, that violation of federal securities law is, at best, doubtful, that it does not appear that any of the First Delaware stockholders were mislead and, finally, that this matter should be left to the Securities and Exchange Commission.

12. In reply, CBS attempts to distinguish the cases relied on by First Delaware on the grounds that in those cases, as opposed to the instant situation, the alleged securities violations were either wholly unrelated to the broadcast activities of the applicants or related only to the failure to register its stock. Second, CBS urges that the existence of conflicting affidavits is a sufficient basis for adding the requested issue. But in any event, CBS contends, the affidavits submitted by First Delaware tend to confirm rather than refute the existence of the alleged misrepresentations. For example, CBS argues, Barnhouse's affidavit does not categorically deny the possibility of a solicitation of Fecunda and Nemcoff and, in CBS' opinion, the affidavits therefore do not allay the question of whether the conversations held constitute an "offering" under the federal securities law. Moreover, First Delaware's unreliability in this regard is demonstrated by the varying representations made to the Commission, CBS argues; thus, CBS contends that contrary to the applicant's statement, that it did not solicit investments after July 1972, in September of 1972 First Delaware reported to the Commission that it had increased the number of shareholders thereby indicating that it must have been continually soliciting offers.

13. The Board will deny the requested issue. In our view, CBS has supplied no reason to deviate from our usual practice of nonintervention in matters of alleged violations of local or federal law where, as here, the forum entrusted with the enforcement of those laws has not been initially consulted. RKO General, Inc. (WOR–TV), 47 FCC 2d 827, 30 RR 2d 1155 (1974); Northeast Oklahoma Broadcasting, Inc. supra; Bangor Broadcasting Corp., supra; and Lamar Life Broadcasting Company, supra. CBS' attempt to distinguish these cases on the grounds that they dealt with alleged violations involving non-broadcast related activities is not sufficient to relieve the Board of this injunction, since the threshold question remains the same, namely, whether there has been a violation of particular federal laws, the enforcement of which has been entrusted to another federal agency. Thus, while the violation of federal securities laws could reflect upon an applicant's qualifications to be a Commission licensee, we believe that the type of allegations supplied by CBS would more appropriately be dealt with by the agency directly charged with enforcement and interpretation of those laws. Moreover, we agree with the Bureau that the affidavits supplied by CBS do not adequately support its contention that Barnhouse made misrepresentations in the solicitation of stock sales, or that he made the alleged misrepresentations in an attempt to induce the affiants to join the group. Nemcoff, Facenda and Segel cannot be deemed ignorant bystanders in the broadcasting field who could have been duped into investing without obtaining all informative financial data. In any event, the affidavits of Nemcoff and Facenda indicate on their face that they had no interest in this group. And CBS' showing is devoid of any indication that these purported representations were made by Barnhouse to any of the persons who are now First Delaware stockholders. In sum, two of the three statements attributed to Barnhouse appear to be statements of opinion, one of which, regarding the overlap question, was the subject of a petition to enlarge issues. In our view, the third misstatement attributed to Barnhouse, concerning the past record of the applicant's counsel, even if shown to have occurred, would not be sufficient basis for adding a misrepresentation issue. It is of critical significance that, absent a showing of solicitation, petitioner has shown no intent to deceive, a sine qua non of a misrepresentation issue. Finally, with respect to the other exhibits supplied by CBS, we note that the newspaper and magazine articles are clearly unacceptable hearsay (Commission Rule 1.229) and the contents of the Barnhouse speech as reported in the Harvey affidavit are adequately rebutted by extrinsic evidence.[27] Accordingly, the requested issue will be denied.

ALLEGED VIOLATION OF THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT

14. CBS next requests an issue to determine whether two First Delaware principals, Soloman Katz and Matthew O. Adams, have violated the Labor-Management Reporting and Disclosure Act (hereinafter Act), by entering into a loan agreement in the course of preparing the First Delaware application. Specifically, CBS notes that Katz has agreed to lend Adams the amount necessary to meet his First Delaware stock subscription; however, according to the petitioner, Adams is an "organizer" in a union which represents employees in another nonrelated corporation of which Katz is Chairman of the Board and a 20 percent stockholder. Such a loan agreement, contends CBS, violates section 186 of the Act and an issue is required to determine the effect of the violation on First Delaware's qualifications. The Review Board agrees with First Delaware and the Broadcast Bureau that the above allegations do not warrant addition of an issue. As discussed above,[28] it is our usual practice to refrain from initially intervening in matters concerning alleged violations of local or federal law when the matters raised are clearly within the province and expertise of another government agency, and CBS

[24] In any event, First Delaware notes that the Commission has traditionally been reluctant to intervene in situations such as this when it appears that none of the agencies primarily entrusted with enforcement of the law in question, i.e., Federal securities law, has taken any action or, indeed, even been consulted as to the possibility of violations. Northeast Oklahoma Broadcasting, Inc., 40 FCC 2d 543, 27 RR 2d 144 (1973); Bangor Broadcasting Corp., 33 FCC 2d 687, 23 RR 2d 883 (1972); and Lamar Life Broadcasting Company, 26 FCC 2d 112, 20 RR 2d 509 (1970).

[25] With respect to CBS' allegations concerning the overlap rules, First Delaware notes that on May 16, 1974, it filed a petition to enlarge issues alleging that CBS was in violation of Rule 73.636.

[26] As a related matter, First Delaware notes that the quotes from newspapers and a magazine are hearsay and stresses that they could in no sense be regarded as being a stock solicitation

[27] First Delaware has supplied affidavits of two other members of the audience which are in agreement with Barnhouse's denial of the misstatements attributed to him by the Harvey affidavit.

[28] See paragraph 13, supra, and cases cited therein.

has provided no basis for departure from our usual practice.

ALLEGED BREACH OF FIDUCIARY DUTY BY DONALD BARNHOUSE

15. Next, CBS contends that Donald Barnhouse, First Delaware's president and a former employee of the present licensee (WCAU–TV), violated his fiduciary duty to WCAU–TV by his surreptitious participation in the preparation of First Delaware's application while at the same time maintaining the employment at WCAU–TV. Although this association allegedly breaches the fiduciary relationship customarily inherent in an employee-employer relationship, CBS emphasizes that it was also a breach of the agreement entitled "Report on Conflicts of Interest" which Barnhouse was required to sign as a condition of employment and which clearly prohibited Barnhouse's participation in a competing application. In sum, concludes CBS, Barnhouse's conduct in this regard has a bearing on his possible future conduct as a principal in First Delaware and an appropriate issue is required. The Review Board will deny the requested issue. As noted by the Broadcast Bureau, even assuming that there is a private contractual dispute between CBS and Barnhouse arising from Barnhouse's obligations under the "Report on Conflicts of Interest" the Commission is clearly an inappropriate forum for settling that dispute in the first instance.[29] In any event, petitioner has not alleged any specific conduct on the part of Barnhouse, i.e., theft of confidential information, etc. which might reflect on his or First Delaware's character qualifications. In our view, it is important to note that Barnhouse readily and promptly revealed his association with First Delaware; thus according to independent and unchallenged affidavits submitted with First Delaware's opposition, within less than one month from the time Barnhouse was initially contacted with regard to his possible participation in the First Delaware application he informed his supervisor at CBS of such participation. Accordingly, no issue will be added.

TRANSMITTER SITE AVAILABILITY AND RELATED ENGINEERING AND COST ISSUES[30]

16. In support of its request for a transmitter site availability issue, CBS first notes that First Delaware proposed to operate from the present CBS site in its initial application. However, alleging not only that First Delaware has never approached the existing licensee to discuss the site's possible future availability, CBS unequivocally states that it "will not, under any circumstances," enter into a lease agreement with First Delaware.[31] Moreover, as indication of the unavailability of any site, CBS directs the Board's attention to the deposition of First Delaware's president, Donald Barnhouse, in which he admits that First Delaware is now proceeding on the assumption that CBS will not lease its site, but that it has not yet adopted firm plans to acquire another site from an alternate source. In addition, CBS argues that because First Delaware's site is clearly unavailable, its contingent financial, engineering and equipment proposals are no longer accurate and appropriate issues are required to determine whether First Delaware can operate as proposed. Finally, CBS requests a § 1.514 and/or § 1.65 issue to determine whether First Delaware has failed to timely inform the Commission of the unavailability of its proposed antenna site. The Broadcast Bureau supports the addition of site availability and § 1.65 issues.

17. In opposition, First Delaware asserts that it "continues to propose the originally specified site" and that Mr. Barnhouse's deposition testimony indicates only that alternatives are under consideration. Moreover, the applicant continues, CBS has stated that it will not lease the site but has not indicated that it would not sell and thus Belo Broadcasting Corp., 44 FCC 2d 707, 29 RR 2d 323 (1974), upon which petitioner relies, is readily distinguishable. Next, First Delaware suggests that the refusal of a former licensee to make its site available to a winning applicant especially when as here the use to which the land can be put is limited, frustrates the public interest and arguably constitutes a violation of § 73.635 of the Commission's Rules. Finally, First Delaware contends that the equitable doctrine of laches must be applied against CBS because the licensee has known for almost two years that First Delaware proposed to lease the existing facilities.

18. The Review Board will add the requested site availability and § 1.65 issues but will deny the related engineering and financial issues. CBS has unequivocally averred that it will not, "under any circumstances" lease its site to First Delaware,[32] thereby raising a substantial question as to whether First Delaware has reasonable assurance of the availability of its proposed site. Belo Broadcasting Corp., supra.[33] However, we believe that the addition of contingent financial qualifications and effectuation of proposal issues, as well as expansion of the standard site availability issue, would be both premature and hypothetical in nature, particularly in view of Mr. Barnhouse's deposition testimony indicating that alternative sites are presently being explored. Should a future First Delaware amendment specify a definite site, and/or a different engineering proposal, thereby substantially affecting First Delaware's financial, engineering or equipment proposals, an appropriate request for additional issues would be entertained. We do, however, believe a § 1.65 issue should be added. Although First Delaware states that it continues to propose the original site now owned by CBS, it is apparent that, based upon the Schneider affidavit denying its availability, First Delaware knew or should have known since May 16, 1974, that it no longer had reasonable assurance of its proposed site and should have reported this circumstance to the Commission. The deposition of Mr. Barnhouse buttresses our conclusion in this regard since he contradicts First Delaware's statement by admitting that the applicant is now proceeding on the assumption that CBS will not make its site available.[34] Accordingly, site availability and § 1.65 issues will be added.

FINANCIAL AND COST ESTIMATES ISSUES

19. CBS contends that First Delaware's financial showing is deficient in three areas.[35] First, CBS alleges that the proposed $4,000,000 bank loan from Lincoln Bank of Philadelphia to First Delaware is in question because the Pennsylvania Banking Code prohibits a loan to any one customer which "would exceed ten percent of the capital, surplus, undivided profits and capital securities of the institution * * *." Moreover, argues CBS, the wording of the "commitment" letter is inadequate because the terms are too indefinite.[36] Specifically, CBS asserts that the letter fails to define its "customary and reasonable credit criteria", that the

[29] In this regard, see also our discussion at paragraphs 13 and 15, supra.

[30] Both CBS' first and second motions contain a request for a transmitter site availability issue. The second motion which is based on depositions taken of First Delaware's president, also requests an expansion of the traditional issue to include the availability of any site, rather than the proposed site, as well as related engineering and cost issues. Since the second motion is in support of the first motion and was filed within ten days of the taking of depositions upon which it is based, it will be regarded as timely filed.

[31] This position was declared in the attached affidavit of John A. Schneider, president of the CBS Broadcast Group and a vice president and director of CBS, Inc., which was served on First Delaware on May 16, 1974.

[32] First Delaware's application states that it will lease (rather than purchase) the proposed site and therefore we attach no significance to the fact that CBS did not address itself to a possible sale of the site.

[33] Also in this regard, we have recently rejected the contention that section 73.635 requires a losing applicant for renewal of license to make its facilities available to its competitor. RKO General, Inc. (WOR–TV), — FCC 2d —, 31 RR 2d 883 (1974).

[34] Because there is no basis for concluding that prior to receipt of the Schneider affidavit First Delaware could reasonably assume that its site would be unavailable, United Television Co., Inc., 18 FCC 2d 363, 16 RR 2d 621 (1969), we will not specify a Rule 1.514 issue.

[35] A limited financial issue was previously specified against First Delaware in the Commission's designation Order, FCC 74–363, 39 FR 15158, published May 1, 1974.

[36] Relevant portions of the letter state that the loan will be made on the conditions that First Delaware meets all "customary and reasonable credit criteria" of the Bank, that three stockholders (Morgan, Kohn and Katz) remain with the corporation and supply personal guarantees, that the terms of repayment are contingent upon the exact credit conditions prevailing at the time of the cash advance but that the Bank currently contemplates calculating interest on any loan made at the rate of 2 percent above the prime rate, and that the loan will be repaid, after a one-year moratorium, in eight semi-annual installments "or as otherwise reasonable in line with financial projections received prior to the time of borrowing * * *."

precise rate of interest is not specified and that the repayment schedule is indefinite. Second, CBS contends that the stock subscription agreements upon which First Delaware relies are not legally binding or enforceable and that "numerous subscribers" have failed to demonstrate the capacity to meet their subscriptions. Asserting that various of the stock subscriptions are void, because First Delaware has violated Federal and state securities law (see paragraph 10, supra), CBS argues that each of its subscribers is therefore free to demand recision. With respect to the second assertion, CBS lists eleven First Delaware subscribers whom it contends have failed to show their ability to meet their subscriptions in one or more of the following respects: (a) Reliance on an unenforceable loan which is in violation of labor law provisions (see paragraph 14, supra); (b) failure to submit a balance sheet and/or statement of subscriber's income during the relevant past two-year period; (c) failure to disclose the nature of the security when the subscriber is relying on loan; (d) listing of jointly held rather than individual property (with spouse); and (e) lack of current liquid assets.[37] Third, CBS urges that First Delaware has substantially underestimated the minimum, necessary costs to construct and operate its proposed station for three months. Specifically, CBS alleges that First Delaware's proposed cost of program origination equipment of $1,485,000 is $36,641 below the minimum necessary provision[38] and, additionally, that it also failed to account for substantial first-year principal and interest payments owed to its equipment supplier in the amount of $96,187. CBS also argues that the bank commitment letter allows a one-year moratorium on principal only and therefore interest payments for the first year of operation should have been included. Finally, CBS argues that First Delaware has substantially underestimated minimum preoperating expenses, sales and salary costs, program and production costs, engineering and technical costs, general and administrative costs and numerous other expenses.

20. In opposition, First Delaware initially notes that CBS has erred in assuming that an applicant must demonstrate that it has a contractually binding commitment with a lending institution. Rather, First Delaware asserts, it is required to demonstrate reasonable assurance of the availability of a proposed loan; and the bank letter it is relying upon sufficiently sets forth the terms and conditions of the loan to satisfy Commission standards in this respect, the applicant concludes. As a related matter, First Delaware states that the Bank has made loans in the past which were in excess of its statutory limit by participating with other banks, but argues that this is not presently a subject for Commission inquiry so long as there is reasonable assurance that the funds are available. However, in an effort to rebut any doubt as to the availability of funds, First Delaware states, one of its principals, Sol Katz, has set up an escrow account in the amount of $4,000,000 which will be available to First Delaware in the event bank financing is not available. This agreement provides a one-year moratorium on principal and interest payments and, therefore, First Delaware contends, any question of interest payments is allayed. With respect to its subscription agreements, First Delaware argues that since no violation of law has been shown, these obligations must be regarded as valid and binding. Moreover, asserts First Delaware, its subscribers have shown either liquid assets or loan commitments sufficient to meet their subscriptions, and CBS has failed to impeach these showings with any specific, factual evidence to the contrary.[39] Next, as to the alleged cost underestimates, First Delaware states that CBS' predictions are based on its own expenses, but that First Delaware, as a new applicant, cannot be expected to run its facility from the outset as if it had the funds and resources of CBS. Furthermore, based upon the affidavits of two persons with relevant television operation experience who question the basis of CBS' calculations and affirm First Delaware's projected costs, First Delaware reasserts that its costs are both reasonable and realistic. The Broadcast Bureau also opposes CBS' request for additional financial issues against First Delaware, asserting that most of the matters raised by petitioner were considered by the Commission prior to designation and found to be satisfactory. Moreover, in the Bureau's opinion, the existing flow of revenue which will become available to First Delaware, fully covers any possible deficiencies in the applicant's proposal.

21. In reply, CBS contends that, in the absence of a substantiating letter from the lending bank, there is no support for First Delaware's suggestion that the participation of other lending institutions would ensure the availability of the proposed loan. CBS also attacks the reliability of the Katz escrow agreement, stating that two of the required guarantors have not indicated a willingness to so obligate themselves, that no representative of the Bank holding the escrow account has signed the agreement and that the First Delaware application has not been amended to reflect the agreement. In response to the argument that the Commission has already reviewed and approved First Delaware's financial data, CBS contends that a large amount of relevant information was not before the Commission at the time of designation, such as the allegations concerning securities violations, the Lincoln Bank's legal lending limit, the interest and principal payments due during the first year of operation and First Delaware's underestimated costs. Finally, CBS attacks the affidavits supplied by First Delaware concerning its cost estimates, arguing that aside from being conclusory and nonresponsive, they are not based on independent analysis by persons with experience in operating a VHF television station in a major market.

22. Generally, when a bank letter expresses a firm agreement to extend a line of credit to a broadcast applicant, the Review Board will not question the availability of the loan commitment. But, when, as here, it is undisputed that the proposed loan would violate statutory limitations governing the amount a bank may lend, it is incumbent upon an applicant to make a further showing of availability. First Delaware's statement that it is customary for banks to participate in meeting loan commitments in excess of the statutory limitation does not, however, constitute a sufficient or proper showing in this regard. Thus, there is no indication either that the Lincoln Bank contemplates and is willing to arrange to have other banks share in the loan, or that other banks would be willing to participate in extending funds to the full extent necessary to satisfy the commitment to First Delaware. Absent further assurances of this nature,[40] the Board cannot conclude that First Delaware has reasonable assurance of the availability of its proposed loan.[41] Alternatively, we cannot conclude that First Delaware has reasonable assurance of the availability of the Katz

[37] CBS' second motion, see note 30, supra, also alleges that, based upon the deposition of Donald Barnhouse, Lisa A. Richetti, another First Delaware subscriber not mentioned in CBS' first motion, appears to be unwilling to meet her stock subscription agreement because, although requested to do so, she has not yet paid any amount pursuant to the stock subscription agreement.

[38] In support, CBS supplies the affidavits of four individuals, three of whom are employed by CBS, stating their criticisms of various aspects of First Delaware's cost proposals.

[39] In any event, the applicant asserts that any Commission concern about stock subscriptions, has been resolved; thus, First Delaware notes that although the Commission did raise certain questions as to some of the First Delaware stockholders prior to designation, the Commission stated that the stock subscribers could meet their commitments to the applicant in the designation Order, FCC 74-363, released April 24, 1974.

[40] Compare Lamar Life Broadcasting Co., 26 FCC 2d 112, 20 RR 2d 509 (1970); and TVUE Associates, Inc., 5 FCC 2d 419, 8 RR 2d 864 (1966), in which the applicant submitted the following—an affidavit from the president of the lending bank stating that he had signed the loan commitment with full knowledge of state banking limitations; an affidavit from the commissioner of the state's department of banking attending that consistent with state law, a bank could commit itself to extend a loan in excess of the statutory limit and seek participation from other banks; and letters from other banks confirming that they would share in the loan to the extent necessary to meet the commitment.

[41] We do not, however, agree that the terms set out in the bank letter are not sufficiently definite for Commission purposes; thus, it is readily apparent that the loan will be personally guaranteed by three principals, that the interest rate will be 2 percent above the prevailing prime interest rate, and that the repayment schedule provides that after a one-year moratorium, payment of principal will be made in eight equal installments.

escrow fund,[42] since the applicant has not demonstrated the willingness of its principals, Harold E. Kohn and Edward P. Morgan, to personally guarantee repayment of the escrow fund, a condition precedent of the arrangement. Similarly, First Delaware has failed to clearly and fully document the capacity of its stock subscribers to meet their commitments.[43] The chief deficiency in this regard, which affects six subscribers who are relying on loans to satisfy their obligations,[44] is the failure to indicate what, if any, security will be required for their enabling loans. See Viking Television, Inc., 16 FCC 2d 1018, 15 RR 2d 954 (1969); and Form 301, Section III. Additionally, the showings with respect to two subscribers fail to include either balance sheets or statements of income, both of which are specifically called for in the application form.[45] And third, in three instances,[46] First Delaware has not sought to ascertain whether the spouses of subscribers agree to utilize jointly-held assets for the purchase of the applicant's stock.[47] Finally, the first-year cost estimates appearing in First Delaware's application are not unreasonable on their face and, in our view, petitioner has failed to raise any sufficiently substantiated and/or specific question as to these projected costs. In essence, the relevant affidavits supplied by CBS in this regard assume the need for either additional or different types of equipment or salaries,[48] or assume the application of the Ultravision Broadcasting Co.[49] standard, rather than First Delaware has supplied affidavits from persons with experience in broadcasting, averring that the cost estimates are realistic. In sum, we do not believe that CBS has adequately demonstrated that First Delaware cannot meet all its necessary expenses with the sum projected. Accordingly, this request will also be denied.

SECTION 1.65 AND/OR SECTION 1.514 ISSUES

23. In support of its request for a § 1.65 and/or § 1.514 issue, CBS initially alleges that First Delaware has failed to disclose information concerning business interests and occupations of four of its principals, who, in the aggregate, own 44.5 percent of the applicant. Specifically, CBS charges First Delaware with the failure to report the following in its application:[51] (a) that its president, Donald Barnhouse, is presently engaged in three occupations—as a salaried officer of the "Committee of Seventy", an agency involved in Philadelphia civic affairs, as a contributor of a regular weekly column to the Camden, New Jersey Courier Post newspaper, and as a news commentator on Philadelphia radio Stations WFLN and WFLN–FM; (b) that Soloman Katz, a director and 25.5 percent owner of First Delaware, became a director of the First Pennsylvania Banking and Trust Co. in March 1973, that Katz, as late as December 1960 (and well within the five-year period at the time of the filing of First Delaware's original application) owned more than 25 percent of the stock in Transport Pool Corporation, a business engaged in the rental of trucking equipment, and that, while First Delaware has reported Katz's position as president and Chairman of Strick Corporation, it has never reported his position as chairman and director of Strick Corporation's corporate parent, Strick, Inc.; (c) that William Meehan, a First Delaware director and 5 percent owner is also a salaried member and vice chairman of the Pennsylvania Turnpike Commission and that within the last five years Meehan was an officer and director of Supply Company of Central City, Inc., a Pennsylvania Corporation; and (d) that Joseph M. Rodriquez, a First Delaware director and 3 percent owner, is the salaried chairman of the State Commission of Investigation of New Jersey. CBS contends that the above information was clearly required to be reported and could affect First Delaware's integration proposal. Next, CBS charges that First Delaware has also violated Rule 1.514 by failing to submit balance sheets and after-tax income statements[52] for another four of its principals and has also failed to reveal the market or exchange on which certain securities listed in various balance sheets are traded. Finally, CBS alleges that in violation of Section IV–B, Question 21 of Form 301, First Delaware has failed to submit the names of the individuals who will manage the proposed station.

24. In opposition, First Delaware concedes that it failed in some four[53] instances to inform the Commission of information called for by Form 301, but stresses that the omissions, all of which have little significance, were inadvertent. Turning to CBS' remaining allegations, First Delaware contends that Form 301 requires information as to the principal occupations of parties, rather than part-time, or clearly limited forms of association. Thus, First Delaware alleges that Barnhouse is not regularly employed by the Courier Post, but rather is paid $50 per column purchased and published, and that, rather than being an employee of radio Stations WFLN and WFLN–FM, Barnhouse's commentaries on those stations are presented as a "public service." Similarly, First Delaware asserts, Meehan's position on the Pennsylvania Turnpike Commission and Rodriquez's position on the State Commission of Investigation of New Jersey are neither business enterprises nor, given the demands of the positions, "principal occupations". First Delaware argues that, although it did not supply balance sheets and after-tax income statements for certain of its principals, adequate financial information concerning each of the principals has been submitted to demonstrate that each can meet its subscription obligations and therefore further inquiry would be useless. Moreover, failure to identify the exchange on which certain stocks of subscribers are traded is not significant, First Delaware notes, since none of the individuals listing the stocks are relying on them to meet his obligation to the applicant. Finally, First Delaware contends that there is no Commission requirement that an applicant include the names of prospective managing personnel at the time of the filing of the application.

25. The Broadcast Bureau supports CBS' request to the extent that Barnhouse's integration proposal. Next, CBS charges that First Delaware has also violated Rule 1.514 by failing to submit balance sheets and after-tax income statements[52] for another four of its principals and has also failed to reveal the market or exchange on which certain securities listed in various balance sheets are traded. Finally, CBS alleges that in violation of Section IV–B, Question 21 of Form 301, First Delaware has failed to submit the names of the individuals who will manage the proposed station.

24. In opposition, First Delaware concedes that it failed in some four[53] instances to inform the Commission of information called for by Form 301, but stresses that the omissions, all of which have little significance, were inadvertent. Turning to CBS' remaining allegations, First Delaware contends that Form 301 requires information as to the principal occupations of parties, rather than part-time, or clearly limited forms of association. Thus, First Delaware alleges that Barnhouse is not regularly employed by the Courier Post, but rather is paid $50 per column purchased and published, and that, rather than being an employee of radio Stations WFLN and WFLN–FM, Barnhouse's commentaries on those stations are presented as a "public service." Similarly, First Delaware asserts, Meehan's position on the Pennsylvania Turnpike Commission and Rodriquez's position on the State Commission of Investigation of New Jersey are neither business enterprises nor, given the demands of the positions, "principal occupations". First Delaware argues that, although it did not supply balance sheets and after-tax income statements for certain of its principals, adequate financial information concerning each of the principals has been submitted to demonstrate that each can meet its subscription obligations and therefore further inquiry would be useless. Moreover, failure to identify the exchange on which certain stocks of subscribers are traded is not significant, First Delaware notes, since none of the individuals listing the stocks are relying on them to meet his obligation to the applicant. Finally, First Delaware contends that there is no Commission requirement that an applicant include the names of prospective managing personnel at the time of the filing of the application.

25. The Broadcast Bureau supports CBS' request to the extent that Barn-

[42] A First Delaware amendment containing the escrow agreement was accepted by the Presiding Judge in an Order, FCC 74M–1078, released August 29, 1974.

[43] As indicated in paras. 13 and 14, *supra*, however, the Board will not substitute its judgment for that of state and federal authorities as a means of assessing the validity of contractual agreements.

[44] Matthew O. Adams, Sadie T. M. Alexander, Donald Barnhouse, Edward P. Morgan, Joseph Rodriquez and Regina Ryan.

[45] Sadie T. M. Alexander and Helen Dickens Henderson.

[46] Richard Gilmore, Nettie Taylor and Clifford Brenner.

[47] Three of CBS' remaining contentions may be readily dismissed. Thus, stock subscribers, as distinguished from applicants, are not required to show the terms of repayment for loans obtained for this purpose (Western Communications, Inc., 39 FCC 2d 1077, 26 RR 2d 1456 (1973)), and the Commission will not call upon a subscriber to make a detailed showing of liquidity of assets when assets are vastly in excess of the amount committed to the applicant. Finally, with respect to the subscription agreement of Lisa A. Richette, we note the following: Richette's total obligation to First Delaware is $4,000 and her current balance sheet shows assets of $28,000 and no current liabilities. Therefore, as noted by the Bureau, absent a showing that her balance sheet is inaccurate or that she has sought to withdraw her commitment, there is no basis for questioning her capacity to meet her obligation to First Delaware.

[48] Moreover, the CBS affidavits are for the most part supplied by its own employees and it appears that estimates contained therein were to some extent based upon the licensee's actual costs; however, we have previously held that such a comparison is invalid. See Radio Geneva, Inc., 42 FCC 2d 254, 27 RR 2d 1680 (1973); Dowric Broadcasting Co., Inc., 37 FCC 2d 40, 25 RR 2d 92 (1972); Eastern Broadcasting Corp., 28 FCC 2d 28, 21 RR 2d 417 (1971).

[49] 1 FCC 2d 544, — RR 2d — (1965).

the three-month financial test specifically applied by the Commission in the designation Order.[50] And, in rebuttal,

[50] Citing Orange Nine, Inc., 7 FCC 2d 788, 9 RR 2d 1157 (1967), rev. den. FCC 67–960.

[51] FCC Form 301, Section II, Table II requires, inter alia, that the applicant "state the principal occupations and businesses in which each [principal] is engaged at the present time or has been engaged at any time within the past 5 years, and, in addition, state any other business or financial enterprise in which such [principal] has now or within the past 5 years has had either a 25 percent or greater interest or any official relationships."

[52] Section III, Question 4 of Form 301.

[53] First Delaware explains that it submitted a copy of a letter dated July 3, 1973, from Barnhouse to the law firm representing First Delaware in this proceeding informing the firm of his participation in the "Committee of Seventy", a Philadelphia civic organization, but that firm inadvertently failed to relay this information to the Commission. The applicant also alleges that the failure to report Katz's involvement with the First Banking and Trust Co. and Strick, Inc, as well as Meehan's involvement with the Supply Company of Cental City, Inc., which ended over four and one-half years prior to the initial filing of First Delaware's application, was inadvertent.

house, Katz, Meehan and Rodriquez have failed to disclose pertinent business interests. However, the Bureau opposes the remainder of CBS' request arguing that neither the balance sheet of the First Delaware principals in question nor the stocks listed on certain other balance sheets are required to establish the subscribers' financial qualifications. Finally, the Bureau notes that First Delaware's staffing proposal has not been shown to be either incomplete or misleading since there is no showing that First Delaware has selected a station manager or program director.

26. In reply, CBS notes that on July 11, 1974, First Delaware filed a petition to amend [54] which reflects much of the information alleged lacking in CBS' motion to enlarge, as well as additional new information relating to some nine other occupations and business interests of various First Delaware principals. CBS also attacks First Delaware's assertions that certain of the activities of First Delaware principals need not be reported. Rather, CBS urges, Barnhouse's regular and substantial involvement in the print and broadcast media are possibly decisionally relevant and, while Katz does not own 25 percent or more of all stock in Transport Corporation, he does own more than 25 percent of the voting stock. CBS also argues that the alleged violations are too numerous to be excused as inadvertent and, because some of the information reflects on First Delaware's integration proposal, the failure to disclose is too serious to be overlooked. CBS also reiterates its claim that balance sheets are necessary when a stock subscriber is relying on a loan from other individuals, citing Jimmie H. Howell, 46 FCC 2d 50, 29 RR 2d 1317 (1974); and Calojay Enterprises, Inc., FCC 71-1262, 33 FCC 2d 690. Finally, CBS argues that specification of the exchange on which securities are traded and the identity of proposed management personnel are relevant to an applicant's basic and comparative qualifications and should have been reported.

27. The Board will deny the requested Rules 1.514 and 1.65 issues. Although it may be argued that First Delaware was remiss in failing to disclose more complete information concerning the business interests and associations of its principals and the financial status of its stock subscribers,[55] there is no basis for concluding that the applicant withheld or had a motive to withhold material information.[56] Compare Brindlee Broadcasting Co., 46 FCC 2d 721, 30 RR 2d 207 (1974). In addition, with one exception, we fail to see how the changes alleged by CBS and now reported in First Delaware's recent amendment could have any material effect on the outcome of this proceeding.[57] The one exception is Mr. Barnhouse's involvement with the Committee of Seventy, which might potentially interfere with Barnhouse's full time commitment to First Delaware, and therefore, its integration proposal; [58] however, in view of the letter from Barnhouse to the applicant's counsel disclosing such participation, it appears that there was no intent to conceal this information. We also believe that in this complex comparative proceeding this omission would not be of decisional significance, causing decisional authorities to act differently had they known the true facts; nor has CBS made any threshold showing in this respect except a conclusory one that the omission could "possibly" be of decisional importance. Moreover, it is our view that First Delaware's other omissions—Katz's association with the First Banking and Trust Co. and Strick, Inc. and Meehan's involvement in Supply Company four years prior to the filing of the initial application—do not provide sufficient additional justification for the specification of issues. Rather, two of the instances appear to be clearly the result of inadvertence, since they either involved an association with an enterprise which went out of business over four years prior to filing First Delaware's application or a failure to report an association with a parent corporation, even though the principal's position in a subsidiary company had been fully revealed. In sum, we do not believe that the allegations raise a substantial question sufficient to specify additional issues since they do not indicate that the omissions shown can be regarded as decisionally significant in the ultimate resolution of this proceeding; nor can it reasonably be stated that they form a pattern of conduct with respect to the applicant's dealings with the Commission. RKO General, Inc. WNAC-TV), 41 FCC 2d 772, 27 RR 2d 1537 (1973); Auburn Publishing Co., 34 FCC 2d 134, 24 RR 2d 29 (1972); and Harvit Broadcasting Corp, 32 FCC 2d 656, 23 RR 2d 328 (1971). See also, Chapman Broadcasting Company, 25 FCC 2d 855, 20 RR 2d 411 (1970).

INEPTNESS ISSUE

28. CBS' final request is for an ineptness issue against First Delaware. This request is based upon the presently requested issues, the issues designated against First Delaware and "many other omissions and inadequacies which, while perhaps not individual grounds for adding §§ 1.514(a) or 1.65 issues, further demonstrate a pattern of ineptness * * *." The Board has thoroughly reviewed these allegations and determined that CBS has not met the standards necessary for addition of an ineptness issue. As we stated in Edward G. Atsinger, III, 29 FCC 2d 443, 447, 21 RR 2d 1039, 1045 (1971), "[i]t is well established that diligence or ineptness issues will be added only where an applicant's conduct has concerned relevant matters of major significance, *and* where the conduct has disclosed a pattern of carelessness * * *". In our view, CBS' allegations satisfy neither standard. Thus, the issues added against First Delaware in the designation Order and those added herein are limited in scope and do not reflect any pattern of carelessness or inadvertence on the part of the applicant. Alvin L. Korngold, 40 FCC 2d 536, 27 RR 2d 78 (1973); Lexington County Broadcasters, Inc., 40 FCC 2d 320, 26 RR 2d 1716 (1973), and Southern Broadcasting Co., 38 FCC 2d 943, 26 RR 2d 458 (1973).

29. Accordingly, *it is ordered*, That the petitions for leave to file supplements to the first motion to enlarge issues, filed September 19 and October 24, 1974, by CBS, Inc., are granted and the supplements are accepted; and

30. *It is further ordered*, That the petition for leave to file reply to comments on supplement to first motion of CBS, Inc., to enlarge issues, filed October 8, 1974, by CBS, Inc., is granted; and

31. *It is further ordered*, That the first motion to CBS, Inc. to enlarge issues and the second motion of CBS, Inc. to enlarge issues, filed on May 16, 1974, and

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[54] This amendment was accepted by Order, FCC 74M-892, released July 24, 1974.

[55] CBS' allegations concerning the financial showings of certain of First Delaware's subscribers relate to inadequate documentation of the applicant's overall financial qualifications, rather than non-disclosure *per se*, and, thus, may more appropriately be considered under the financial issue added herein.

[56] With respect to the Rule 1.65 aspect of CBS' request, we note that while Commission Rules require an applicant to notify the Commission within 30 days of any event which may be of decisional significance, Rule 1.65 was intended to apply only when there has been a substantial change and only when that change may be significant to the Commission's determination of the public interest. See Report and Order in Docket 14867 (Reporting of Changed Circumstances), 29 FR 15516, 3 RR 2d 1622 (1964).

[57] For this reason we also believe that those cases principally relied upon by CBS are inapposite. Thus, in Southern Broadcasting Co., 38 FCC 2d 461, 25 RR 2d 1138 (1972), the failure to report antitrust suits against a principal of the applicant could clearly reflect on its character qualifications. In Charles W. Holt, 38 FCC 2d 538, 25 RR 2d 1180 (1972), the failure to report a principal's ownership in certain businesses had a direct bearing under a specifically specified contingent comparative issue. In United Television Co., Inc., 33 FCC 2d 424, 23 RR 2d 644 (1972), the applicant failed to report a principal's association with the bank supplying the applicant's entire financing as well as two other principals' ownership in a corporation which had applied for a CATV franchise, all of which were clearly and directly relevant to the standard comparative issue. Finally, in Lamar Life Broadcasting Co., 26 FCC 2d 940, 20 RR 2d 1014 (1970), the applicant failed to report a principal's ownership interest in a corporation which held 40% of the applicant's stock, a matter which clearly should have been brought to the Commission's attention.

[58] In contrast, the Board believes that Barnhouse's other activities—as well as those of Katz, Meehan and Rodriquez—are sufficiently limited in scope so as to fall outside any reasonable definition of "principal occupations". See Northeast Oklahoma Broadcasting, Inc., 40 FCC 2d 543, 27 RR 2d 144 (1973). Additionally, we note that First Delaware has rebutted CBS' allegations concerning Katz's interest in Transport Pool by submitting a letter from that company's executive vice president stating that Katz has never owned a 25% interest in the company.

July 9, 1974, respectively, are granted, to the extent indicated herein, and are denied in all other respects, and that the issues in this proceeding are enlarged to include the following:

(a) To determine whether First Delaware Valley Citizens Television, Inc. has reasonable assurance of the availability of its proposed transmitter site.

(b) To determine whether First Delaware Valley Citizens Television, Inc. has kept the Commission fully informed of significant and material changes in conditions and circumstances relating to its proposed transmitter site and, if not, the effect thereof on the basic and/or comparative qualifications of the applicant to be a Commission licensee.

32. *It is further ordered,* That existing issue 1(f) is renumbered as 1(g) and that the following subpart 1(f) is added:

1(f) To determine whether First Delaware Valley Citizens Television, Inc. has a bank loan commitment in the amount of $4,000,000 available to it and whether Matthew O. Adams, Sadie T. M. Alexander, Donald Barnhouse, Edward P. Morgan, Joseph Rodriquez, Regina Ryan, Helen Dickens Henderson, Richard Gilmore, Nettie Taylor and Clifford Brenner have demonstrated their ability to meet their stock subscription commitments to the applicant, and, if not, whether First Delaware Valley Citizens Television, Inc., is financially qualified to construct and operate its proposed television station.

33. *It is further ordered,* That the burden of proceeding with the introduction of evidence under issue (a), and the burden of proof under issues (a) and (b) shall be on First Delaware Valley Citizens Television, Inc.; and the burden of proceeding with the introduction of evidence under issue (b) added herein shall be on CBS, Inc.

Adopted: December 11, 1974.

Released: December 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[59]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.74-29695 Filed 12-19-74;8:45 am]

[FCC 74-1283; Docket No. 20122]

FISHING VESSELS

International Radiotelephone and Radiotelegraph Regulations

In the Matter of International radiotelephone and radiotelegraph regulations for fishing vessels. Draft of [IMCO] Convention on Safety of Fishing Vessels.

1. In this second Notice of Inquiry the Commission is providing additional information and seeks comments into the matter of preparation for a conference to be convened by the Inter-Governmental Maritime Consultative Organization (IMCO), possibly in 1976, on radio regulations to be included in a new Convention on Safety of Fishing Vessels.[1]

2. A Notice of Inquiry in the above-captioned matter was released on August 2, 1974 (FCC 74-819) and was published in the FEDERAL REGISTER on August 7, 1974 (39 FR 28457), as a means of obtaining information preparatory to the convening of IMCO meetings to be held in London, England, during the period September 9-27, 1974. The dates for filing comments and reply comments have passed.

3. Comments were filed by: American Tunaboat Association, Marine Electric Company, North Pacific Marine Radio Council, National Fish Mean & Oil Association, Standard Products Co., Inc., Southern California Marine Radio Council, and Zapata Haynie Corporation. These comments were studied and, with due attention to existing national statutes, paraphrased in a letter to the Department of State, with copies to the United States Delegation to the IMCO Sub-Committee on Radiocommunications, in session at London, England. The Commission was represented on the United States Delegations to the IMCO Sub-Committee on Radiocommunications meeting (September 9-13, 1974) and to the Sub-Committee on Safety of Fishing Vessels (September 16-27, 1974).

4. The results of these IMCO meetings relative to Chapter X of the Draft Convention on Safety of Fishing Vessels are set forth in IMCO Document PFV XVI/WP.2 dated September 18, 1974, which is attached as an Appendix to this Notice. It will be noted that major changes have been made from the Draft Convention attached to the Notice of Inquiry released August 2, 1974, in the instant proceeding.

5. With regard to regulation 1, Application, appearing in the attached Appendix, it will be noted that there has been a major change from Regulation 1 as it appears in Appendix 2 to the August 2, 1974, Notice of Inquiry. As revised, the regulations in the Draft Convention would apply to "all fishing vessels of 24 meters in length, or 100 gross tonnage, and upwards to which the Convention applies". At both IMCO Sub-Committee meetings there were administrations which favored increasing the gross tonnage upwards from 100 gross tons, while a considerable number favored reducing that value to 50 gross tons. At the meetings, the United States Delegation pressed to delete vessel length as an application criteria.

6. The next meeting of the IMCO Sub-Committee on Radio communications will be held in London, England, during the period March 3-7, 1975, and the information obtained in response to the instant Notice will be used by the Commission in preparation for that meeting.

7. To the extent it has been practical to do so, a concerted effort has been made to bring Chapter X into conformity with the parallel provisions which appear in the Safety of Life at Sea (SOLAS) Convention. We believe this will facilitate reference to regulations of interest, as well as assist in administration of the Draft Convention as ultimately adopted. While these changes represent, in our opinion, substantial improvement over the initial draft (August 2, 1974), they do not conform the draft convention to our National Statutes. The Communications Act (47 U.S.C. 351), for example, requires that cargo ships of 300 gross tons and upward, other than passenger vessels, to be mandatorily equipped with certain specified radio installations without regard to the length of vessel. In addition, it will be noted that starting in regulation 8(g), fifth line, square brackets ([ ]) appear in regulations 8, 9, 11, 12, 13, 15 and 16. These brackets designate unresolved provisions on which the IMCO meetings were unable to reach agreement, due to the shortness of time, desire of administrations to give them more mature consideration at home, or for some other reason. Additional comments are, therefore requested with regard to these matters.

8. In view of the foregoing, a Second Notice of Inquiry is hereby adopted. Authority for this action is contained in section 4(i), 303 and 403 of the Communications Act of 1934, as amended.

9. Interested persons may file comments on or before January 6, 1975, and reply comments on or before January 17, 1975. Comments and reply comments shall be filed pursuant to § 1.419(b) which requires, among other things, an original and 14 copies of all filings. All relevant and timely comments and reply comments filed in this Docket will be considered by the Commission before further action is taken. The Commission may also take into account other pertinent information before it in addition to specific comments elicited by the Second Notice in this proceeding.

10. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: November 27, 1974.

Released: August 2, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.74-29686 Filed 12-19-74;8:45 am]

[FCC 74-1329; Docket Nos. 20275 and 20276 File Nos. BPH-8404 and BPH-8485]

JECO INC. AND BIG VALLEY BROADCASTING, INC.

Applications for Construction Permits

In re Applications of JECO, INC. (KCTY-FM) Salinas, California (Has: 103.9 MHz, #280; 3 kW (H&V); 300 feet Requests: 103.9 MHz, #280; 3kW (H&V); 120 feet) and BIG VALLEY BROADCASTING, INC. (KTRB-FM) Modesto, California (Has: 104.1 MHz, #281; 4.7 kW (H&V); 260 feet Requests: 104.1 MHz, #281; 1.725 kW (H&V); 1,923.8 feet) for construction permits.

1. The Commission has before it the above-captioned applications for major

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[59] Board Members Kessler and Emerson filed a concurring and dissenting statement (in part) with the original.

[1] Appendix filed with original document.

changes to the existing facilities of stations (KCTY(FM), Salinas, California, and KTRB(FM), Modesto, California, and a petition filed by JECO, Inc. [JECO], licensee of KCTY, to dismiss the application of Big Valley Broadcasting, Inc. [Big Valley].

2. Both applicants seek to change their transmitter sites. Each proposed site meets the minimum mileage separation requirements of § 73.207 of the rules in that the distance between each applicant's proposal and the authorized site of the other complies with the rules. However, the distance between the proposed sites is itself 8.3 miles less than required to determine whether either or mutually exclusive, and a hearing is required to determine whether either or both of the applications should be granted.[1]

3. Although JECO in its petition has failed to indicate the basis for its standing to object to the Big Valley proposal, it is apparent that its standing derives from its status as a potential interferee. See FCC v. NBC, Inc. (KOA), 319 U.S. 239 (1942).

4. In its petition, JECO asserts that the Big Valley application violates section 73.207 of the rules, and therefore that it should not have been accepted for filing by the Commission. JECO argues that the appropriate reference point by which to determine short-spacing for the purposes of § 73.207 is the Salinas post office, since the site presently authorized for the Salinas transmitter is unavailable to JECO, the site owner having donated it to an educational institution. Thus, JECO reasons, the authorized site is "unavailable for use as a reference point" within the meaning of § 73.208(b)(1), and the post office reference point must be used as required by § 73.208(b)(3). However, site unavailability for the applicant's purposes is not necessarily the same as site unavailability for the purposes of § 73.208. Since the continuing development of the FM allocation structure depends on the use of authorized as well as theoretical sites, the Commission must retain control over the location of such sites. Therefore, once a site has been authorized by Commission action, it is deemed available for the purposes of the allocation system until deleted by later Commission action. In other words, § 73.208 requires that an existing site be used as the reference point as long as it continues to be authorized by the Commission. In this way the Commission will always have a definite, known distribution of authorized reference points on which to base future allocation determinations. Thus, inasmuch as the original Salinas site retains its authorization, it is "available" for use as a reference point within the meaning of § 73.208(b). And since Big Valley's proposal, at the time it was tendered for filing, met the spacing requirements with regard to the existing Salinas site, it is acceptable and will not be dismissed.

5. JECO also argues that the explicit language of § 73.207 requires that an applicant demonstrate that its proposal is not short-spaced to any pending proposals as well as existing sites and reference points. As noted above, this is inconsistent with existing policy, which dictates that short-spaced proposals be designated for hearing. Carolina Broadcasting Co., 18 FCC 2d 482 (1969), cited by JECO, does not support petitioner's position. There, no existing authorization was available as a reference point, and the application in question was short-spaced to both the community reference point and a proposed transmitter site. Since the applicant [Carolina] failed to supply sufficient justification to warrant a waiver of its short-spacing vis-a-vis the community reference point, the application was dismissed. Despite the short-spacing to the proposed site, the Commission noted that Carolina would have been entitled to comparative status with the earlier applicant if Carolina had not been short-spaced to the community reference point or if a waiver for that short-spacing has been justified.[2] Here, an authorized site is available, and Big Valley is not short-spaced to it. Thus, Big Valley's proposal is acceptable for filing and entitled to comparative consideration with JECO's application.[3]

6. JECO also alleges that the Big Valley application, originally filed by Big Valley's assignor, KTRB Broadcasting, Inc. (KTRB), is a form of strike application intended to impede and delay the JECO application. In addition, the petitioner asserts that Big Valley and KTRB are engaged in "a novel form of trafficking." JECO raised both of these issues in a previously filed petition in the Big Valley-KTRB assignment proceeding. In a Memorandum Opinion and Order,[4] the Commission dismissed that petition, finding that it raised no substantial and material questions of fact. Since the reasons for our findings are set out in that opinion, no useful purpose would be served by repeating them. In view of the foregoing, JECO's petition will be denied.

7. The respective proposals, which are for different communities, would serve substantially different areas and populations. Consequently, it will be necessary to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the respective proposals and the availability of other primary aural (1 mV/m or greater in the case of FM) service to such areas and populations.

2. To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

10. *It is further ordered,* That the Petition to Dismiss filed by JECO, Inc., is denied.

11. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issue specified in this Order.

12. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: December 3, 1974.

Released: December 16, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.74-29698 Filed 12-19-74;8:45 am]

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[1] JECO correctly notes that, while section 1.572(e) of the television processing rules expressly requires a comparative hearing in circumstances such as these, there is no analogous provision in the FM rules. However, Ashbacker Radio Corp. v. FCC, 326 U.S. 327 (1945), requires that a comparative hearing be held when two bona fide applications are mutually exclusive. The Commission has previously followed this policy in a similar FM proceeding. King and King Broadcasters, FCC 69-831, released August 4, 1969.

[2] Atlantic Video Corp., 25 FCC 687 (1970), recon. denied, 32 FCC 2d 519 (1971), cited by JECO in a footnote, presents the same basic facts as Carolina, and thus is similarly not in point.

[3] It should also be noted that the notion, raised obliquely by JECO, that JECO's earlier filing should affect Big Valley's acceptability, is incorrect. If a prior application could render a later one unacceptable, the rule assuring comparative status to such applications would be applicable only to applications filed simultaneously. It is clear that, where two proposals are short-spaced only with regard to their proposed sites, the prior filing of one should give it no advantage over the other.

[4] *KTRB, Inc.,* FCC 74-925, released September 6, 1974, 31 RR 2d 306.

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE (CTAC)

Steering Committee Meeting

Pursuant to section 10 of the Federal Advisory Committee Act, 5 U.S.C. App. I § 10 (Supp. II, 1972), notice is hereby given of a meeting of the CTAC Steering Committee on January 8 and 9, 1975, to be held at 2025 M St., NW., Washington, D.C.—Room 6331. The meeting is scheduled to commence at 10 a.m.

The agenda is as follows:

(1) Report on November 14 Meeting.

(2) Review of Final Individual Panel Reports (Copies for Distribution).

(3) Review of Material for Final Steering Committee Report.

(4) Recent FCC Activities Relevant to CTAC.

(5) Plans for closing Present Phase of CTAC Activities.

(6) New Business.

(7) Adjournment.

Any member of the public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Inquiries may be directed to Mr. A. M. Rutkowski, FCC, 1919 M St., NW., Washington, D.C. 20554—(202) 632-9797.

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

[FR Doc.74-29684 Filed 12-19-74;8:45 am]

Continued from page 44039

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20291; RM-2254]

TABLE OF ASSIGNMENTS; FM BROADCAST STATIONS

Notice of Proposed Rule Making

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Sharpesville, Pennsylvania).

1. Notice of Proposed Rule Making is hereby given concerning amendment of the FM Table of Assignments (§ 73.202 (b) of the Commission's Rules and Regulations) with respect to the petition of Sanford A. Schafitz, licensee of fulltime AM station WFAR, Farrell, Pennsylvania, proposing the assignment of Channel 240A to Sharpsville, Pennsylvania, as its first local broadcast outlet.

2. Sharpsville (population 6,126), located on the Shenango River in Mercer County (population 127,175), is approximately 2.5 miles from the Pennsylvania-Ohio boundary, 19 miles north of New Castle, Pennsylvania and 15 miles northeast of Youngstown, Ohio. It is part of the Shenango Valley business and residential community. Since its incorporation in 1874, Sharpsville's population has steadily increased. Petitioner states that the 1980 Sharpsville population is forecast at 7,000 persons.

3. Sharpsville has no newspaper of its own and is, therefore, serviced by the Sharon Herald, which is circulated in the Sharpsville - Farrell-Sharon-Wheatland, Pennsylvania area. The community is also serviced by two banks: a branch office of both the McDowell National Bank and the National Bank of Mercer County. Transportation facilities are available to the community, since it is located on state and federal interstate roads and is serviced by both the Erie Lackawanna and Penn Central Railroads. Petitioner avers that, as a result of the community's comprehensive land use plan and urban renewal program, Sharpsville has experienced a vast improvement in modern moderately priced housing and rental units. The community's labor force, estimated at 1,600 persons, is primarily engaged in manufacturing, professional services and wholesale and retail businesses. Petitioner avers that the Sharpsville market area will undergo considerable economic growth because of a predicted 50 percent increase in the populations of its adjacent areas. Petitioner also states that the average Sharpsville family, about 3 persons in size, earns a median income of $6,600 which is in excess of the Mercer County average income. The median of the community's educational attainment level is 11.4 years of completed schooling. This is 0.8 years more schooling than the national median.

4. As mentioned above, Sharpsville presently does not have a local broadcast service. Sharon (population 22,653), the largest community in Mercer County and 2 miles southwest of Sharpsville, however, has a daytime-only AM station and a Class B FM station. Another community contiguous with Sharpsville is Farrell (population 11,022), located some 4 miles southwest of it and serviced by petitioner's fulltime AM station, WFAR.

5. With respect to the technical feasibility of a Sharpsville FM channel assignment, adoption of petitioner's proposal would not affect any of the existing FM assignments. Sharpsville, however, is short-spaced 26 miles as to co-channel Canadian station CFPL–FM (Class C_1) at London, Ontario. The Canada-United States agreement on border spacings requires a separation of 150 miles. This Commission has been advised in a May 24, 1973, letter from the Canadian Department of Telecommunications that there would be no objection to the assignment of Channel 240A to Sharpsville.

6. The petitioner's preclusion study indicates that preclusion would occur only as to the requested channel. Use of the adjacent channels is already precluded by existing stations. The areas which would be precluded from using Channel 240A if that channel is assigned to Sharpsville are those areas (1) also short-spaced 26 miles as to Canadian Station CFPL–FM and (2) meeting FCC and Canadian spacing requirements. Two areas are in the short-spaced group of precluded areas. The first is a 93 square mile area which is west of Sharpsville, located between Warren, Ohio and Sharon, Pennsylvania, and contains no communities. The second area contains two communities which presently have FM channel assignments: Oil City, Pennsylvania (WDJR, Channel 253) and Franklin, Pennsylvania (WVEN, Channel 257A). According to the information supplied by petitioner, the precluded area that meets all spacing requirements is small and rural and contains no communities.

7. The Commission notes that petitioner states that he is a "prospective applicant for a new FM broadcast station at Sharpsville, Pennsylvania." Commission policy requires that a petitioner for an FM channel assignment express a commitment to apply for a construction permit for use of a channel if it is assigned. The Commission trusts that petitioner will make this commitment in his comments filed pursuant to this Notice.

8. As petitioner mentions, Sharpsville is located less than 20 miles from Youngstown, Ohio. In this respect, the Commission notes the potential existence of a Berwick issue.[1] Although Berwick issues are usually dealt with at the application stage, we wish to make note of the issue in this Notice. The Commission trusts that petitioner will express his commitment to serve the needs and interests of the Sharpsville community, the community of assignment, and not those of the community of Youngstown.

9. Accordingly, in view of the foregoing and pursuant to authority contained in sections 4(i), 5(d)(1), 303 and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules and Regulations, we propose for consideration the following revision in our FM Table of Assignments (§ 73.202(b) of the rules and regulations) with respect to Sharpsville, Pennsylvania, as follows:

§ 73.202 Table of assignments.

City	Channel No.	
	Present	Proposed
Sharpsville, Pa.		240A

* * * * *

10. *Showings required.* Comments are invited on the proposal discussed above. Proponent will be expected to answer whatever questions that may be presented in initial comments. The proponent of the proposed assignment is also expected to file comments even if he only resubmits or incorporates by reference his former pleading. He should also state his intention to apply for the channel if it is assigned, and if authorized, to build the station promptly. Failure to file com-

[1] Berwick Broadcasting Corporation et al., 12 F.C.C. 2d 8 (1968) applying to FM stations the suburban issue considerations of AM broadcast stations set forth in Policy Statement on Section 307(b), 2 F.C.C. 2d 190 (1965), affirmed on reconsideration, 2 F.C.C. 2d 866 (1966).

ments or address the issues raised may lead to denial of the request.

11. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

12. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before January 24, 1975, and reply comments on or before February 13, 1975. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

13. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: December 11, 1974.

Released: December 17, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-29691 Filed 12-19-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

WHOLESALE PETROLEUM ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Wholesale Petroleum Advisory Committee will meet Tuesday, January 7, 1975, at 9 a.m. at the Regency Hyatt House, 265 Peachtree Street, NE., Atlanta, Georgia.

The Committee was established to advise the Administrator, Federal Energy Administration, with expert and technical advice concerning the wholesale trade of selling heating oil, residual fuel, and gasoline.

The agenda for the meeting is as follows:

A. Old Business:
1. Review of Conservation Measures.
2. Discussion of Unleaded Gasoline Pricing and Octane.
3. Review of Crude Equalization Program.

B. New Business:
1. Discussion of Compliance Problems.
2. Review of Problems Associated with Suppliers' Distribution.
3. Review of New FEA Forms.
4. Discussion of Product Cost Increases and the Banking Provision for Costs.
5. Discussion of Two-Tier Pricing.
6. Remarks from the Floor (10 Minute Rule).

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Office, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on December 16, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.74-29699 Filed 12-19-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ID-1747]

ALLAN K. HAMER

Initial Application

DECEMBER 13, 1974.

Take notice that on November 29, 1974, Allan K. Hamer (Applicant) filed an initial application with the Federal Power Commission, pursuant to section 305 (b) of the Federal Power Act to hold the following positions:

Director and president.	Fall River Electric Light Co.	Public utility.
Director	Mantaup Electric Co.	Do.

Fall River Electric Light Company ("Fall River"), a Massachusetts corporation having its principal place of business at 85 North Main Street, Fall River, Massachusetts, owns and operates facilities for the distribution of electric energy at retail in the city of Fall River and in neighboring towns of Swansea, Somerset, the major part of Dighton, and a part of Westport, all in Massachusetts. Fall River also supplies electric energy to The Narragansett Electric Company for resale. Most of the energy sold by Fall River is purchased from Mantaup Electric Company.

Mantaup Electric Company ("Mantaup"), a Massachusetts corporation having its principal place of business in Somerset, Massachusetts, owns and operates facilities in that town for the generation of electric energy and facilities in Somerset and elsewhere in Massachusetts for the transmission of such energy. Most of the electric energy which it generates, together with additional energy which it purchases, is sold to Blackstone Valley Electric Company ("Blackstone"), Brockton Edison Company ("Brockton") and Fall River which companies together own all of Mantaup's outstanding securities except short-term notes.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 31, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-29667 Filed 12-19-74;8:45 am]

[Docket No. E-7775]

APPALACHIAN POWER CO.

Extension of Time

DECEMBER 13, 1974.

On December 12, 1974, Appalachian Power Co., filed a motion to extend the time for filing briefs on exceptions and briefs opposing exceptions to the Administrative Law Judge's Decision issued November 1, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the date for filing briefs on exceptions is extended to January 6, 1975, and the date for filing briefs opposing exceptions is extended to February 5, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-29659 Filed 12-19-74;8:45 am]

[Docket No. E-9139]

APPALACHIAN POWER CO. ET AL.

Changes in Rates and Charges

DECEMBER 12, 1974.

Take notice that American Electric Power Service Corporation (AEP) on November 29, 1974, tendered for filing on behalf of its affiliates, Appalachian Power Company (Appalachian), Ohio Power Company (Ohio), and Wheeling Electric Company (Wheeling), Modification No. 3 dated January 1, 1975 to the Operating Agreement dated June 1, 1971 among

Appalachian, Ohio, Wheeling, Monongahela Power Company and West Penn Power Company, designated Appalachian Rate Schedule FPC No. 55, Ohio Rate Schedule FPC No. 73 and Wheeling Rate Schedule FPC No. 5.

AEP states that Section 1 of Modification No. 3 provides for an increase in the Demand Charge for Short Term Power from $0.45 to $0.50 per kilowatt per week and Section 2 provides for an increase in the Demand Charge for Limited Term Power from $2.50 to $2.75 per kilowatt per month, both schedules proposed to become effective January 1, 1975. Applicant states that since the use of Short Term and Limited Term Power cannot be accurately estimated, it is impossible to estimate the increases in revenues resulting from the Modification.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 30, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-29660 Filed 12-19-74;8:45 am]

[Docket Nos. E-8855, E-9037]

BOSTON EDISON CO.

Extension of Procedural Dates

DECEMBER 13, 1974.

On December 6, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by order issued July 12, 1974, as most recently modified by notice issued October 10, 1974, in the above designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, December 24, 1974.
Service of Intervenor's Testimony, January 20, 1975.
Service of Company Rebuttal, February 4, 1975.
Hearing, February 18, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-29662 Filed 12-19-74;8:45 am]

[Docket No. E-8712]

CAROLINA POWER & LIGHT CO.

Order Accepting for Filing and Suspending Proposed Rate Increase and Establishing Procedures

DECEMBER 12, 1974.

On April 1, 1974,[1] Carolina Power & Light Company (CP&L) tendered for filing, as a proposed change in its rates, a contract dated March 30, 1973, between CP&L and the United States Department of Interior, Southeastern Power Administration (SEPA) [2].

The March 30, 1973, contract provides for the sale, purchase and transmission of electric power and energy generated at the John H. Kerr Project, a multipurpose Federal reservoir project operated by the Corps of Engineers. Electric power and energy generated at the project and not required in the operation thereof is sold for the Department of Interior by SEPA pursuant to its Wholesale Power Rate K8-2-A [3] to its preference customers and to CP&L.

CP&L submitted the March 30, 1973, contract pursuant to section 205 of the Federal Power Act for the purpose of superseding a contract dated December 7, 1955, as amended, between SEPA and CP&L which is on file with the Commission as CP&L's Rate Schedule FPC No. 42. The March 30, 1973, contract would increase CP&L's rates to SEPA for transmitting power and energy from the Kerr Project to SEPA's preference customers (municipalities and electric cooperatives) located in CP&L's service territory through certain changes in the number and boundaries of the geographical zones wherein the power and energy is wheeled and delivered by CP&L together with other changes in the wheeling charges of CP&L. The December 3, 1973, contract states that Zone 1 will continue to include all preference customer delivery points within 100 miles of the Kerr Project but the wheeling charge for Zone 1 will be changed from 0.93 mills per kwh to 1 mill per kwh. Zone 2 will include delivery points between 100 and 150 miles of the Kerr Project instead of between 100 and 165 miles of the Project as at present and the wheeling charge for Zone 2 will be increased from 1.73 mills per kwh to 1.75 mills per kwh. Additionally, Zone 3 will be established to include all delivery points located more than 150 miles from the Kerr Project, with a wheeling charge of 2.50 mills per kwh to be applicable to the deliveries in this zone. Our investigation indicates that CP&L will deliver an aggregate of approximately 122,000 megawatt-hours each year to SEPA's preference customers in the three zones and that CP&L's total charges to SEPA under the March 30, 1973, contract for this transmission service will be approximately $195,000 annually. The March 30, 1973 contract provides for payment of this amount by specifying a monthly transmission service charge of $16,250.

The March 30, 1973 contract also provides for continuation of the existing arrangement whereby CP&L sells deficiency energy to SEPA's preference customers whenever energy is not available to said customers from the Kerr Project. It is also provided that such sales are to be made at the same rate charged by SEPA for energy sold to its preference customers (currently 4.50 mills per kwh), but not less than 4.50 mills per kwh. Similar provisions for CP&L's sales of deficiency energy to preference customers are contained in CP&L's Rate Schedule FPC No. 42. The March 30, 1973, contract does not, therefore, change CP&L's deficiency energy rate to preference customers.

Notice of the CP&L's April 1, 1974, filing was issued on April 17, 1974, with comments, protests or petitions to intervene due on or before April 25, 1974. To date, this Commission has received no pleadings in response to this notice.

Our review of the March 30, 1973, contract indicates that CP&L's proposed increased rates and charges to SEPA for wheeling power and energy may be excessive under the applicable ratemaking standards of the Commission and therefore, may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful within the meaning of the Federal Power Act. Accordingly, we will accept CP&L's April 1, 1974, filing as completed on November 12, 1974, for filing, suspend for one day and permit the rates to go into effect subject to refund. Furthermore, we shall direct that a hearing be held to determine the lawfulness of CP&L's proposed Rate Schedule FPC No. 103. It is our intention that this hearing should concern CP&L's increased wheeling charges to SEPA, but need not concern CP&L's charges for deficiency energy sales to SEPA's preference customers.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act, particularly sections 205, 206, 307, 308 and 309 thereof, that the Commission enter upon a hearing concerning the lawfulness of the proposed rates and charges contained in CP&L's proposed Rate Schedule FPC No. 103 and that said tariff sheet be suspended as hereinafter ordered.

[1] The April 1, 1974, filing was completed on November 12, 1974. Therefore, November 12, 1974, is assigned as the filing date for this filing.

[2] Designated as: Carolina Power & Light Company, Rate Schedule FPC No. 103.

[3] Accepted by Commission order dated January 7, 1974, in Docket No. E-7002 to become effective on that date.

(2) Good cause exists to suspend CP&L's proposed Rate Schedule FPC No. 103 for one day, to become effective December 13, 1974, subject to refund.

(3) Good cause exists to accept for filing CP&L's proposed Rate Schedule FPC No. 103.

(4) The disposition of this proceeding should be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held on May 28, 1975, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of CP&L's proposed tariff sheet.

(B) Pending a hearing and final decision thereon, CP&L's proposed tariff sheet designated as Rate Schedule FPC No. 103 is hereby suspended for one day and the use thereof deferred until December 13, 1974, subject to refund.

(C) On or before February 14, 1975, CP&L shall serve its case-in-chief, including testimony and exhibits in support of its proposed increased wheeling charges to SEPA. The Commission Staff shall serve its prepared testimony and exhibits on or before May 16, 1975.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) CP&L's proposed Rate Schedule FPC No. 103 is hereby accepted for filing and permitted to become affective December 13, 1974, subject to refund.

(G) Nothing contained herein should be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.8 of the Commission's rules of practice and procedure.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-29664 Filed 12-19-74;8:45 am]

[Docket No. RP75-14]

CONSOLIDATED GAS SUPPLY CORP.

Order Rejecting Without Prejudice Proposed Tariff Sheets and Permitting Intervention

DECEMBER 13, 1974.

On September 9, 1974, Consolidated Gas Supply Corporation (Consolidated) tendered for filing "Pro Forma" tariff sheets which would permit Consolidated to include in rate base amounts expended for construction work in progress (CWIP). Such treatment would be accorded to any gas supply or gas supply-related project exceeding $10 million in cost and requiring a construction period of more than twelve months. Acceptance by the Commission of Consolidated's proposal would permit the Company to recover in its current rates the cost of capital associated with such construction work. Present Commission practice permits only the capitalization of the cost of money used during construction.

Consolidated does not seek to make the proposed tariff sheets effective prior to approval by the Commission. The Company does request, however, that a hearing be convened to consider the proposed sheets.

In support of its filing, Consolidated states that acceptance of the proposed tariff sheets would increase the Company's cash flow and improve the quality of its securities, thereby enhancing its ability to finance major new construction.

Notice of Consolidated's filing was issued on September 18, 1974, with comments, protests or petitions to intervene due on or before October 1, 1974. Timely petitions to intervene were filed by thirteen companies.[1] An untimely petition to intervene was received from Southern Tier Gas Corporation. Each petitioner generally alleged that it has a direct interest in this proceeding which is not adequately represented by existing parties.

On November 14, 1974, the Commission issued[2] a "Notice of Proposed Rulemaking" which would amend the Uniform Systems of Accounts for Public Utilities and Licensees and for Natural Gas Companies (Classes A, B, C and D), as well as the regulations under the Federal Power Act and Natural Gas Act, to permit inclusion of CWIP in rate base. If the "Proposed Rulemaking" were adopted, amounts that could be included, pursuant to this amendment, in the rate bases of natural gas companies would be those amounts expended and recorded in Account 107, "Construction Work in Progress—Gas". The Commission has stated that any interested person may submit, in writing and not later than December 30, 1974, any data, views, comments or suggestions concerning said "Proposed Rulemaking."

Our review of Consolidated's filing, in light of the "Proposed Rulemaking" issued in Docket No. RM75-13, indicates that acceptance of or a hearing on the tendered "Pro Forma" tariff sheets would be premature at this time. Accordingly, we shall reject these tariff sheets without prejudice to Consolidated's right to file data, views, comments or suggestions concerning said "Proposed Rulemaking", and without prejudice to Consolidated's right to file such new tariff sheets, if any, as may be appropriate after the Commission has acted on said "Proposed Rulemaking".

The Commission finds:

(1) Participation in this proceeding of the above-named petitioners to intervene may be in the public interest.

(2) Good cause exists to reject Consolidated's filing as hereinafter ordered and conditioned.

The Commission orders:

(A) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene, and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that it may be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) Consolidated's "Pro Forma" tariff sheets, tendered for filing on September 9, 1974, are hereby rejected without prejudice to Consolidated's right to file data, views, comments or suggestions concerning the "Proposed Rulemaking" in Docket No. RM75-13, and without prejudice to Consolidated's right to file such new tariff sheets, if any, as may be appropriate after the Commission has acted on said "Proposed Rulemaking".

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.74-29665 Filed 12-19-74;8:45 am]

[Docket No. ID-1723]

FRANK N. BIEN

Supplemental Application

DECEMBER 13, 1974.

Take notice that on November 19, 1974, Frank N. Bien (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Executive Vice President & Director, Ohio Electric Company, Public Utility.

Ohio Electric Company, whose principal office is located at 301 Cleveland Avenue, SW., Canton, Ohio 44702 owns and operates the General James M. Gavin Plant at Gallipolis, Ohio which, when completed, will have two 1300 megawatt generating units. All of Ohio

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[1] These petitioners are Rochester Gas and Electric Corporation, Public Service Commission of the State of New York, Public Service Commission of West Virginia, Michigan Wisconsin Pipe Line Company, The Peoples Natural Gas Company, Texas Eastern Transmission Corporation, Columbia Gas Transmission Corporation, Colorado Interstate Gas Company, New York State Electric and Gas Corporation, Tennessee Gas Pipeline Company, Algonquin Gas Transmission Company, Niagara Mohawk Power Corporation, and Transcontinental Gas Pipe Line Corporation.

[2] Docket No. RM75-13.

Electric Company's available electric energy is sold to Ohio Power Company, of which it is a wholly owned subsidiary.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-29661 Filed 12-19-74;8:45 am]

GERALD P. MALONEY

Supplemental Application

[Docket No. ID-1549]

DECEMBER 13, 1974.

Take notice that on November 19, 1974, Gerald P. Maloney (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following position:

Vice President & Director, Ohio Electric Co., Public Utility.

Ohio Electric Company, whose principal office is located at 301 Cleveland Avenue, SW., Canton, Ohio 44702, owns and operates the General James M. Gavin Plant at Gallipolis, Ohio which when completed, will have two 1300 megawatt generating units. All of Ohio Electric Company's available electrical energy is sold to Ohio Power Company, of which it is a wholly owned subsidiary.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-29670 Filed 12-19-74;8:45 am]

[Docket No. E-9152]

GULF STATES UTILITIES CO.

Application

DECEMBER 13, 1974.

Take notice that on December 2, 1974, Gulf States Utilities Company (Applicant), filed an application with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act seeking authorization to negotiate with at least three underwriters regarding the proposed issuance and sale of Common Stock by negotiated underwriting.

Applicant seeks permission to negotiate with underwriters regarding the terms upon which the securities might be issued, in order to determine whether application for exemption from competitive bidding requirements of § 34.1a (a) (b) and (c) of the Commission's regulations under the Federal Power Act should be made. Applicant represents that it has not engaged in any negotiations for the sale or underwriting of securities.

Applicant is incorporated under the laws of the state of Texas, with its principal business office at Beaumont, Texas and is engaged in the electric utility business in portions of Louisiana and Texas.

Any person desiring to be heard or to make any protest with reference to the application should on or before December 31, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-29666 Filed 12-19-74;8:45 am]

[Docket No. E-8987]

INDIANA AND MICHIGAN ELECTRIC CO.

Order Denying Petition for Rehearing

DECEMBER 13, 1974.

On August 21, 1974, Indiana and Michigan Electric Company (I&M) tendered for filing an unsigned agreement with the City of Auburn, Indiana (Auburn), which would provide service for Auburn under I&M's FPC Tariff WS. The new rate schedule was filed to cancel and supersede I&M's FPC Rate Schedule No. 29, pursuant to which Auburn has been served under Tariff IP for the duration of its 1964 contract with I&M.

By order of October 18, 1974, we conditionally accepted the proposed service agreement for filing and ordered I&M and Auburn to file briefs on the limited issue of contract interpretation of certain provisions of their Service Agreement. In our October 18 order we did dispose of one issue of contention between the parties, that of the date on which the ten-year term of the Service Agreement commenced. In its pleadings Auburn argued that, assuming it did not have the right to elect to continue service under Tariff IP according to the terms of the contract, the earliest date it could be served under Tariff WS would be November 17, 1974, since the ten-year contract was signed on November 16, 1964. I&M, on the other hand, argued that the 1964 contract actually began to run on October 21, 1974, since service to Auburn actually commenced on that date. After a review of the pleadings and the contract in question, we determined that the ten-year term of the I&M-Auburn Service Agreement actually began to run on October 21, 1964, even though the contract was not formally signed until November 16, 1964. For the purposes of assigning an effective date to our conditional acceptance of I&M's filing in our October 18, 1974 order, we therefore determined that the ten year term of the 1964 contract would expire at 11.59 p.m. on October 20, 1974. Our finding was premised on the following contract language in the 1964 I&M-Auburn Service Agreement:

> The Company is to furnish and the Customer is to take electric energy under the terms of this Agreement for a period of ten (10) years from the time such service is commenced * * *

This clear and unambiguous language establishing the commencement of the ten-year period to be the initiation of service to Auburn and the fact that I&M's billing records indicate service commenced on October 21, 1964, dictated our conclusion.

On November 18, 1974, Auburn filed a petition for rehearing of that part of our October 18, 1974 order which determined the date on which the ten-year term of the I&M-Auburn contract commenced and which therefore concluded the expiration date to be October 20, 1974. Auburn argues that the Commission failed to give weight to other provisions of the contract which, according to Auburn, support the proposition that the ten-year term did not commence until the contract was formally signed. For this proposition Auburn cites the following contract language: (a) I&M has agreed to furnish service to Auburn under Tariff IP "* * * during the term of this Agreement * * *"; (b) "There are no unwritten understandings or agreements relating to the service hereinabove provided"; (c) "This Agreement cancels and supersedes all previous agreements relating to the purchase by Customer and sale by Company of electric energy * * *"; and (d) "This Agreement shall be in full force and effect when signed by the authorized representatives of the parties hereto." Auburn argues that these contractual phrases

provide that the contract did not come into full force and effect until November 16, 1964, the date it was signed by the parties, and I&M did not commence service to Auburn *under the written agreement* until that date (italics by Auburn). Auburn concludes therefore, that the Commission erred in conditionally accepting I&M's filing to be effective October 21, 1974.

Contrary to the assumption made by Auburn, service to Auburn prior to the date of the actual signing of the contract could indeed be the point of reference agreed to by the parties from which the ten year term of the contract began to run. The provision in the contract providing for a ten year term expressly provided that the term of ten years began from the date of commencement of service and not from the date of the signing of the contract. Moreover, if the parties had intended that the ten-year term run from the date of the signing of the contract or even a later date they had the express opportunity to so provide. The contract provides the following: "The date that service shall be deemed to have commenced under this Agreement shall be _____." To insure that the ten-year term commenced from another date than that of October 21, 1964, the parties had merely to fill in a date on this blank. They did not do so, even though both were assuredly cognizant that I&M had been serving Auburn under Tariff IP for nearly a month prior to the signing of the formal contract.

Although, as Auburn alleges, the contract provides that it be in full force and effect upon its signing, there is nothing in contract law to preclude the parties from adopting as the date from which a ten-year term is to commence a date prior to the signing of the contract. Indeed it is a solid premise of contract law that the parties may agree and contract to any term so long as that term is lawful. This contract is a clear instance in which the parties agreed to adopt as the beginning of their ten-year term for contractual service a date prior to the actual signing of the contract. This conclusion proceeds logically and reasonably from the existence of the separate provision giving the parties the opportunity to fill in any date they chose to consider as the date service commenced under the contract (regardless of when actual service began). The conclusion that the parties considered a past date as appropriate for the commencement of the ten-year term is inherent also in the phraseology of the provision which allows the parties to fill in a date that they deemed service "to have commenced under this Agreement". From the fact that the parties had full knowledge that service had already commenced to Auburn, the unambiguous language in the contract providing that the ten year term begin to run from the commencement of service to Auburn, and the by-passed opportunity in the contract for the parties to stipulate another date service was deemed to have been commenced under the contract, it is clear that the ten year term for the I&M-Auburn service agreement began to run on October 21, 1964.

None of the four contract terms cited by Auburn in its Petition for Rehearing leads us to a different conclusion since those provisions do not preclude the parties from adopting a date prior to the signing of the contract as the commencement of the ten-year term. It is clear from the language of the contract that the parties intended the term of the Agreement to relate back to the date upon which service to Auburn commenced. Moreover, this is not an instance where any unwritten understanding or agreement is involved since the parties reduced to writing, in clear and unambiguous language, their intent to commence the ten-year term of the Agreement with the already past initiation of service to Auburn. Nor, as Auburn insinuates, does the question of the date the ten-year term of service involve any cancelled or superseded previous agreement. There is only one agreement for service and the contract reduced those terms to writing, including the provision relating to the date upon which service was to have begun under the Agreement. As to the phrase providing that the Agreement shall be in full force and effect when signed, Auburn is quite correct in stating that the signing of the Agreement performed that function. What Auburn has apparently neglected to consider is that the signing of the Agreement gave full force and effect to every provision in the contract, including the provision that the ten year term shall have begun when service to Auburn commenced.

For these above reasons we shall affirm our prior finding in our October 18, 1974 order regarding the date on which the 1964 I&M-Auburn contract began to run and deny Auburn's petition for rehearing of that part of our order. We note, however, that our finding in the prior order was for the purpose of establishing a date upon which I&M could place into effect its tendered filing pursuant to our conditional acceptance of it, pending our final determination of the merits of the case.

The Commission finds:

Auburn's Petition for Rehearing of part of our order of October 18, 1974, in Docket No. E-8987 raises no new issues of fact or law that have not been fully considered by the Commission that would justify the granting of the petition for rehearing.

The Commission orders:

(A) Auburn's Petition for Rehearing of our order of October 18, 1974, in Docket No. E-8987 is hereby denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-29669 Filed 12-19-74;8:45 am]

[Docket No. ID-1734]

JOHN R. BURTON

Supplemental Application

DECEMBER 12, 1974.

Take notice that on November 19, 1974, John R. Burton (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following position:

Secretary, Ohio Electric Co., Public Utility.

Ohio Electric Company, whose principal office is located at 301 Cleveland Avenue, SW., Canton, Ohio 44702, owns and operates the General James M. Gavin Plant at Gallipolis, Ohio which, when completed, will have two 1300 megawatt generating units. All of Ohio Electric Company's available electrical energy is sold to Ohio Power Company, of which it is a wholly owned subsidiary.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and prodcedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-29663 Filed 12-19-74;8:45 am]

[Docket No. RP71-16; PGA75-3A]

MIDWESTERN GAS TRANSMISSION CO.

Alternate PGA Filing

DECEMBER 13, 1974.

Take notice that on December 9, 1974, Midwestern Gas Transmission Company (Midwestern) tendered for filing Second Substitute Seventh Revised Sheet No. 5 and Substitute First Revised Sheet No. 85 to Third Revised Volume No. 1 of its FPC Gas Tariff, to be effective on January 1, 1975.

Midwestern states that on November 15, 1974, it made a PGA filing which increased its Northern System Base Tariff Rates to reflect a Canadian supplier rate increase to $1.00 (Canadian) per MMbtu and made certain related technical changes in Midwestern's Northern System PGA provisions. Such increased Base Tariff Rates were also reflected, according to Midwestern, in its filing of November 22, 1974, to reflect a reduction in its Northern System rates pursuant to

a Commission-approved settlement affecting a reduction in the depreciation rate for the Northern System.

Midwestern states that the substitute sheets filed on December 9, 1974, remove the Canadian increase from its Northern System Base Tariff Rates and reflect such increase as a Current Purchased Gas Cost Rate Adjustment, should the Commission determine that such a revision is necessary. Midwestern requests that the Commission, if it should decline to accept the tariff sheets as filed on November 15 and 22, 1974, accept such alternative tariff sheets along with the other tariff sheets filed November 15, 1974, which are unaffected by this adjustment, to be effective as of January 1, 1975. In such event, Midwestern requests that the Commission grant such waivers of its regulations as may be necessary.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 30, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-29671 Filed 12-19-74;8:45 am]

[Docket No. RP72-149; PGA75-4A]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Change in Rates

DECEMBER 12, 1974.

Take notice that Mississippi River Transmission Corporation (Mississippi) on November 25, 1974, tendered for filing Alternate Twenty-Fourth Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1 to become effective December 1, 1974.

Mississippi states that the instant filing was made pursuant to the purchased gas cost adjustment provisions of Mississippi's tariff to supplement Mississippi's purchased gas cost adjustment filing of October 16, 1974, in order to reflect the applicable rate under Rate Schedule CD-1 to Mississippi's tariff on December 1, 1974, excluding the effect of United Gas Pipe Line Company's (United) National Rate Surcharge.

Mississippi requested that Alternate Twenty-Fourth Revised Sheet No. 3A be accepted for filing effective December 1, 1974, if, and only if, the Commission should not approve United's National Rate Surcharge. In the event the Commission should approve such surcharge, Mississippi renews its request of October 16, 1974 that Twenty-Fourth Revised Sheet No. 3A be made effective December 1, 1974.

Mississippi submitted schedules containing computations supporting the rate changes to be effective December 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 30, 1974. Protests will be considered by the Commission to determine appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-29672 Filed 12-19-74;8:45 am]

[Docket No. CP75-166]

MONTANA-DAKOTA UTILITIES CO.

Application

DECEMBER 13, 1974.

Take notice that on December 5, 1975, Montana-Dakota Utilities Co. (Applicant), 400 North Fourth Street, Bismark, North Dakota 58501, filed in Docket No. CP75-166 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing August 1, 1975, and operation of natural gas purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

Applicant states that the total cost of the proposed facilities will not exceed $2,680,000 with no single project to exceed $670,000. Applicant proposes to finance the proposed facilities with internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 8, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-29673 Filed 12-19-74;8:45 am]

[Docket No. E-7942]

NANTAHALA POWER AND LIGHT CO.

Further Extension of Procedural Dates

DECEMBER 13, 1974.

On December 10, 1974, Nantahala Power and Light Company filed a motion to extend the procedural dates fixed by order issued September 26, 1974, as modified by notice issued October 18, 1974, in the above-designate matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Testimony, December 16, 1974.
Service of Staff and Intervenor's Testimony, January 10, 1975.
Service of Company Rebuttal, January 24, 1975.
Hearing, February 3, 1975 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-29675 Filed 12-19-74;8:45 am]

[Docket No. RP74-100]

NATIONAL FUEL GAS SUPPLY CORP.

Extension of Procedural Dates

DECEMBER 12, 1974.

On November 22, 1974, Staff Council filed a motion to extend the procedural dates fixed by order issued August 9, 1974, in the above-designated matter. No objection to the motion has been received.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, January 21, 1975.
Service of Intervenor's Testimony, February 4, 1975.
Service of Company Rebuttal, February 18, 1975.
Hearing, March 4, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-29676 Filed 12-19-74;8:45 am]

[Docket No. CP73-317]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Petition To Amend

DECEMBER 13, 1974.

Take notice that on November 19, 1974, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP73-317 a petition to amend the order issued in said docket on August 29, 1973 (50 FPC 602), as amended November 16, 1973 (50 FPC ——), pursuant to section 7(c) of the Natural Gas Act by authorizing the extension to October 31, 1977, of the period during which redeliveries may be made by Applicant to Iowa-Illinois Gas and Electric Company (Iowa-Illinois) from Northern Illinois Gas Company (NI-Gas) and the rescheduling of said deliveries so as to enable NI-Gas to retain a portion of the gas previously delivered by Petitioner from Iowa-Illinois under the authorization granted in the August 29, 1973, order, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

By the August 29, 1973, order, as amended, the Commission authorized rescheduling of deliveries under which Petitioner states it delivered approximately 3 million additional Mcf of natural gas to NI-Gas during the period ending December 1, 1973. Said gas was released by Iowa-Illinois. By the August 29, 1973, order Petitioner was further authorized to redeliver equivalent volumes to Iowa-Illinois during the period April 1974 through October 1976 to be provided by release of gas by NI-Gas. Petitioner states that delivery to NI-Gas was completed on November 3, 1973.

Petitioner states that Iowa-Illinois has determined that there exists a substantial possibility that it will be unable to supply the requirements of its firm consumers under certain severe weather conditions subsequent to the 1974-1975 winter heating season and is, therefore, interested in making the necessary arrangements which will minimize the development of an emergency situation during the winter heating seasons of 1975-1976 and 1976-1977, by means of increasing deliveries to it during said periods. Petitioner further states that NI-Gas is interested in retaining as much as possible of the approximately 3 million Mcf of natural gas it received under the terms of the rescheduling agreement.

In view of these circumstances, Petitioner proposes, at the request of NI-Gas and Iowa-Illinois, to extend the term of redeliveries to Iowa-Illinois to October 31, 1977, and to make redeliveries as follows:

(1) From November 1, 1975, to April 1, 1976, 420,000 Mcf at a maximum daily rate of 8,000 Mcf;
(2) From November 1, 1975, to April 1, 1977, 420,000 Mcf at a maximum daily rate of 13,000 Mcf.

In addition Petitioner proposes that any portion of the 420,000 Mcf not used by Iowa-Illinois during the 1975-1976 winter period shall be available during the following winter period and that any portion of the total 840,000 Mcf not used during the 1976-1977 winter period shall be delivered to Iowa-Illinois during the period April 1, through October 31, 1977. In consideration of the rescheduled winter redeliveries of 840,000 Mcf of gas, NI-Gas would retain the remaining 2,160,000 Mcf of gas previously received by it.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 6, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-29677 Filed 12-19-74;8:45 am]

[Docket No. E-7690 (PTF Cost-Rules)]

NEW ENGLAND POWER POOL AGREEMENT (NEPOOL)

Extension of Procedural Dates

DECEMBER 12, 1974.

On December 9, 1974, New England Power Pool filed a motion to extend the procedural dates fixed by order issued July 23, 1974, as most recently modified by notice issued October 29, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Rebuttal Evidence, January 17, 1975.
Hearing, January 22, 1975 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-29678 Filed 12-19-74;8:45 am]

[Docket No. CP74-290]

NORTHERN BORDER PIPELINE CO.

Supplement to Application

DECEMBER 13, 1974.

Take notice that on November 15, 1974, Northern Border Pipeline Company, a partnership (Applicant), 20 Montchanin Road, Wilmington, Delaware 19807, filed in Docket No. CP74-290 a supplement to its application filed in said docket pursuant to section 7(c) of the Natural Gas Act by submitting Exhibit P, its proposed tariff, in compliance with § 157.14(a)(18)(i) of the Commission's regulations under the Natural Gas Act (18 CFR 157.14(a)(18)(i)), all as more fully set forth in the supplement which is on file with the Commission and open to public inspection.

By its application in the subject docket filed May 14, 1974,[1] Applicant seeks a certificate of public convenience and necessity authorizing the construction and operation of facilities to transport as a contract carrier natural gas in interstate commerce from the international border near Monchy, Saskatchewan, Canada, across approximately 1,619 miles to a point near Delmont, Pennsylvania, for the account of various contract shippers. Applicant did not accompany said application with certain exhibits, including Exhibit P. Applicant now submits as Exhibit P its proposed tariff which contains a cost-of-service form of rate schedule for firm transportation service.

Applicant states that it shall transport gas only pursuant to written contracts in the form of service agreements as set out in its proposed tariff and that Applicant will, to the extent possible, provide the same contract for each shipper. Applicant further states that its tariff generally contemplates that Applicant will transport gas owned by shippers, rather than purchase and sell the gas. According to the provisions of the proposed tariff:

Each shipper may tender any amount up to its contractual maximum daily quantity (MDQ), and Applicant is obligated to accept all of such tendered gas within the separate contractual quantities for each delivery point. Deliveries by a shipper in excess of its MDQ, which excess Applicant may refuse to receive, are subject to an overrun transportation charge pursuant to Applicant's proposed Rate Schedule OT-1. Applicant will redeliver thermally equivalent volumes to each shipper reduced by each shipper's share of gas necessary to run Applicant's compressors, for line pack and for other uses and losses associated with gas transportation. In return for the transportation of its gas, each shipper must pay its allocable share of Applicant's cost-of-service.[2] Pursuant to Ap-

[1] The application was noticed in the FEDERAL REGISTER on June 14, 1974 (39 FR 20819).

[2] Applicant states that it has not yet determined the rate of return on common equity that it will propose but that it will do so at a later time.

plicant's proposed Rate Schedule T–1, each shipper will pay to Applicant an amount equal to the proportion that its contract Mcf-miles bears to the total contract Mcf-miles of all shippers[3] (so that all shippers together must pay 100 percent of Applicant's cost-of-service). The return component (rate-of-return x rate base) of Applicant's cost-of-service will be computed monthly. Working capital, a component of the rate base, will include 150 percent of monthly gas operating and maintenance expenses, plus prepayments, materials and supplies, and required deposits. Amounts actually billed each month to the shippers will be based on advanced estimates, with adjustments to later charges for the difference between estimates and actual cost to each shipper. If Applicant takes less than 80 percent of gas tendered (within the MDQ) by a shipper, that shipper shall be entitled to a reduction equal to the proportion the volume tendered but not received bears to that shipper's MDQ multiplied by return on common equity, plus applicable taxes.

Applicant states that the proposed tariff, based on the concept of a cost-of-service charge, is designed to furnish security for prospective investors. Applicant also states that it will not build or contribute to the cost of building any lateral pipelines to shippers or other persons.

Any person desiring to be heard or to make any protest with reference to said supplement should on or before January 2, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Any person who has heretofore filed a protest or petition to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–29679 Filed 12–19–74;8:45 am]

[3] The tariff provides for adjusting cost-of-service during the early period of service to prevent costs from being overly onerous on those shippers which are first to attach to Applicant's line.

[Docket No. E–9155]

NORTHERN STATES POWER CO.

Proposed Changes in Rates and Charges

DECEMBER 13, 1974.

Take notice that Northern States Power Company (Wisconsin), Eau Claire, Wisconsin, on December 6, 1974, tendered for filing First Revised Schedule A to their contracts with the following eleven wholesale customers.

	FPC Rate Schedule No.
Bangor	37, Supplement No. 2
Cadott	42, Supplement No. 2
Bloomer	45, Supplement No. 2
Cornell	47, Supplement No. 2
New Richmond	48, Supplement No. 2
Spooner	49, Supplement No. 2
Whitehall	51, Supplement No. 2
Trempealeau	52, Supplement No. 2
Black River Falls	54, Supplement No. 2
Westby	55, Supplement No. 4
Rice Lake	56, Supplement No. 1

The rate schedule is proposed to be effective for deliveries of power and energy on and after February 6, 1975.

Northern States Power Company (Wisconsin) states that the proposed rate schedule will increase revenues from their wholesale customers by $944,151, based on sales for the test year ended September 30, 1974. The Company says that it realized an operating loss before income taxes on its wholesale business in the test period and that rising financing and operating costs necessitate an increase in its rates which have not been changed since 1937 except for a decrease in 1947 and a subsequent addition of a fuel adjustment clause. The filing also proposes modifications in rate design, and fuel cost base in the fuel adjustment clause.

A copy of the filing has been mailed to each of Northern States Power Company (Wisconsin) customers affected by the proposed change and to the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–29680 Filed 12–19–74;8:45 am]

[Docket No. CI75–355]

PENNZOIL PRODUCING CO.

Application

DECEMBER 13, 1974.

Take notice that on November 29, 1974, Pennzoil Producing Company (Applicant), 900 Southwest Tower, Houston, Texas 77002, filed in Docket No. CI75–355 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to United Gas Pipe Line Company (United) from the Walker Creek Field, Columbia County, Arkansas, and delivery of said gas to Beacon Gasoline Company for redelivery to United at a point on United's pipeline in Webster Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to United from the subject acreage estimated monthly volumes of 60,000 Mcf of natural gas for a term of one year from January 13, 1975, or until recycling operations are fully implemented in the Walker Creek Field, whichever comes first, at 60 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Initial upward Btu adjustment is estimated to be 1.8 cents per Mcf. Applicant states that it expects recycling operations, as a result of the unitizing of its interests in the Walker Creek Field with interests of other owners in said field, to be implemented fully within six to eight months from the date the instant application was filed. Applicant asserts that prior to that time the subject gas will be available to the interstate market.

The application indicates that the gas which is the subject of the instant application was previously sold to United by Applicant pursuant to a certificate of public convenience and necessity with pre-granted abandonment authorization in Docket No. CI73–573 and that last deliveries were made on July 3, 1974. The application further indicates that deliveries of gas recommenced on November 14, 1974, pursuant to § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29). Applicant states that said sale of gas at the contract rate of 60 cents per Mcf, adjusted for Btu content, is expected to continue for 60 days, and that in the event the instant application has not been acted upon by the Commission by the expiration of the 60-day period, deliveries are expected to continue pursuant to Opinion No. 699–B for not more than 12 months.

Applicant further states that it is willing to accept a certificate conditioned to a price equal to the national ceiling rate established by Opinion No. 699, issued June 21, 1974, in Docket No. R–389–B, including price adjustments and fixed price escalations provided therein or afterwards established on rehearing of Opinion No. 699.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to

become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-29681 Filed 12-19-74;8:45 am]

[Docket Nos. RP75-16-1; RP75-17-1]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND EASTERN SHORE NATURAL GAS CO.

Order Granting Interventions and Dismissing Without Prejudice Petition for Extraordinary Relief

DECEMBER 13, 1974.

On September 6, 1974, Stauffer Chemical Company (Stauffer) filed a petition for permanent and interim extraordinary relief pursuant to § 1.7(b) of the Commission's rules of practice and procedure, in Docket No. RP75-17-1, from the curtailment provisions of its supplier of natural gas, Eastern Shore Natural Gas Company (Eastern Shore). Notice of Stauffer's petition was issued on October 8, 1974 (39 FR 37013). On October 10, 1974, Eastern Shore filed a petition for extraordinary relief from the curtailment provisions of its sole supplier, Transcontinental Gas Pipe Line Corporation (Transco), in Docket No. RP75-16-1. Stauffer seeks an order directing Eastern Shore to deliver to Stauffer at its Delaware City, Delaware plant not less than 1,823,852 Mcf annually, with provision for monthly peak requirements of not less than 178,000 Mcf and daily peak requirements of not less than 6,800 Mcf. Eastern Shore requests that its daily volume entitlement from Transco commencing November 16, 1974, be fixed at an amount sufficient to provide Eastern Shore with a winter season total delivery volume of 2,267 MMcf and a summer season total delivery volume of 3,060 MMcf.

Since the two above docketed proceedings may involve common issues of fact and law they shall be consolidated for purposes of hearing and decision thereon.

Stauffer states that it requires the above-mentioned gas volumes in order to enable continuance of its carbon disulfide manufacturing operations by the use of natural gas as a feedstock, for which no other raw material may be technologically substituted, and as a process fuel, for which there is no alternate nongaseous fuel. Stauffer states that in order to forestall irreparable injury to Stauffer, its customers, its employees, the national supply of rayon, cellophane, carbon tetrachloride, fluorocarbon propellants and refrigerants, and agricultural chemicals, and other employees and businesses involved, it requests that interim relief be granted during the pendency of the above petition.

Stauffer states that its contract with Eastern Shore, which was entered into in 1960, provides for the firm delivery of 7,050 Mcf of natural gas a day. Stauffer states that under Eastern Shore's estimated curtailments, Stauffer would be curtailed up to 62 percent of its daily contract demand. Stauffer claims that curtailments of this severity would compel the shutdown of Stauffer's Delaware City plant for "prolonged periods of time."

Eastern Shore states that it was advised by Transco that its deliveries during the 1975-1976 winter season would be curtailed by some 26-34 percent. Based on this information, Eastern Shore states that it notified its firm industrial customers that it did not expect to meet their firm requirements and, in the case of Stauffer, Eastern Shore estimated that curtailments would range up to 63 percent of daily contract demand.

By telegram issued November 13, 1974, the Secretary of the Commission informed Eastern Shore that its petition for extraordinary relief filed October 10, 1974, did not contain the minimal information required by § 2.78(a)(ii)(k) of the Commission's rules.

Eastern Shore responded on November 18, 1974. Eastern Shore concludes that it lacks the ability to serve Stauffer's entire feedstock, plant protection and process requirements during the coming year from its present estimated gas supply, unless it curtails human needs requirements or other industrial feedstock plant protection or process requirements. However, Eastern Shore fails to demonstrate this lack of flexibility with specific data. Additionally, Eastern Shore admits that a firm disposition of its estimated supply of available natural gas is extremely speculative at this time due to the uncertainty surrounding the nature of the curtailment plan to be implemented on Transco's system and the uncertainty of Transco's supply situation. Such response does not comply with § 2.78(a)(ii)(k) of the Commission's Rules which requires Eastern Shore to provide details regarding any flexibility available by effectuating additional curtailment to existing industrial customers.

On December 4, 1974, "An Amendment of Stauffer Chemical Company to Petition for Interim and Permanent Extraordinary Relief from Pipeline Curtailment Plan" was filed. In said amendment, Stauffer asks that its request for interim relief be suspended and, at the same time, urges the Commission to enter on a hearing on Stauffer's request for permanent relief so that the Commission will have a developed record on which to respond to any renewed request for interim relief filed by Stauffer. Stauffer states that it is withdrawing its request for interim relief in light of recently developing circumstances, which include the reduced demand for carbon disulfide of Stauffer's customers and the ability of Transco to meet Stauffer's requirements under the Interim Settlement Agreement, which went into effect as a result of the D.C. Circuit's November 27, 1974, Order in Consolidated Edison Co., et al. v. FPC, No. 73-1999. Stauffer states, however, that "the volatile economic situation in which Stauffer's customer presently find themselves" (sic) may necessitate a resurgence of demand for carbon disulfide and a corresponding need for extraordinary relief.

Therefore, Stauffer would have the Commission enter on a hearing in order to prospectively determine a request for relief while the need for "interim relief is not now necessary." Such a request would open the floodgates to similar petitions which are designed to secure relief under circumstances which have not yet transpired. The speculative nature of such requests cannot support a conclusion that extraordinary circumstances exist which entitle the petitioner to extraordinary relief. In view of deepening curtailments, the Commission must closely scrutinize requests for extraordinary relief, and accordingly, must dismiss petitions which do not present a material and genuine immediate need for extraordinary relief. Such dismissal does not preclude the petitioner from filing a proper request when the circumstances warrant an extraordinary remedy.

Pursuant to the notice of the instant petition, issued October 8, 1974 (39 FR 37013), timely petitions to intervene have been filed by Columbia Gas Transmission Corporation (Columbia), General Motors Corporation (General Motors) and the Brick Institute of America (BIA), Farmers Chemical Association (FCA), and Transcontinental Gas Pipe Line Corporation (Transco). Untimely petitions to intervene were filed by Philadelphia Electric Company (PEC), Long Island Lighting Company (Long Island), and Philadelphia Gas Works (PGW). Columbia, General Motors and BIA, FCA, Transco, PEC, Long Island, and PGW each state that any relief granted to Stauffer would effect Transco's many other customers and their consumers whose needs and priorities may be equal to or greater than those of Eastern Shore or Stauffer. All of the above-named petitioners will be permitted to intervene in this proceeding.

The Commission finds:

(1) The petitions filed by Eastern Shore and Stauffer should be dismissed without prejudice to being refiled as as hereinbefore noted.

(2) Participation of the above-named petitioners for intervention may be in the public interest.

The Commission orders:

(A) The petitions for extraordinary relief filed in Docket Nos. RP75-16-1 and

RP75–17–1 are hereby dismissed without prejudice.

(B) The above-named petitioners are hereby permitted to become interveners in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* that the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in these proceedings.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–29682 Filed 12–19–74;8:45 am]

[Docket No. C175–360]

W. V. HARLOW

Application

DECEMBER 13, 1974.

On December 5, 1974, W. V. Harlow, Jr., d/b/a W. V. Harlow, et al. (Applicant), 501 Amarillo Petroleum Building, Amarillo, Texas 79101, filed in Docket No. C175–360 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Company (Panhandle) from acreage in Meade County, Kansas, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that he commenced the sale of natural gas to Panhandle from the subject acreage on November 22, 1974, within the contemplation of § 157.29 of the Commission's regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue to sell said gas for one year from the expiration of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell, commencing January 22, 1975, approximately 15,000 Mcf of gas per month at 55 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot with an upward adjustment limitation of 1,200 Btu per cubic foot. Initial adjustment is expected to be 6.18 cents per Mcf.

Applicant further states that he is filing this application for a limited-term certificate, rather than acting under his small producer certificate, so as to secure pre-granted abandonment authorization and to be certain that upon the expiration of the limited-term contract under which the subject sale is to be made that Applicant and his facilities or properties would not be subject to the jurisdiction under the Natural Gas Act on and after the expiration of the sales contract.

Applicant asserts that Panhandle has encountered firm service deficiencies on its system and has contracted with Applicant in a good faith attempt to help alleviate Panhandle's gas supply shortage. Applicant further asserts that the price provided in the instant application was arrived at by arm's length negotiation and presents the low end of the current range of prices for sales from producers in intrastate, industrial and city gate markets and that the gas to be delivered under the instant proposal is not otherwise available at a price less than provided in the contract or for a term longer than the period in the contract.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 8, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–29668 Filed 12–19–74;8:45 am]

FEDERAL RESERVE SYSTEM

AMERIBANC, INC.

Order Approving Acquisition of Bank

Ameribanc, Inc., St. Joseph, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire up to 100 percent of the voting shares of the First National Bank of Tarkio, Tarkio, Missouri ("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. The Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourteenth largest banking organization in Missouri, controls three banks with aggregate deposits of approximately $133 million, representing less than 1 percent of the total deposits in commercial banks in the State.[1] The proposed acquisition of Bank would increase Applicant's share of state deposits only slightly and would not alter Applicant's ranking among the State's banking organizations. Moreover, consummation of the proposal would not significantly affect the concentration of banking resources in Missouri.[2]

Bank ($9.8 million in deposits) is the third largest of the five commercial banks in the relevant banking market (approximated by Atchison County, Missouri), and holds approximately 20 percent of the deposits in the market. Applicant's banking subsidiary nearest Bank is located in St. Joseph, Missouri, 64 miles south of Tarkio.[3] It appears that no meaningful competition between Bank and Applicant's subsidiary banks would be eliminated as a result of the proposed acquisition. Furthermore, on the basis of the facts of record, particularly the distances separating Bank and Applicant's subsidiary banks and Missouri's branching laws, it does not appear that any significant potential competition would develop between Applicant and Bank. In addition, it appears unlikely Applicant would enter the Atchison County banking market de novo as the population per banking office and deposits per banking office ratios for the market are below the statewide averages. On the basis of the foregoing, the Board concludes that consummation of the proposal would not have significantly adverse effects on competition in any relevant area.

The financial and managerial resources and future prospects of Applicant and its subsidiaries are considered satisfactory. The financial and managerial resources and future prospects of Bank

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[1] All banking data are as of December 31, 1973, and reflect bank holding company formations and acquisitions approved through October 31, 1974.

[2] In a related matter, Applicant has pending an application filed under section 3(a)(5) of the Bank Holding Company Act for the Board's prior approval to merge with First American Bancshares, Inc., St. Joseph, Missouri, which controls five banks with total deposits of approximately $25 million, representing .18 percent of the commercial bank deposits in the State.

[3] The closest banking subsidiary of First American Bancshares, Inc., to Bank is located in Skidmore, Missouri, approximately, 30 miles southeast of Tarkio and outside Bank's market area.

are generally satisfactory. Applicant has indicated a willingness to maintain the capital of its subsidiary banks at acceptable levels. In light of the above, the Board regards the banking factors as being consistent with approval of the application. Applicant proposes to expand the range of services presently offered by Bank. In particular, affiliation with Applicant will enable Bank to offer investment and estate planning services and expanded agricultural lending. These considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[4] effective December 11, 1974.

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

[FR Doc.74-29618 Filed 12-19-74;8:45 am]

MANUFACTURERS HANOVER CORP.

Order Approving Acquisition of Ritter Financial Corporation

Manufacturers Hanover Corporation, New York, New York, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Ritter Financial Corporation, Wyncote, Pennsylvania ("Ritter"), a company which, directly and through subsidiaries,[1] engages in the activities of a consumer finance company by making, acquiring or servicing for its own account or the account of other loans or other extensions of credit; acting as agent or broker for the sale of credit life and credit accident and health insurance and consumer credit related property insurance directly related to its extensions of credit by Ritter or its credit-granting subsidiaries; and acting as reinsurer of credit related life and credit accident and health insurance. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a) (1), (3), (9), and (10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 18161). The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those of the Virginia Association of Insurance Agents, Inc., the Brunswick Insurance Agency, and The National Association of Casualty and Surety Agents, in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, a multi-bank holding company, is the third largest banking organization in New York State, and the fourth largest nationally. Applicant controls Manufacturers Hanover Trust Company, New York, New York ("Bank"), and five other commercial banks which, collectively, hold domestic deposits of $11.7 billion,[2] representing approximately 10 per cent of the total deposits in commercial banks in New York State. Applicant also controls nonbanking companies engaged in leasing and mortgage banking.

Ritter is a relatively small, regional consumer finance company with total assets of $83 million and net consumer finance receivables of $72 million. Ritter is primarily engaged in providing personal installment loans and consumer installment credit. It maintains 125 offices in Connecticut, New Jersey, North Carolina, Pennsylvania, Virginia and West Virginia. Ritter's two offices in Connecticut compete in the Metropolitan New York market[3] in providing personal installment loans. Applicant, through Bank and Manufacturers Hanover Suffolk Trust Company, Suffolk, N.A. ("Suffolk Bank") also competes for such business in the market. The nearest office of Applicant and Ritter are 12 miles apart. Applicant's two subsidiaries in the market account for approximately 6 percent of the personal instalment loans outstanding, while Ritter's offices in the market account for less than one-tenth of one percent of the personal instalment loans outstanding. The competition existing between Applicant and Ritter that would be eliminated upon consummation of the proposed transaction would be only slight.

With respect to the question of whether consummation of the proposal would eliminate any significant competition in the future, Ritter opened 14 new offices in 1973 and purchased three others and has the resources to continue independently to expand de novo. Applicant, through Bank and Suffolk Bank, operates more than 180 branch offices in the New York metropolitan market. In the past few years Applicant has indicated its desire to expand in banking and nonbanking activities by acquiring several firms including commercial banks, a leasing company and a mortgage banking company. However, like many other large bank holding companies, Applicant's capital and liquidity positions have not kept pace with its recent growth in assets. Thus, although Applicant appears to possess the resources to compete more actively with Ritter, by de novo expansion in the consumer finance company business or by accelerated growth in consumer lending, it appears questionable at this time whether this would occur on a scale large enough to result in substantial future competition with Ritter. On the basis of these facts, the Board concludes that the only significant competition that would be foreclosed upon approval of this application would be some distance in the future.

In order for the Board to approve an acquisition under section 4(c)(8) of the Bank Holding Company Act it must determine that approval 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.

In several recent cases the Board has expressed its general concern with the rapid expansion of some U.S. banking organizations in both domestic and foreign markets, and the implications of such expansion for their capital and liquidity positions. In this connection the Board has encouraged a slower rate of expansion in recent months by these banking organizations. In cases where the asset growth of a banking organization has been rapid relative to capital, and has been funded to an appreciable degree by potentially volatile sources of funds, the Board, under current economic and financial conditions, must consider on a case-by-case basis, whether proposals that would utilize funds for further expansion rather than for improvement of the organization's capital and liquidity positions are consistent with the public interest standard of section 4(c)(8) of the Act.

In accordance with above-described policy, the Board would have reservations about further expansion by Applicant. However, the proposal which Applicant has placed before the Board contains a number of factors which, in the Board's view, overcome these reservations. Foremost among these is the fact that the proposal does not constitute a utilization of funds for expansion, which funds could be used elsewhere to strengthen Applicant's organization. The proposal involves a stock-for-stock acquisition and Ritter appears to be adequately capitalized in relation to the risk involved in its business. In addition, a reasonable projection of Ritter's earnings indicates that such earnings will be

[4] Voting for this action: Governors Sheehan, Bucher, Holland, Wallich and Coldwell. Absent and not voting: Chairman Burns and Governor Mitchell.

[1] Realty Advisory Services, Inc. ("RAS"), one of Ritter's subsidiaries, has an interest in a condominium real estate venture. Applicant has committed that upon approval of this application it would not acquire RAS nor engage in this activity.

[2] Unless otherwise noted, all financial data are as of December 31, 1973.

[3] The Metropolitan New York market consists of all New York City, Nassau, Putnam, Rockland and Westchester Counties and western Suffolk County in New York State, the southwestern half of Fairfield County in Connecticut; and the northeastern two-thirds of Bergen County and eastern Hudson County in New Jersey.

well in excess of the dividend requirements on the preferred and common stock to be issued by Applicant in the exchange. Thus, Applicant's consolidated capital base would not in any way be diluted.

Another factor which has entered into the Board's decision is that Applicant intends to maintain Ritter's present independent short-term bank financing and to continue the independent issuance by Ritter of commercial paper until such time and under such circumstances as the Board may deem appropriate. Thus, it will not be necessary, at least for the time being, for Applicant to enter the debt market to support Ritter's activities. Ritter's present commercial paper rating is such that this program seems feasible. Furthermore, Applicant intends to defer its original plans for de novo expansion of Ritter by opening 85 new offices and for financing Ritter's entry into new product lines and further market penetration until such time and under such circumstances as the Board may deem appropriate. The Board concludes that consummation of the proposal would not require Applicant to divert any significant amount of its financial or managerial resources to assure continuation of Ritter's successful operations.

An additional consideration which the Board has taken into account is that the proposal constitutes Applicant's initial and relatively small entry into the consumer finance company business. The application is considered to be a foothold acquisition which will give Applicant the expertise and market position to successfully compete in this business.

The normal public benefits which can be expected to accrue from the entry of bank holding companies into the finance company business would be expected to accrue in this case. The ultimate de novo expansion of Ritter and entry into new product lines can also be expected to result in additional benefits to the public. Furthermore, Applicant is committed to lower interest rates by 4 percent to all borrowers without being more restrictive in its credit standards.

As discussed hereinafter, Applicant will lower credit insurance premium rates in the three States where policies are reinsured by a Ritter subsidiary. These public benefits lend weight for approval and, in view of the other characteristics of the proposal, the Board finds that approval of the acquisition is warranted.

Upon acquisition of Ritter Applicant also proposes to engage in certain credit-related insurance activities. Through offices of Ritter Applicant would sell credit life and credit accident and health insurance, credit casualty insurance and nonfiling insurance.[4] In view of the limited nature of these insurance activities, the Board finds that no significant existing or potential competition would be eliminated upon consummation of this proposal.

Incident to this application, Applicant has also applied for authority to act, through a subsidiary of Ritter, as reinsurer of group credit life and credit accident and health insurance sold in connection with extensions of credit by Ritter's offices in Virginia, West Virginia, and New Jersey. Such insurance is underwritten by an insurer qualified to underwrite such insurance in these States and is assigned or ceded to Ritter's subsidiary. Credit life and disability insurance is generally made available by banks and other lenders, and such insurance is designed to assure repayment of a loan in the event of the death or disability of the borrower.

In connection with its addition of credit life underwriting to the list of permissible activities for bank holding companies, the Board stated that:

> To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service.

Applicant has stated that it would reduce the rates charged by Ritter's lending subsidiaries for credit life insurance from 1.8 percent to 7.8 percent in these States. Such reductions are in addition to the recently lowered regulatory maximum rates in Virginia, and West Virginia. The Board finds that the proposed rate changes provide reduced costs to customers and are procompetitive and in the public interest. The Board concludes that such benefits outweigh any possible adverse effects that could result from providing such insurance services.

In deciding that approval of the proposed acquisition would be consistent with the public interest standard of section 4(c)(8) of the Act and, in particular, with the Board's policy of slower growth in significant bank holding company expansion, the Board took into account the following facts, in addition to the circumstances previously enumerated. Bank, which had experienced considerable expansion prior to mid-1974, has in recent months curtailed its loan and investment activities; and Applicant has committed not to undertake new acquisitions of existing firms or ventures into new activities over the months immediately ahead. Applicant also plans a significant addition to Bank's capital from external sources during 1975.

On the basis of all the facts of record, including the Board's view that Applicant's commitments are assurance that the acquisition will neither result in any significant increased demand upon Applicant's financial or managerial resources nor cause any immediate alteration or expansion of Ritter's present operations, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved, subject to the condition that during 1975 Applicant maintains its dividend payment per share in an amount not to exceed, on an annual basis, the dividend payment per share in effect for the third quarter of 1974. The Board's approval determination is also subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York, pursuant to delegated authority.

By order of the Board of Governors,[5] effective December 10, 1974.

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

[FR Doc.74-29617 Filed 12-19-74;8:45 am]

[4] Nonfiling insurance is insurance that protects Ritter's security interest in personal property against security interests which might be perfected by third parties.

[5] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher, Holland, Wallich, and Coldwell.

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on December 13, 1974. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

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; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

INTERSTATE COMMERCE COMMISSION

Request for approval of reinstatement of ICC Form BOp 102, Notice of Intent to Perform Interstate Transportation for Certain Nonmembers Under section 203(b)(5) of the I.C. Act. Potential respondents are 8000 motor carriers of agricultural commodities intending to transport goods for compensation. Approximately 30 reports are filed annually.

The average respondent burden is ½ man hour per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.74-29746 Filed 12-19-74;8:45 am]

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on December 16, 1974. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

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; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL MARITIME COMMISSION

Request for extension with no change of FMC-12, Application for Admission to Practice before FMC. Non-attorneys seeking to practice before the FMC are required to submit this application. There are approximately 30 applicants per year. Required time per application is estimated to be one hour.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.74-29747 Filed 12-19-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

TASK GROUP NO. 10 ADVISORY COMMITTEE FOR RESEARCH

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of Task Group No. 10 of the Advisory Committee for Research to be held at 9 a.m. on January 10 and 11, 1975, in room 511 at 1800 G Street, NW, Washington, D.C.

The purpose of the Task Groups (which are composed of Advisory Committee for Research members) is to provide the Committee with a mechanism to consider numerous issues of interest to the full committee.

The agenda for the meeting of Task Group 10 will be to discuss the prospective contents of its report to the Advisory Committee for Research on, "The Social Science as a Research Area in the National Interest."

This meeting shall be open to the public. Individuals who wish to attend should inform Mr. Leonard F. Gardner, Special Assistant, Directorate for Research (202/632-4278) Rm. 320, National Science Foundation, Washington, D.C. 20550, prior to the meeting.

Persons requiring further information concerning this Task Group should contact Mr. Gardner at the above address. Summary minutes relative to this meeting will be in the form of the Task Group Report and will be available after it has been presented to the full committee at its next meeting which is tentatively scheduled for November 1975. Please send all requests for the Task Group Report to the Management Analysis Office, Rm. 720-K, 1800 G Street, NW, Washington, D.C. 20550.

FRED K. MURAKAMI,
Committee Management Officer.

DECEMBER 17, 1974.

[FR Doc.74-29713 Filed 12-19-74;8:45 am]

TASK GROUP NO. 11 ADVISORY COMMITTEE FOR RESEARCH

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of Task Group No. 11 of the Advisory Committee for Research to be held at 9 a.m. on January 13 and 14, 1975, in room 543 at 1800 G Street, NW, Washington, D.C.

The purpose of the Task Groups is to provide the Advisory Committee for Research with a mechanism to consider numerous specific topics of interest to the full committee.

The agenda for the meeting of Task Group 11 will be to discuss the prospective contents of its report to the Advisory Committee for Research on, "Review and Evaluation of Committee Operation."

This meeting shall be open to the public. Individuals who wish to attend should inform Mr. Leonard F. Gardner, Special Assistant, Directorate for Research (202/632-4278) Rm. 320, National Science Foundation, Washington, D.C. 20550, prior to the meeting.

Persons requiring further information concerning this Task Group should contact Mr. Gardner at the above address. Summary minutes relative to this meeting will be in the form of the Task Group Report and will be available after it has been presented to the full committee at its next meeting which is tentatively scheduled for November 1975. Please send all requests for the Task Group Report to the Management Analysis Office, Rm. 720-K, 1800 G Street, NW, Washington, D.C. 20550.

FRED K. MURAKAMI,
Committee Management Officer.

DECEMBER 17, 1974.

[FR Doc.74-29712 Filed 12-19-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Public Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of a panel of the Business Advisory Council on Federal Reports to be held in Room 2010, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C., on Tuesday, January 7, 1975, at 9:30 a.m.

The purpose of the meeting is to advise the Statistical Policy Division of the Office of Management and Budget concerning problems associated with the requirement that plan administrators of pension and welfare plans file descriptives of such plans with the U.S. Department of Labor pursuant to the Employee Retirement Income Security Act of 1974. The meeting will be open to public observation and participation.

Further information regarding the meeting may be obtained from the Statistical Policy Division, Office of Management and Budget, Room 10201, New Executive Office Building, Washington, D.C. 20503, Telephone (202) 395-3443.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.74-29714 Filed 12-19-74;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on December 16, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529) or from the reviewer listed.

NEW FORMS

None

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:

Statement of Deficiencies and Plan of Correction and Continuation Sheet, Form SSA 2567, SSA 2567A, Annual, Caywood (395-3443), Medicare and medicaid providers & suppliers of service.

Post-Certification Revisit Report and Continuation Sheet, Form SSA 2567B, Annual, Caywood (395-3443), Medicare & medicaid providers and suppliers of service.

Independent Laboratory Survey Report Form, Form SSA 1557, Annual, Caywood (395-3443), Independent labs. participating in medicare program.

Outpatient Physical Therapy Survey Report, Form SSA 1893, Occasion Caywood (395-3443), Outpatient P.T. facilities in medicare program.

Psychiatric Hospital Survey Report, Form SSA 1537A, Occasional, Caywood (395-3443), Psych. hospitals participating in medicare program.

Portable X-ray Survey Report Form, Form SSA 1882, Occasional, Caywood (395-3443), Portable X-ray facilities.

Hospital Survey Report Form, Form SSA 1537, Occasional, Caywood (395-3443), Hospitals participating in medicare program.

Hospital Request to Establish Eligibility in the Health Insurance for the Aged Program, Form SSA 1514, Occasional, Caywood (395-3443), Hospitals.

Certification and Transmittal Spell of Illness 1861(J)(1) Supplement, Form SSA 1539A, Occasional, Caywood (395-3443), District Port facilities.

Utilization Review Survey Report, Form SSA 1538, Occasional, Caywood (395-3443), Hospitals.

Long-Term Care Facility Request to Establish Eligibility in the Medicare and/or Medicaid Program, Form SSA 1516, Occasional, Caywood (395-3443), Nursing facilities and intermediate care facilities.

Attachment of Certification and Transmittal, Form SSA 1539B, Occasional, Caywood (395-3443), Independent labs. participating in medicare program.

Home Health Agency Survey, Form SSA 1571, Occasional, Caywood (395-3443), Home health agencies participating in medicare program.

Tuberculosis Hospital Survey Report, Form SSA 1537B, Occasional, Caywood (395-3443), TB hospitals participating in medicare program.

Request for Approval of Independent Laboratory under the Health Insurance for the Aged Program, Form SSA 1517, Occasional, Caywood (395-3443), Independent labs.

Fire Safety Survey Report, Form SSA 2786, Annual, Caywood (395-3443), Hospitals & long-term care facilities.

Certification and Transmittal Form, Form SSA 1539, Occasional, Caywood (395-3443), Medicare and medicaid providers & suppliers of service.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization & Conservation Service: Application for Approval of Warehouse—Peanuts, CC-7405, Occasional, Evinger (395-3648), Cold Storage Warehouses.

Statistical Reporting Service: Survey of Flue-cured Tobacco Varieties (Virginia), Form ____, Annual, Evinger (395-3648), Tobacco Growers.

Foreign Agricultural Service: Regulations—Agricultural Trade Development & Assistance (Title I PL 480), Form ____, Occasional, Evinger (395-3648), Commodity Suppliers; Shipping Firms.

FEDERAL RESERVE SYSTEM

Monthly Report on Foreign Branch Assets & Liabilities, Form FR-502, Monthly, Hulett (395-4730), Foreign Branches of U.S. Banks.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization & Conservation Service: Application for Approval of Tank Farm (For Storage & Handling of Bulk Oil), Form CCC-513, Occasional, Evinger (395-3648), Operators of Tank Farms.

DEPARTMENT OF COMMERCE

Maritime Administration:

Application for Ship Mortgage and/or Loan Insurance Under Title XI, Merchant Marine Act, As Amended, Form MA-163, Occasional, Evinger (395-3648).

Vessel Data—Vessels of 1500 Gross Tons or More & Vessels Under 15000 Gross Tons, Form MA-510, Occasional, Evinger (395-3648).

National Oceanic & Atmospheric Administration: Shrimp Log Book—Shrimp Landings—U.S. Flag Vessels, Form NOAA 88-23, Monthly, Evinger (395-3648).

DEPARTMENT OF HEALTH, EDUCATION & WELFARE

Social Security Administration: Statement of Marital Relationship, Form SSA-754, Occasional, Evinger (395-3648).

Statement Regarding Marriage (Proof of Common-Law Marriage From Qualified Persons), Form SSA-753, Occasional, Evinger (395-3648).

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION & WELFARE

Social Security Administration:

Hospitals with a Distinct Part Extended Care Facility Computing Reimbursable Costs on the Departmental RCCAs or Combination, Form SSA-9553, Annual, Evinger (395-3648).

Monthly Summary of Cash Transactions & Cash Analysis, Form SSA-2050, Monthly, Evinger (395-3648).

Equal Employment Opportunity Compliance Report (Religious and Ethnoreligious Affiliation Questionnaire), Form SSA-1776, Occasional, Evinger (395-3648).

Request for Benefits Payable—beneficiary outside U.S., Form SSA-669(f), Occasional, Evinger (395-3648).

Questionnaire Regarding Survivors Insurance Benefits (For Applicant in a Foreign Country), Form SSA-485, Occasional, Evinger (395-3648).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-29807 Filed 12-19-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

GREATER WASHINGTON INVESTORS, INC.

Suspension of Trading

DECEMBER 16, 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 December 17, 1974 through December 26, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc. 74-29658 Filed 12-19-74;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Nondisapproval of Amendments to Constitution

Notice is hereby given that on December 12, 1974, the Commission considered and did not disapprove proposed amendments to the Constitution 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 sections 4.3, 5.3, and 6.1 which govern the manner in which members are elected to the Exchange's Board of Directors. These proposed changes were originally published at 39 FR 42723 on December 6, 1974.

The amendment to section 6.1 requires 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 non-resident director is to be elected each year. This 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 is amended to require the Exchange's Nominating Committee to select nominees in conformance with the above amendment. Also, section 5.3 is amended to indicate that where nominations are made by petitions, as permitted by section 4.5 of the Exchange's Constitution, and as a result a non-resident member does not receive a plurality of votes, the non-resident candidate receiving the largest vote among all non-resident candidates would be elected director in lieu of the resident candidate receiving the lowest winning plurality.

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.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 12, 1974.

[FR Doc.74-29650 Filed 12-19-74;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Non-disapproval of Amendments to Option Plan

Notice is hereby given that on December 12, 1974, the Commission considered and did not disapprove proposed amendments to the Option Plan of the Chicago Board Options Exchange, Inc. (CBOE) pursuant to rule 9b-1 under the Securi-

ties Exchange Act of 1934 (17 CFR 240.9b–1). The CBOE proposed to amend rules 1.1(d), 1.1(m), 4.9, 4.11, 4.12, 4.14, 4.15, 4.16, 5.2, 5.3, 5.5, 5.6, 5.7, 6.40, 6.50, 6.51(d), 9.7(c), 9.17, 10.2, 11.1, 13.4, 15.2, 15.3; add new rules 6.55, 6.56, 6.57, 6.58, and 6.59; and delete rule 11.4.

The amendment to rule 1.1(d) is simply to reflect name changes of the Clearing Corporation.

The amendment to rule 1.1(m) makes it clear that options which are the subject of transactions that are rejected by the Clearing Corporation are still "option contracts" under CBOE's Rules.

Rule 4.9 has been amended to add the words "clearing corporation."

Rules 4.11, 4.12, 4.14, 4.15, 4.16, 9.7(c), 9.17 and 15.3 have been amended to reflect the possibility of multiple trading in options. In addition, rule 4.11 has been further amended to remove the 500 contracts per expiration month limit insofar as it pertains to covered short positions and certain spread positions. Such limits appeared to be too restrictive on customers having large positions in the underlying stock or spread positions and to be unnecessary for such positions in light of the continued applicability of the 1,000 contracts per class limit. Rule 4.16 has also been amended to delete the last sentence thereof (the subject matter of which is being added to the Clearing Corporation's by-laws).

Rules 5.2, 5.6, 5.7, 11.1 and 11.4 have been amended to reflect the fact that portions of the subject matter thereof will be added to the by-laws of the Clearing Corporation. Rule 5.3 has been amended to refer to the proposed Participant Exchange Agreement. In addition, these rules and rule 5.5 have been amended in minor respects to improve the drafting and to eliminate some obsolete references.

Rule 6.40 has been amended to reflect the proposed amendment to rule 5.6.

The amendments to rules 6.50, 6.51(d) and 15.2 and new rules 6.55–6.59 were necessary as a result of the Exchange's taking over the responsibility for trade comparison.

The amendment to rule 13.4 is simply a drafting "clean up" made necessary by the recent amendment to rule 13.2.

All interested persons are invited to submit their views and comments on the proposed new rules and rules amendments and deletions to CBOE's plan either before or after they have 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 new rules and rules amendments and deletions 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.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 16, 1974.

[FR Doc.74–29657 Filed 12–19–74;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 Option Plan pursuant to rule 9b–1 under the Securities Exchange Act of 1934 (17 CFR 240.9b–1). The CBOE proposes to amend rules 2.8, 18.1, 18.4, 18.5, 18.7 and 18.13.

The principal change sought by the proposed amendments is to reduce the number of arbitrators serving on arbitration panels in controversies arising out of Exchange business between members or between Exchange members and non-members. In disputes arising between members, the proposed amendments to Exchange rule 18.5(a) would reduce the number of members serving on arbitration panels, where the amount involved in the controversy is more than $5,000 (exclusive of interest and costs), from five to three members. In controversies between a member and a non-member of the Exchange, the proposed amendments to Exchange rule 18.5(b), similarly would reduce the number of arbitrators from five to three in controversies involving amounts in excess of $500; in non-member disputes involving less than $500, the non-member could elect to have a single arbitrator resolve the dispute.

The proposed amendments also effect changes in the qualifications required for non-member arbitrators serving on arbitration panels in controversies between members and non-members of the Exchange; in controversies involving only members, the arbitrators will continue to be members of the Exchange's Arbitration Committee. Exchange rule 2.8 presently provides that non-member arbitrators are not to be engaged in the securities or commodities business. The proposed amendments to rule 2.8 would allow non-member arbitrators to be engaged in those businesses, but such persons could not be affiliated or associated with members of the Exchange. This amendment is designed to provided required needed expertise for complex arbitration proceedings, while at the same time assuring independent arbitrators. The proposed amendments to rule 2.8 would also allow the President of the Exchange to appoint non-member arbitrators, rather than the Chairman of the Exchange, with the approval of the Board of Directors, as is presently required. This will allow needed flexibility in appointing non-member arbitrators where, for example, an unusual number of arbitration proceedings require additional arbitrators.

Exchange rule 18.1 would be amended to provide that the arbitration provisions of the Exchange's rules do not constitute a waiver of any right of action that may arise under the Securities Act of 1933 or the Securities Exchange Act of 1934. This amendment is to make clear the effect of the Supreme Court's decision in Wilko v. Swan, 346 U.S. 427 (1953). That decision declared as invalid an arbitration agreement which purported to waive judicial remedies under the Securities Act of 1933, where such waiver was made before any controversy arose. The proposed amendment to Exchange rule 18.1(c) would also extend the effect of that decision to claims under the Securities Exchange Act of 1934.

The proposed amendments to Exchange rules 18.4 are technical amendments that will allow an expedited and simplified method for processing arbitration claims. Also, rule 18.13 would be eliminated and its provisions incorporated in rule 18.5(a).

Finally, Exchange rule 18.7 would be amended to authorize arbitration panels to require the parties to an arbitration proceeding to post with the Exchange a bond or other security for expenses of the proceeding. This proposal is designed to assure that the parties will pay expenses associated with arbitration proceedings.

The proposed amendments will become effective on January 20, 1975, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change 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, NW, Washington, D.C. 20549. Reference should be made to File No. 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.

DECEMBER 12, 1974.

[FR Doc.74–29653 Filed 12–19–74;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 amendments to its Option Plan pursuant to rule 9b–1 under the Securities Exchange Act of 1934 (17 CFR 240.9b–1). The CBOE proposes to amend rule 2.6 and add a new rule 6.6.

The proposed amendments would modify rule 2.6 in two ways: First, the definition of a quorum for the Floor Procedure Committee would be changed from "three" to a "majority" to reflect the growth in the size of the committee. Second, the Floor Procedure Committee would be empowered to appoint additional Floor Officials from among those members who are regularly engaged in business on the Exchange floor. These additional Floor Officials would assist the Floor Procedure Committee in overseeing activity on the floor and in maintaining a fair and orderly market. The additional Floor Officials would not be members of the Floor Procedure Committee and would not have the authority to halt

trading under rule 6.3, to declare a fast market and take related action under proposed rule 6.6 or to impose fines under rule 6.20.

Proposed rule 6.6 is new and would grant the Floor Procedure Committee and its members authority to adopt special procedures to deal with unusual market conditions. Whenever a large influx of orders in a particular class of option contracts impairs the maintenance of a fair and orderly market under normal trading procedures, it is proposed that a Floor Official may declare the market in that class to be "fast." Under a "fast market" declaration, a Floor Official would be authorized to do one or more of the following with respect to the class or classes involved:

(i) Assign one or more classes or series of options traded at the post to Board Brokers at other posts.

(ii) Authorize Board Broker clerks to execute transactions.

(iii) Assign brokerage responsibilities for particular series to specific Floor Brokers in the trading crowd.

(iv) Authorize one or more Market-Makers to act as Floor Brokers.

(v) Direct that one or more trading rotations be employed pursuant to rule 6.2.

(vi) Restrict the entry of new orders into the book.

(vii) Take such other actions as are deemed necessary in the interest of maintaining a fair and orderly market.

The fast market would be terminated as soon as conditions would permit. This proposal is intended to provide an alternative to halting trading under existing rule 6.3.

Proposed rule 6.6 would also empower the Floor Procedure Committee to place restrictions on the entry of certain types of orders in one or more classes or series of option contracts if deemed necessary for the maintenance of a fair and orderly market. Any such restriction would require approval by the Exchange's Board of Directors if it were to remain in effect for longer than two consecutive business days.

The proposed amendments will become effective on January 20, 1975, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change 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 they become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549. Reference should be made to File No. 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.

DECEMBER 12, 1974.

[FR Doc.74–29654; Filed 12–19–74;8:45 am]

[File No. 70–5596]

MISSISSIPPI POWER CO.

Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

Notice is hereby given that Mississippi Power Company ("Mississippi"), 2992 West Beach, Gulfport, Mississippi 39501, a public-utility subsidiary company of The Southern Company, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Mississippi proposes to issue and sell, subject to the competitive bidding requirements of rule 50, up to $14,000,000 principal amount of its First Mortgage Bonds, ____ percent Series ("New Bonds") to mature not more than 30 years and not less than 5 years, such maturity date to be determined and prospective bidders notified not less than 72 hours prior to the time of bidding. The price of the New Bonds (which will be not less than 99% nor more than 102¾% of the principal amount thereof) will be determined by competitive bidding. The New Bonds will be issued under an Indenture dated as of September 1, 1941, between Mississippi and Morgan Guaranty Trust Company of New York, as Trustee, as heretofore supplemented and to be further supplemented by a Supplemental Indenture ("Indenture") to be dated as of January 1, 1975, which contains a prohibition until January 1, 1980, against refunding the issue with the proceeds of funds borrowed at a lower effective interest cost.

Mississippi proposes in 1975 to use the proceeds from the sale of the New Bonds together with (1) cash contributions to capital of $17,000,000 by The Southern Company during 1975 ($3,000,000 of which is authorized in Commission's order in File No. 70–5471 and the remainder to be the subject of a subsequent statement on Form U–1, (2) funds to be provided through the issuance of tax exempt revenue bonds by various governmental authorities for construction of certain pollution control facilities (A portion of these securities was authorized in Commission's orders in File Nos. 70–5389 and 70–5489, and the remainder will be the subject of subsequent statements on Form U–1), and (3) cash on hand in excess of operating requirements and interest and dividends, to finance its 1975 construction program, to pay notes payable in the form of bank notes and commercial paper notes incurred for such purpose, and for other lawful purposes.

A statement as to the fees and expenses to be paid by Mississippi in connection with the proposed issuance and sale of the New Bonds is to be supplied by amendment. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed tranaction.

Notice is further given that any interested person may, not later than January 9, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–29652 Filed 12–19–74;8:45 am]

SMALL BUSINESS ADMINISTRATION

INVESTCAL SMALL BUSINESS INVESTMENT CO.

Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations governing small business investment companies (13 CFR 107.701 (1974)) for the transfer of control of Investcal Small Business Investment Company (Investcal), 9171 Wilshire Boulevard, Suite 310, Beverly Hills, California 90210, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act), License No. 09/14–0012.

Investcal was licensed on September 20, 1960. Its present combined paid-in capital and paid-in surplus is $402,000. This proposed transfer of control is subject to and contingent upon approval by SBA.

Mr. I. Morton Haaz plans to purchase all of the common stock of Investcal which is presently owned by Saraphen Investment Company. This constitutes 88.2 percent of the outstanding stock of Investcal. After the acquisition, the office will be moved to 1888 Century Park East, 17th Floor, Los Angeles, California 90067.

The new officers and directors of Investcal will be:

Mr. I. Morton Haaz, President, Director
1929 West Pico Boulevard
Los Angeles, California 90006
Mr. Herbert Slavin, Secretary-Treasurer, Director
10680 West Pico Boulevard
Los Angeles, California 90064
Mr. Donald Barr, Director
10,000 Santa Monica Boulevard
Suite 208
Los Angeles, California 90067

Matters involved in SBA's consideration of the application include the general business reputation and character of the new owner and the probability of successful operation of Investcal under the new officers' control and management (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is hereby given that any interested person may, not later than Jan. 6, 1975, submit to SBA, in writing, relevant comments on the transfer of control. Any such comments should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW, Washington, D.C. 20416.

A copy of this Notice shall be published by the transferee in a newspaper of general circulation in Los Angeles, California.

Dated: December 16, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-29724 Filed 12-19-74;8:45 am]

TARIFF COMMISSION

[TEA-W-255]

GENERAL ELECTRIC CO.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of the Syracuse New York plant of General Electric Co., New York, New York, the United States Tariff Commission, on December 17, 1974, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with transistors and diodes (of the type provided for in item 687.60 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

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., and at the New York City office of the Tariff Commission located at 6 World Trade Center.

By order of the Commission.

Issued: December 17, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-29733 Filed 12-19-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 658]

ASSIGNMENT OF HEARINGS

DECEMBER 17, 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 notice 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 December 20, 1974.

MC-F-12207, Ruan Transport Corporation—Purchase—Harold Waggoner & Company, and MC 107496 Sub 951, Ruan Transport Corporation, now assigned February 3, 1975, at St. Louis, Mo., will be held in Courtroom No. 2, 5th Floor, U.S. Courthouse, 1114 Market St.

AB 6 Sub 12, Burlington Northern Inc., Abandonment Between Monticello and Clearwater, In Wright, Sherburne, and Stearns Counties, Minnesota, now assigned January 14, at St. Cloud, Minn., will be held at the VA Hospital, Building 51.

MC 113410 Sub 87, Dahlen Transport, Inc., now assigned January 22, 1975, at St. Paul, Minn., will be held in Judge Lord's Courtroom No. 2, Federal Building & Courthouse, 316 N. Robert St.

MC 32882 Sub 67, Mitchell Bros. Truck Lines; MC 95876 Sub 140, Anderson Trucking Service, Inc.; MC 107456 Sub 20, Harry L. Young and Sons, Inc.; MC 108119 Sub 40, E. L. Murphy Trucking Co.; MC 113855 Sub 258, International Transport, Inc.; MC 123407 Sub 134, Sawyer Transport, Inc.; MC 123681 Sub 24, Widing Transportation, Inc.; MC 125433 Sub 36, F-B Truck Line Company; and MC 127242 Sub 3, Houston Truck Lines, Inc.; now assigned February 3, 1975, at Minneapolis, Minn., reassigned to February 3, 1975 (1 week), in Room 584, Court of Appeals, 5th floor, Federal Building and U.S. Courthouse, 316 North Robert St., St. Paul, Minn.

MC 134068 Sub 16, Kodiak Refrigerated Lines, Inc., now assigned January 16, 1975, at St. Paul, Minn., will be held in Judge Lord's Courtroom No. 2, Federal Building & Courthouse, 316 N. Robert St.

MC 29120 Sub 177, All-American, Inc., now assigned January 20, 1975, at St. Paul, Minn., will be held in Judge Lord's Courtroom No. 2, 316 N. Robert St.

MC 128383 Sub 54, Pinto Trucking Service, Inc., now assigned January 13, 1975, at Washington, D.C., is postponed to a date to be hereafter Fixed.

MC 53965 Sub 95, Graves Truck Line, Inc., now assigned January 14, 1975, at Denver, Colo., is postponed to a date to be hereafter fixed.

MC 134922 Sub 75, B. J. McAdams, now assigned January 21, 1975, at New York, New York, is postponed to a date to be hereafter fixed.

MC 128383 Sub 53, Pinto Trucking Service, Inc., now assigned January 29, 1975, at Washington, D.C., is postponed to a date to be hereafter fixed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-29742 Filed 12-19-74;8:45 am]

[AB 7 (Sub-No. 7)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD

Proposed Abandonment of Portion of Line

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in Fergus County, Montana, on or before December 29, 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 5th day of December, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[AB 7 (Sub-No. 7)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN HEATH AND GRASS RANGE, IN FERGUS COUNTY, MONTANA

The Interstate Commerce Commission hereby gives notice that by order dated December 5, 1974, it has been determined that the proposed abandonment by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee Road) of its line of railroad or of operations over such line between Heath and Grass Range, Fergus County, Montana, 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 of the proposed action are considered insignificant because (1) nearby rail service will continue to be available upon abandonment at Lewistown over existing rail lines of the Milwaukee Road and the Burlington Northern, Inc., (2) diversion of rail traffic will not be significant because of the fairly minimal volume of freight movements, (3) degradation of the area's environment will be minimal, and (4) there are no definitive local economic development plans for the area dependent upon the continuation of direct rail access.

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 16, 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.74-29734 Filed 12-19-74;8:45 am]

[No. MC-127954 (Sub-No. 3G)]

MARSH MOTOR HAULAGE, INC.

Extension—Gateway Elimination

At a Session of the Interstate Commerce Commission, Operating Rights Board, held at its office in Washington, D.C., on the 12th day of November, 1974.

It appearing, that by application filed June 4, 1974, Marsh Motor Haulage, Inc., of Port Newark, N.J., seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodities and between the points indicated below in order to eliminate the gateway of Port Newark, N.J.;

It further appearing, that the application is unopposed, has not involved the taking of testimony at a public hearing, or the submission of evidence by opposing parties in the form of affidavits, and the public interest will best be served by disposition of the matter without issuance of a report and recommended order;

It further appearing, that in publishing notice of this application in the FEDERAL REGISTER, the State of Delaware was inadvertently omitted from the destination description; that since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority in our findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced;

It further appearing, that since the authority granted herein will encompass all of applicant's authority in its lead certificate, we shall condition the grant of authority herein so that applicant can request in writing the coincidental cancellation of that certificate;

And it further appearing, that the evidence submitted in the form of verified statements in support of the application amply warrants the grant of authority set forth below; therefore:

We find, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of household goods, as defined by the Commission, between points in New York, New Jersey, Connecticut, Delaware, Pennsylvania, Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, Maryland, Virginia, North Carolina, Ohio, Indiana, Illinois, Michigan, and the District of Columbia; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that an appropriate certificate should be issued; that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969; and that the application in all other respects should be denied.

It is ordered, That said application, except to the extent granted herein, be, and it is hereby, denied.

It is further ordered, That upon compliance by applicant with the requirements of sections 215, 217, and 221(c) of the Interstate Commerce Act, and with the Commission's rules and regulations thereunder, a certificate be issued to applicant authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle of the commodities described, and in the manner described in the second preceding paragraph, subject (1) to the prior publication in the FEDERAL REGISTER of a notice of the authority actually granted by this order, and (2) to receipt by the Commission of a request in writing by applicant for the coincidental cancellation of its Certificate No. MC 127954.

It is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 217, and 221 (c) of the Act within 90 days after the date of service of this order, or within such additional time as may be authorized by the Commission, the grant of authority made herein shall be considered as null and void and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

And it is further ordered, That this order shall be effective on the date hereof.

By the Commission, Operating Rights Board.

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

[FR Doc.74-29741 Filed 12-19-74;8:45 am]

[Notice No. 205]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before January 17, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75513. By order entered 12-6-74, the Motor Carrier Board approved the transfer to Frozen Food Express, Inc., Bedford, Mass., of that portion of the operating rights set forth in Certificate No. MC 125403, issued January 2, 1964, to S. T. L. Transport, Inc., Rochester, N.Y., authorizing the transportation of frozen fruit in containers, from a specified area in New York to points in Connecticut and Massachusetts; frozen foods, from points in Erie, Niagara, Monroe, and Wayne Counties, N.Y., to points in Maine, New Hampshire, and Vermont; and from points in Genesee, Livingston, Ontario, Oswego, and Orleans Counties, N.Y., to points in Maine, New Hampshire, and Vermont; and frozen fruits, frozen berries, and frozen vegetables, from points in a described area in New York to specified points in Connecticut, Maine, Massachusetts, and New Hampshire. S. Michael Richards, P.O. Box 225, 44 North Ave., Webster, N.Y. 14580, attorney for transferor, and Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, Mass. 02043, attorney for transferee.

No. MC-FC-75515. By order of December 6, 1974, the Motor Carrier Board approved the transfer to Morrison-Knudson Company, Inc., Boise, Idaho, of the operating rights in Permit No. MC 103390 issued June 16, 1949, to F & S Contracting Company, a corporation, Butte, Mont., authorizing the transportation of various commodities from and to specified points in Montana. Arthur J. Schlanger,

P.O. Box 7808, Boise, Idaho 83729, attorney for applicants.

No. MC–FC–75522. By order entered 12–6–74, the Motor Carrier Board approved the transfer to Fine Truck Line, Inc., Fort Smith, Ark., of the operating rights set forth in Certifictaes Nos. MC 96881 (Sub-No. 2), MC 96881 (Sub-No. 5), MC 96881 (Sub-No. 6), MC 96881 (Sub-No. 7), MC 96881 (Sub-No. 10), MC 96881 (Sub-No. 11), and MC 96881 (Sub-No. 12), issued by the Commission December 23, 1958, October 4, 1960, July 26, 1968, March 19, 1970, May 17, 1971, September 18, 1972, June 1, 1973, respectively, to Orville M. Fine, doing business as Fine Truck Line, Fort Smith, Ark., authorizing the transportation of general commodities, with the usual exceptions, between specified points in Arkansas, Louisiana, Oklahoma, and Texas, over specified routes. Don A. Smith, P.O. Box 43, 14 North 7th St., Fort Smith, Ark. 72901, attorney for applicants.

No. MC–FC–75537. By order entered 12–6–74, the Motor Carrier Board approved the transfer to James Elwood Quinn, Inc., Beulaville, North Carolina, of the operating rights set forth in Certificates Nos. MC 116048, MC 116048 (Sub-No. 2), MC 116048 (Sub-No. 6), MC 116048 (Sub-No. 10), MC 116048 (Sub-No. 12), MC 116048 (Sub-No. 14), MC 116048 (Sub-No. 16), MC 116048 (Sub-No. 17), MC 116048 (Sub-No. 18), and MC 116048 (Sub-No. 19), issued by the Commission, August 20, 1957, January 19, 1961, October 10, 1963, October 22, 1963, June 20, 1963, June 8, 1964, March 13, 1967, April 6, 1967, March 17, 1967, and March 15, 1967, respectively, to Mangum Trucking Company, Inc. (Richard T. Meek, Trustee in Bankruptcy), Charlotte, N.C., authorizing transportation of lumber, bananas, animal feed ingredients, animal and poultry feed and supplements, frozen french fried potatoes, reconditioned steel drums, frozen foods, and frozen potato products, from, to, or between points in Alabama, Florida, Georgia, Illinois, Kentucky, Louisiana, Maine, New York, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301, attorney for applicants.

No. MC–FC–75448. By order of December 6, 1974, the Motor Carrier Board approved the transfer to J. D. Lewis Corporation, Cordele, Ga., of the operating rights in Certificate No. MC 115558 (Sub-No. 1), issued September 24, 1957, to E. D. Towson, Ocilla, Ga., authorizing the transportation of various commodities from specified points in Georgia to points in Florida. George M. Mixon, 202 Twelfth Ave. East, Cordele, Ga. 31015, attorney for applicants.

No. MC–FC–75550. By order of December 9, 1974, the Motor Carrier Board approved the transfer to Deron, Inc., Milwaukie, Oreg., of the operating rights in Permit No. MC 136283 (Sub-No. 1), issued June 7, 1973, to Egon Mascher, doing business as Egon Mascher Trucking, Milwaukie, Oreg., authorizing the transportation of floor covering from Marcus Hook, Pa., to points in Oregon and Idaho. Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, Oreg. 97210, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–29743 Filed 12–19–74;8:45 am]

federal register

FRIDAY, DECEMBER 20, 1974

WASHINGTON, D.C.

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PART II

DEPARTMENT OF THE TREASURY

Monetary Offices

■

FOREIGN PORTFOLIO INVESTMENT STUDY REGULATIONS AND FINAL FORMS

Title 31—Money and Finance: Treasury

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 129—FOREIGN PORTFOLIO INVESTMENT STUDY REGULATIONS

Notice is hereby given of the promulgation in final form by the Department of the Treasury of a new Part 129 of Title 31 of the Code of Federal Regulations to include the Foreign Portfolio Investment Regulations.

On November 1, 1974, a notice of proposed rulemaking regarding these regulations was published in the FEDERAL REGISTER (39 FR 38771). The public was given until November 22, 1974 to submit in writing comments, data, views, arguments or suggestions pertaining to the proposed regulations prior to their publication in final form. A number of public comments were received in response to the foregoing notice. In addition, a public hearing on the proposed regulations was held at the Office of Management and Budget on November 26, 1974. Suggestions and comments have been carefully considered and taken into account in the revision of the regulations which is herewith published in final form. The changes reflected in the final regulations are simplifying and clarifying in nature.

The proposed regulations are promulgated under the authority of the Foreign Investment Study Act (Pub. L. 93-479) which directs the Secretary of the Treasury "to conduct a comprehensive, overall study" of foreign portfolio investment and authorizes the Secretary to issue such rules as he deems necessary to carry out his functions under the Act. The study, which will be the first complete survey of foreign portfolio investment in the United States since 1941, will provide complete statistics on such investment as of year-end 1974 and supply a data base from which estimates of annual balance-of-payments figures for later years may be extrapolated.

The reporting requirements prescribed under 31 CFR Part 128 are not affected by these provisions.

In that it is important that persons subject to the regulations be able to rely thereon in advance of the December 31, 1974 "benchmark" date for collection of the foreign investment data that are the subject of the study, there is good cause to make these regulations effective immediately. Accordingly, the regulations become effective upon publication in the FEDERAL REGISTER.

The regulations are as follows:

Subpart A—Definitions

Sec.

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129.20 Copies.
129.21 Form FPI-1. Reporting form for United States issuers.
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129.23 Special reports.

Subpart D—Penalties

129.30 Civil and criminal penalties.
129.31 Fraudulent reporting.

AUTHORITY: Sec. 7, 88 Stat. 1450.

Subpart A—Definitions

§ 129.1 United States.

The term "United States" means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the Panama Canal Zone, and all territories and possessions of the United States.

§ 129.2 Person.

The term "person" means an individual, partnership, association, trust, corporation, or other organization, including the Federal, State, and local governments and any agencies, corporations, financing institutions, or other instrumentalities thereof, including Federally-sponsored agencies.

§ 129.3 United States person.

The term "United States person" means any individual resident in the United States or any other person organized or created under the laws of the United States, including the Federal, State, and local governments and any instrumentalities thereof, including Federally-sponsored agencies.

§ 129.4 United States issuer.

The term "United States issuer" means any United States person who issues, through public or private distribution, any security or other evidence of ownership, participation, or indebtedness, including the following:

(a) Stocks or investment company shares, including rights, warrants, and scrip;

(b) Debt obligations having an original maturity of more than one year, including such obligations as bonds, debentures, notes, mortgages, bank and other long-term loans and other obligations, certificates of deposit, and certificates of participation;

(c) Business or investment trust certificates or shares;

(d) Limited partnership interests; transferable shares in a business venture, association, or syndicate; or any fractional interest in oil and gas, real estate, crops, or other investment property.

§ 129.5 United States holder of record.

The term "United States holder of record" means any person subject to the jurisdiction of the United States who is carried on stock transfer records or other ownership records as having title to any security or other evidence of ownership, participation, or indebtedness of a United States person which he is holding on behalf of another person. The term "United States holder of record" may include such persons as nominees, custodians, agents, trustees, other fiduciaries, banks, brokers, or other intermediaries, who hold title to investments on behalf of another person: *Provided*, That the term also extends to a person acting as a custodian for bearer securities of private issuers or for bearer or registered securities issued by Federal, State, or local governments or their instrumentalities, including Federally-sponsored agencies, even though such person is not carried on ownership records as holding title to such securities.

§ 129.6 Foreign person.

The term "foreign person" includes:

(a) Any individual, including a citizen of the United States, resident outside the United States.

(b) Any partnership, association, corporation, or other organization created or organized under the laws of a foreign country, excepting branches and agencies thereof located in the United States.

(c) Any branch, subsidiary, or other allied organization within a foreign country of a partnership, association, corporation, or other organization, created or organized under the laws of a foreign country or of the United States. For example, a branch of an American broker or dealer located outside the United States, including a branch of a person subject to the reporting requirements of these regulations, should be regarded as a foreign person. In addition, overseas head offices of branches, subsidiaries, and agencies which are located in the United States, as well as other branches of such head offices which are located outside the United States, should be regarded as foreign persons.

(d) Any government of a foreign country and any subdivision, agency, or instrumentality thereof, including all foreign official institutions, even if located in the United States.

(e) Any official international or regional organization, or subordinate or affiliated agency thereof, created by treaty or convention between sovereign states, even though located in the United States; and any private relief, philanthropic or other organization of an international or regional character with headquarters abroad.

(f) Any person in the United States to the extent such person is acting on behalf of, for the account of, or for the benefit of, a foreign person, except for a holder of record as defined in § 129.5 of this part.

§ 129.7 Foreign official institution.

The term "foreign official institution" includes central governments of foreign countries and their possessions and recognized central banks of issue, including the following:

(a) The treasuries, including ministries of finance, or corresponding departments of national governments; central banks, including all departments thereof; stabilization funds, exchange control offices, or other governmental exchange authorities; and fiscal agents of the national governments which have as an important part of their functions, activities similar to those of a treasury, central bank, or stabilization fund: *Provided,* That branches or agencies of foreign official banking institutions which are located in the United States shall not be regarded as foreign official institutions for purposes of these regulations.

(b) Diplomatic and consular establishments and other departments and agencies of national governments, such as army and navy departments, purchasing commissions, and state trading organizations.

(c) Any international or regional organization, or subordinate or affiliated agency thereof, created by treaty or convention between sovereign states: *Provided,* That the term "foreign official institution" shall not include the following: (1) Nationalized or other government-owned banks or corporations (Nationalized or other government-owned banks should be regarded as "foreign banks" and nationalized or other government-owned corporations should be included in the category "other foreign holders" unless such banks or corporations fall within one of the categories set forth in paragraph (a) of this section), and (2) personal accounts of foreign diplomatic and other official representatives of foreign countries.

§ 129.8 The Act.

For the purposes of this part, "the Act" means the Foreign Investment Study Act of 1974 (Pub. L. 93–479, 88 Stat. 1450).

§ 129.9 The Secretary.

The term "the Secretary" means the Secretary of the Treasury.

Subpart B—Recordkeeping and Reporting Requirements

§ 129.10 Determination by the Secretary.

The Secretary hereby determines that the recordkeeping and reporting provisions of this subpart are necessary to enable him to carry out his functions under the Act.

§ 129.11 Reports.

(a) *United States issuers.* A report is required on Form FPI–1 (described in § 129.21 of this part) from United States issuers as follows:

(1) *Routine large issuer reporters; assets test.* A report is required on Form FPI–1 from every United States issuer, irrespective of whether it has evidence of foreign investment, which, as of the latest available closing date of its books, had:

(i) Total consolidated assets of more than $20 million, if it is a nonbanking organization;

(ii) Total consolidated assets of more than $50 million, if it is a banking organization;

(2) *Selective small issuer reporters; foreign ownership test.* Except as provided in section 129.12(a) of this part, a report on Form FPI–1 is required from every United States issuer which is not a routine reporter under paragraph (a)(1) of this section, which has evidence of foreign ownership of any of its securities or other evidences of ownership or indebtedness. This requirement applies without regard to the size of the issuer's assets determined under paragraphs a(1) (i) or (ii) of this section.

(3) *Consolidated reports.* Where several domestic corporations or other business enterprises are affiliated with or under the common control of a single parent enterprise, such parent shall submit a consolidated form FPI–1 on behalf of all its domestic affiliates or subsidiaries.

(4) *Acknowledgement required.* Copies of Form FPI–1 and general and special instructions will be mailed to certain issuers. These issuers will be selected on the basis of information indicating that they have or have had foreign ownership, or may be of special interest to foreign investors on account of size, industry, international operations, or other factors. Each such issuer is required to submit an acknowledgment of receipt as provided in special instructions pertaining to Form FPI–1, even if it is not required to submit a report under paragraph (a)(2) of this section, or if it falls within the exemption of § 129.12(a) of this part. This requirement is necessary to insure compliance with the reporting requirements and efficient administration of the study.

(b) *United States holders of record.* Except as provided in § 129.12(b) of this part, a report is required on Form FPI–2 (described in paragraph 129.22 of this part) from every United States holder of record who holds on behalf of a foreign person any security or any other evidence of ownership, participation, or indebtedness of a United States issuer. Included among holders of record who must report are trustees holding investments for revocable trusts organized under the laws of the United States where the trustor is a foreign person.

(1) *Consolidated reports.* Where several nominees, trustees, or other holders of record are affiliated with or under the common control of a single bank, broker, or other institution, such parent institution shall submit a consolidated Form FPI–2 on behalf of all such holders of record.

(2) *Acknowledgment required.* Copies of Form FPI–2 and general and special instructions will be mailed to certain nominees and other holders of record or their parent institutions. These holders of record will be selected based on the 1974 Nominee List published by the American Society of Corporate Secretaries, Inc. and other information indicating that such institutions either offer their services to the public as nominees or may be acting on behalf of foreign investors. Each such holder of record is required to submit an acknowledgment of receipt as provided in special instructions pertaining to Form FPI–2 even if it is not required to file a report under paragraph (b) of this section or if it falls within the exemption of § 129.12 (b) of this part. This requirement is necessary to insure compliance with the reporting requirements and the efficient administration of the study.

(c) *Time and place of filing reports.* Reports on Forms FPI–1 and FPI–2 should be filed not later than March 1, 1975 with the Foreign Portfolio Investment Project, Office of the Assistant Secretary for International Affairs, Department of the Treasury, Washington, D.C. 20220.

§ 129.12 Exemptions.

(a) *United States issuers.* A report on Form FPI–1 is not required from any United States issuer, irrespective of whether it has knowledge of foreign ownership, which, as of the latest available closing date of its books, had total consolidated assets of less than $1,000,000.

(b) *United States holders of record.* A report on Form FPI–2 is not required from the following holders of record:

(1) Holders of record which held for foreign customers investments in United States issuers aggregating $25,000 or less based on market value of stocks or face value for debt obligations as of December 31, 1974. This exemption does not apply to holders of record under management or control of a single bank, broker, or other parent institution, except where the aggregate holdings of holders of record under a single parent institution total $25,000 or less.

(2) Parents or guardians acting as custodians for minors.

(3) Estates or trusts where the foreign heirs, legatees, or beneficiaries do not have full control of the management of the assets of the estate or trust.

(c) *Special exemption.* The Secretary or his delegate may by written order or authorization grant additional exemptions, in whole or in part, from the requirements of this part, which may apply to particular persons or classes of persons, and which shall be revocable in the discretion of the Secretary or his delegate.

§ 129.13 Records.

(a) Every person subject to the provisions of this part, whether or not such person is exempt from the reporting requirements of this part, shall maintain a full record of any information which the Secretary directs (including worksheets, journals or other books of original entry, minute books, stock transfer records, lists of shareholders, or financial statements) as being germane to his functions

in carrying out the foreign portfolio investment study.

(b) Such information shall be maintained for such period as the Secretary directs, but shall not be required to be maintained beyond the date fixed by section 10 of the Act for final submission of the study to Congress.

§ 129.14 Protection of information.

(a) *Confidentiality.* In addition to the Secretary, the only individuals who may have access to information furnished under the provisions of this part are those sworn employees, including consultants, of the Department of the Treasury designated by the Secretary. Neither the Secretary nor any such employee may—

(1) Use any information furnished under this part except for analytical or statistical purposes within the United States government; or

(2) Publish, or make available to any other person in any manner, any such information in a manner that the information furnished under this part by any person can be specifically identified with such person except for purposes of an enforcement proceeding under the Act: *Provided,* That the Secretary may exchange information furnished under the provisions of this part with the Secretary of Commerce in order to prevent any duplication or omission in the studies conducted by each Secretary pursuant to the Act.

(b) *Notification of customers.* (1) Section 7(b)(2) of the Act provides that:

> Whenever an order under clause (2) of this subsection requires a person to produce information which can be specifically identified as being part of the records of its customers, the Secretary shall, upon being provided the names and addresses of such customers, send a notice to such customers that information from their records will be disclosed pursuant to this Act; * * *

Notice to customers is not required under the Act where a reporter is "directly involved in the ownership or management of assets for the customer as nominee, agent, partner, fiduciary, trustee, or in a similar relationship."

(2) Should any person be required to submit, pursuant to the provisions of the Act or any amendment to this part, information which can be specifically identified as being part of the records of its customers where such person is not directly involved in the ownership or management of assets for the customers as a nominee, agent, partner, fiduciary, trustee, or in a similar relationship, the Secretary, upon being provided the names and addresses of such customers, shall send a notice to such customers that information from their records will be disclosed pursuant to the Act. Any reporter having submitted names of customers pursuant to the provisions of this paragraph shall be required to submit a report on its due date or within 10 days of being notified by the Secretary that notice to such customers has been given, whichever is later.

Subpart C—Description of Forms Prescribed Under this Part

§ 129.20 Copies.

Copies of the forms described in this subpart may be obtained from the Foreign Portfolio Investment Project, Office of the Assistant Secretary for International Affairs, Department of the Tdeasury, Washington, D.C. 20220.

§ 129.21 Form FPI–1. Reporting form for United States issuers.

On this form, United States issuers of securities or other evidences of ownership, participation, or indebtedness are required to report foreign ownership, by country and issue, of stocks and debt obligations issued by them which were held by foreign persons as of December 31, 1974, and to supply certain information relating to the ownership distribution of outstanding issues, and information regarding foreign placement of securities, stock-for-stock or stock-for-assets exchanges with foreign persons.

§ 129.22 Form FPI–2. Reporting form for United States holders of record.

On this form, United States holders of record are required to report foreign ownership, by country and issue, of those stocks and debt obligations which they held on behalf of foreign persons as of December 31, 1974.

§ 129.23 Special reports.

Any person subject to the provisions of this part may be required to submit a special report which the Secretary deems necessary to supplement information supplied by such person on Forms FPI–1 or FPI–2 or which may otherwise be necessary to enable the Secretary to carry out his functions under the Act.

Subpart D—Penalties

§ 129.30 Civil and criminal penalties.

In accordance with section 8 of the Act, the penalties and enforcement procedures described in paragraphs (a), (b), and (c) of this section shall apply to violations of this part and any reporting requirement imposed hereunder or any other rule, regulation, order, or instruction promulgated by the Secretary under the authority of the Act.

(a) *Civil penalty.* Attention is directed to section 8(a) of the Act which provides:

> Whoever fails to furnish any information required pursuant to the authority of this Act, whether required to be furnished in the form of a report or otherwise, or to comply with any rule, regulation, order, or instructions promulgated pursuant to the authority of this Act may be assessed a civil penalty not exceeding $10,000 in a proceeding brought under subsection (b) of this section. (88 Stat. 1453).

(b) *Civil proceeding; injunction.* Attention is directed to section 8(b) of the Act which provides:

> Whenever it appears to either the Secretary of the Treasury or the Secretary of Commerce that any person has failed to furnish any information required pursuant to the provisions of this Act, whether required to be furnished in the form of a report or otherwise, or has failed to comply with any rule, regulation, order, or instruction promulgated pursuant to the authority of this Act, such Secretary may in his discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, seeking a mandatory injunction commanding such person to comply with such rule, regulation, order, or instruction, and upon a proper showing by such Secretary of the relevance to the purposes of the Act of such rule, regulation, order, or instructions, a permanent or temporary injunction or restraining order shall be granted without bond, and such person shall also be subject to the civil penalty provided in subsection (a) of this section if the judge finds that such penalty is necessary to obtain compliance with such injunction or restraining order. (88 Stat. 1453).

(c) *Criminal penalties.* Attention is directed to section 8(c) of the Act which provides:

> Whoever willfully fails to submit any information required pursuant to this Act, whether required to be furnished in the form of a report or otherwise, or willfully violates any rule, regulation, order, or instruction promulgated pursuant to the authority of this Act shall, upon conviction, be fined not more than $10,000 or, if a natural person, may be imprisoned for not more than one year or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both. (88 Stat. 1453).

§ 129.31 Fraudulent reporting.

Attention is also directed to section 1001 of the United States Criminal Code which provides:

> Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. (18 U.S.C. 1001)

Dated: October 16, 1974.

CHARLES A. COOPER,
Assistant Secretary.

[FR Doc.74-29717 Filed 12-19-74;8:45 am]

DEPARTMENT OF THE TREASURY

Monetary Offices

FOREIGN PORTFOLIO INVESTMENT STUDY

Final Forms

Notice is hereby given of the promulgation in final form by the Department of the Treasury of forms and instructions to implement the Foreign Portfolio Investment Study Regulations (see today's FEDERAL REGISTER, p. 44120).

On November 1, 1974, a notice of proposed forms was published in the FEDERAL REGISTER (39 FR 38771). The public was given until November 22, 1974 to submit in writing comments, data, views, arguments or suggestions pertaining to the proposed forms and instructions prior to their publication in final form. A number of public comments were received in response to the foregoing notice. In addition, a public hearing on the proposed forms and instructions was held at the Office of Management and Budget on November 26, 1974. Suggestions and comments have been carefully considered and taken into account in the revision of the forms and instructions which is herewith published in final form. The changes reflected in the final forms and instructions are simplifying and clarifying in nature.

The forms and instructions are promulgated under the authority of the Foreign Investment Study Act of 1974 (Pub. L. 93–479) which directs the Secretary of the Treasury "to conduct a comprehensive, overall study" of foreign portfolio investment, and which authorizes the Secretary to require from any person the submission of reports which he determines are necessary to carry out the study. The forms include Form FPI–1, which is required of United States issuers, and Form FPI–2, which is required of United States holders of record. Also promulgated herewith are general instructions and special instructions applicable to both forms.

In that it is important that reporters who will be utilizing the forms and instructions be able to rely thereon in advance of the December 31, 1974 "benchmark" date for collection of the foreign investment data that are the subject of the study, there is good cause to make these forms and instructions effective immediately. Accordingly, the forms and instructions become effective upon publication in the FEDERAL REGISTER.

Dated: December 16, 1974.

[SEAL] CHARLES A. COOPER,
Assistant Secretary.

SURVEY OF FOREIGN PORTFOLIO INVESTMENTS IN THE UNITED STATES AS OF DECEMBER 31, 1974

GENERAL INSTRUCTIONS

PART I. INTRODUCTION

This survey is being conducted by the Department of the Treasury pursuant to the Foreign Investment Study Act of 1974 (Public Law 93–479, October 26, 1974), which directs the Secretary of the Treasury "to conduct a comprehensive, overall study" of foreign portfolio investments in the United States. A parallel study of foreign direct investment in the United States is being conducted by the Secretary of Commerce under the same law.

Section 7 of the Foreign Investment Study Act authorizes the Secretary of the Treasury to establish by regulation whatever rules he deems necessary to carry out his functions under the Act. The Secretary of the Treasury, having published regulations governing the study, as well as the following instructions and forms, in the FEDERAL REGISTER on December 20, 1974 (39 FR 44131), and having consulted with the Director of the Office of Management and Budget, has determined that the following instructions and forms are necessary to carry out the foreign portfolio investment study authorized and directed by Congress in the Act. The filing of these forms is therefore mandatory under section 7 of the Act.

Information furnished in these forms will be held in confidence by the Secretary of the Treasury in accordance with section 7(c) of the Act which states:

In addition to the Secretary of Commerce and the Secretary of the Treasury, the only individuals who may have access to information furnished under subsection (b) (2) are those sworn employees, including consultants, of the Department of Commerce or Department of the Treasury designated by the Secretary of either such Department. Neither such Secretary nor any such employee may—

(1) Use any information furnished under subsection (b) (2) except for statistical or analytical purposes provided by this Act; or

(2) Publish, or make available to any other person in any manner, any such information in a manner that the information furnished under subsection (b) (2) by any person can be specifically identified, except for the purposes of a proceeding under section 8 [an enforcement proceeding under the Act].

Such Secretaries may exchange any such information furnished under subsection (b) (2) in order to prevent any duplication or omission in the studies compiled by each such Secretary.

PART II. GENERAL INSTRUCTIONS

A. *Who must report.*

1. *United States issuers.* The reporting obligations of United States corporations, partnerships, investment companies, joint stock associations, joint ventures, and other organizations or groups of persons subject to the jurisdiction of the United States, which issue shares, certificates, or other evidence of ownership, participation, or indebtedness, are governed by the following classifications:

a. *Routine large issuer reporters—assets test.* A report is required on Form FPI–1 from every United States issuer, irrespective of whether it has evidence of foreign investment which, as of the latest available closing date of its books, had:

(1) Total consolidated assets of more than $20 million, if it is a nonbanking organization;

(2) Total consolidated assets of more than $50 million, if it is a banking organization;

b. *Selective small issuer reporters—foreign ownership test.* Except as otherwise provided in these instructions, a report on Form FPI–1 is required from every United States issuer which is not a routine reporter under subparagraph a. above, which has evidence of foreign ownership of any of its securities or other evidences of ownership, participation, or indebtedness. This requirement applies without regard to the size of the issuer's assets determined under subparagraph a. (1) or (2) above.

c. *Exempted issuers—Assets test.* A report on Form FPI–1 is not required from any United States issuer, irrespective of whether it has knowledge of foreign ownership, which, as of the latest available closing date of its books, had total consolidated assets of less than $1,000,000.

d. *Consolidated reports.* Where several domestic corporations or other business enterprises are affiliated with or under the common control of a single parent enterprise, such parent shall submit a consolidated Form FPI–1 on behalf of all its domestic affiliates or subsidiaries. A list of these subsidiaries and affiliates should be attached to Form FPI–1.

e. *Acknowledgment required.* The Treasury will mail copies of Form FPI–1 and general and special instructions to certain issuers. These issuers will be selected on the basis of information indicating that they have or have had foreign ownership, or may be of special interest to foreign investors on account of size, industry, international operations, or other factors. Each such issuer is required to submit an acknowledgment of receipt as provided in specific instructions pertaining to Form FPI–1, even if it is not required to submit a report under subparagraphs (b) and (c) above. This requirement is deemed necessary to insure the completeness and accuracy of reporting and efficient administration of the study.

2. *United States holders of record.* Except as otherwise provided by these instructions, a report is required on Form FPI–2 from any person subject to the jurisdiction of the United States who acts on behalf of a foreign person as a holder of record of any security or any other evidence of ownership, participation or indebtedness of a United States issuer. Included among holders of record who must report are trustees holding investments for a revocable trust organized under the laws of any jurisdiction within the United States where the trustor is a foreign person.

a. *Consolidated reports.* Where several nominees, trustees, or other holders of record are affiliated with or under the common control of a single bank, broker, or other institution, such parent institution should file a consolidated Form FPI–2 on behalf of all such holders of record.

b. *Exempted holders of record.* A report on Form FPI–2 is not required from the following holders of record:

(1) Holders of record which held for foreign customers investments in United States issuers aggregating $25,000 or less based on fair market value as of December 31, 1974. This exemption does not apply to holders of record under common management or control as described in subparagraph (a) above, except where aggregate holdings of holders of record under a single parent institution total $25,000 or less.

(2) Parents or guardians acting as custodians for minors.

(3) Estates or trusts where the foreign heirs, legatees, or beneficiaries do not have full control of the management of the assets of the estate or trust.

(c) *Acknowledgment required.* The Treasury will mail copies of Form FPI–2 and general and special instructions to certain nominees and other holders of record or their parent institutions. These holders will be selected based on the 1974 Nominee List published by the American Society of Corporate Secretaries, Inc. and other information indicating that such institutions either offer their services to the public as nominees or may be acting on behalf of foreign investors. Each such holder is required to submit an acknowledgment of receipt as provided in specific instructions pertaining to Form FPI–2 even if it is not required to submit a report under Paragraph 2.b. above. This requirement is deemed necessary to insure

compliance with the reporting requirements and efficient administration of the study.

B. *What must be reported?*

1. *Inclusions.* Except as otherwise provided in these instructions, reporters must report on both Forms FPI–1 and Form FPI–2 ownership by a foreign person as of December 31, 1974 of any of the following interests in a United States issuer:

a. Stocks or investment company shares, including rights, warrants, and scrip, or other evidence of equity ownership. (See the direct investment exclusion, paragraph 2.b.(2)(i) below).

b. Debt obligations having an original maturity of more than one year. (Portions of obligations having an original maturity of more than one year which will fall due in 1975 must be reported even if carried on an issuer's books as current obligations.) Include such obligations as bonds, debentures, notes, mortgages, bank and other long-term loans, and, in the case of financial institutions, certificates of deposit, and certificates of participation. In addition to private obligations, the survey also covers foreign holdings of debt obligations of the Federal, State and local governments including any agencies, corporations, financing institutions, or other instrumentalities thereof, including Federally-sponsored agencies.

c. Business or investment trust certificates or shares.

d. Limited partnership interests; transferable shares in a business venture, association, or syndicate; or any fractional interest in oil and gas, real estate, crops, or other investment property.

2. *Exclusions:* Certain foreign investments should be excluded from reports as follows:

a. *Form FPI–1 and Form FPI–2:*

Mutual insurance companies. Equity interests in mutual insurance companies arising from insurance policies.

b. Form FPI–1 only:

(1) *Capital structure of issuer.*

(i) *Intercompany holdings.* Form FPI–1 should exclude from the listing and description of the issuer's securities and long-term debt, all issues held entirely within the reporter's company system. For example, if a domestic subsidiary has one issue of securities held entirely by its parent as well as other publicly-held issues, only the latter should be listed and described in the appropriate items on Form FPI–1.

(ii) *Issues of foreign subsidiaries.* Issues of securities and long-term debt of subsidiaries or affiliates incorporated under the laws of a foreign jurisdiction should not be listed and described as issues of the reporter on Form FPI–1.

(2) *Certain foreign investment in issuer.*

(i) *Direct investment.* Data should not be filed on Schedules A or B of Form FPI–1 on investment by a foreign person in a United States issuer, if the holdings of such foreign person amount to 10 percent or more of the total voting power of the United States issuer. A foreign person who owns such a 10 percent or greater interest is defined as a "direct investor" in the issuer. In such a case, holdings by the direct investor in that issuer should be reported to the Bureau of Economic Analysis, Department of Commerce.

(ii) *Investment by foreign affiliates.* Investment in the equity or debt of a United States parent company by a foreign subsidiary should not be reported. For purposes of the survey, a foreign subsidiary is defined as a foreign enterprise in which a United States corporation owns at least 10 percent of the voting stock or equivalent ownership interest.

c. *Form FPI–2 only:*

Certain United States trusts. Assets of a revocable or irrevocable personal inter vivos or testamentary trust, where the trustor is a United States person, even if a beneficiary is a foreign person; or of an irrevocable personal inter vivos or testamentary trust, even if the trustor is a foreign person should not be reported.

C. *Space on form insufficient.*

When space does not permit a full answer to any question on the form, the information required should be submitted on supplementary sheets appropriately labeled and incorporated by reference under the question. All supplementary sheets, including continuation sheets, should be attached to the form to which they pertain.

D. *Industry classification of reporter.*

The Enterprise Standard Industrial Classification (SIC) will be used to identify reporters by the kind of economic activity in which they are engaged. The code for use in this survey consists of two digits, which breaks economic activity down into seventy-five major groups. The code is reproduced in Annex A of these instructions and the appropriate code number for the reporter should be entered in item 1.e of Part I in reporting Form FPI–1 or FPI–2. For those companies involved in several different types of economic activity, use the code number that describes the principal activity of the company as measured by sales (or revenues if the reporter does not have sales).

E. *Country detail.*

Information on Schedules A and B has to be prepared in accordance with the country list shown in Annex B. For convenience of use, countries are listed in alphabetical sequence. Please note that the country identification to be used in the report should include both the name of the country and the code number provided for each country.

F. *CUSIP number.*

Each stock, debt obligation, and instrument reportable in Parts II and III, and on Schedules A and B of Form FPI–1, or on Schedule C of Form FPI–2, must be identified by its CUSIP number in the space provided. (The CUSIP number was developed by the Committee on Uniform Security Identification Procedures of the American Bankers Association. It is assigned to long-term securities by the CUSIP Service Bureau, Standard & Poor's Corporation, 34 Hudson Street, New York, New York 10014). If a particular stock or debt obligation does not have a CUSIP number, no entry should be made in the space for a CUSIP number.

G. *Foreign currency securities.*

All amounts requested for security issues denominated in foreign currency should be given in that foreign currency only and should not be converted into U.S. dollars. This applies particularly to items 12 and 14 and to Schedule B of Form FPI–1, and to Schedule C of Form FPI–2.

H. *Required information not available.*

All reasonable efforts should be made to obtain the required information. When actual information cannot be obtained, estimates will be acceptable but should be so marked with the notation "Est." whenever used. If any information not available at the time of reporting is obtained thereafter, a supplementary report should be filed promptly with a full explanation. Reporters must answer every question on the appropriate reporting form. However, lines and columns on attached schedules which are not applicable to a particular reporter should be left entirely blank.

I. *Number of copies.*

A single original copy of the report shall be filed. In addition, each person reporting shall retain a copy of his report.

J. *Time and place of filing reports.*

Reports shall be filed no later than March 1, 1975. Reports shall be mailed to: Foreign Portfolio Investment Project, Office of the Assistant Secretary for International Affairs, U.S. Department of the Treasury, Washington, D.C. 20220.

K. *Method of filing reports.*

The requested data may be reported using the following methods.

1. *Typewritten.* All data are to be typed on the report forms using continuation sheets and supplemental sheets as necessary, as described in paragraph C.

2. *Computer printout.* Printed output produced by data processing equipment may be submitted for Schedules A and B of Form FPI–1, and Schedule C of Form FPI–2. The data must be printed in the same sequence shown in the schedules and not contain any extraneous information. The printout must show all headings and column identifications in each page (either computer produced or original schedule forms attached). All printing should be double-spaced.

3. *Magnetic tape.* Magnetic tape output produced by data processing equipment may be submitted for Schedules A and B of Form FPI–1, and Schedule C of Form FPI–2 when accompanied by a printout of the tape. Physical specifications, label and format detail for both tape and print will be available after January 15, 1975 from the address shown in paragraph "J" of the General Instructions. Reporting specifications will be mailed as soon as available. Only tapes which meet these specifications, will be acceptable as part of the report due in this survey.

A combination of the above methods may be used, e.g. typewritten Schedules A and B and computed produced Schedule C.

L. *Extension of the reporting deadline.*

If a report cannot be filed within the time allotted, an application for an extension of the filing date should be submitted to the Treasury at least one week prior to the original filing date (see Paragraph J. above) stating the reason for the anticipated delay and the time required to submit a report. Upon receipt of an application, additional time for filing may be granted for good cause shown.

M. *Information regarding preparation of reports.*

Anyone desiring information concerning preparation of reports or copies of forms or instructions, or requiring an extension of the reporting period (see Paragraph L above) should direct inquiries to the above address or he may call Area Code (202) 634–5099.

PART III. DEFINITIONS

1. "United States" means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the Panama Canal Zone, and all territories and possessions of the United States.

2. "Person" means an individual, partnership, association, trust, corporation, or other organization, including the Federal, State, and local governments and any agencies, corporations, financing institutions, or other instrumentalities thereof, including Federally-sponsored agencies.

3. "United States person" means any individual resident in the United States or any other person organized or created under the laws of the Federal, State, and local governments and any instrumentalities, thereof, including Federally-sponsored agencies.

4. "United States issuer" means any United States person who issues, through public or private distribution, any security or other evidence of ownership, participation, or indebtedness, including the following:

(a) Stocks or investment company shares, including rights, warrants, and scrip;

(b) Debt obligations having an original maturity of more than one year, including such obligations as bonds, debentures, notes, mortgages, bank and other long-term loans and other obligations, certificates of deposit, and certificates of participation;

(c) Business or investment trust certificates or shares;

(d) Limited partnership interests; transferable shares in a business venture, association, or syndicate; or any fractional interest in oil and gas, real estate, crops, or other investment property.

5. "United States holder of record" means any person subject to the jurisdiction of the United States who is carried on stock transfer records or other ownership records as having title to any security or other evidence of ownership, participation or indebtedness of a United States issuer which he is holding on behalf of another person. The term "United States holder of record" may include such persons as nominees, custodians, agents, trustees, other fiduciaries, banks, brokers, or other intermediaries, who hold title to investments on behalf of another person: *Provided,* That the term also extends to a person acting as a custodian for bearer securities of private issuers or for bearer or registered securities issued by Federal, State, or local governments or their instrumentalities, including Federally-sponsored agencies, even though such person is not carried on ownership records as holding title to such securities.[1]

6. "Foreign person" includes:

(a) Any individual, including a citizen of the United States, resident outside the United States.

(b) Any partnership, association, corporation, or other organization created or organized under the laws of a foreign country, excepting branches and agencies thereof located in the United States.

(c) Any branch, subsidiary or other allied organization within a foreign country of a partnership, association, corporation or other organization created or organized under the laws of a foreign country or of the United States. Thus, for example, branches of American brokers and dealers (including a reporter's own branches) located in foreign countries should be considered as foreign persons. Branches, subsidiaries, and agencies located in the United States of foreign brokers and dealers should consider their overseas head offices and other overseas branches of such head offices as foreign persons.

(d) Any government of a foreign country and any subdivision, agency or instrumentality thereof, including all foreign official institutions, even though located in the United States.

(e) Any official international or regional organization, or subordinate or affiliated agency thereof, created by treaty or convention between sovereign states, even though located in the United States; and any private relief, philanthropic or other organization of an international or regional character with headquarters abroad.

(f) Any person in the United States to the extent such person is acting on behalf of, or for the account of, or for the benefit of a foreign person except for a holder of record.

7. "Foreign official institution" (See Annex C) means central governments of foreign countries and their possessions and recognized central banks of issue, including the following:

(a) The treasuries, including ministries of finance, or corresponding departments of national governments; central banks, including all departments thereof; stabilization funds, including official exchange stabilization funds, exchange control offices, or other governmental exchange authorities; and fiscal agents of the national governments which have as an important part of their functions, activities similar to those of a treasury, central bank or stabilization fund. *Provided,* That branches or agencies of foreign official banking institutions which are located in the United States shall not be considered foreign official institutions for purposes of these instructions.

(b) Diplomatic and consular establishments and other departments and agencies of national governments, such as army and navy departments, purchasing commissions and state trading organizations.

(c) Any international or regional organization, or subordinate or affiliated agency thereof, created by treaty or convention between sovereign states.

Provided, That the term "foreign official institution" shall not include the following: (i) Nationalized or other government-owned banks or corporations (Nationalized or other government-owned banks should be regarded as "foreign banks" and nationalized or other government-owned corporations should be included in the category "other foreign holders" unless such banks or corporations fall within one of the categories set forth in subparagraph (a) above); and (ii) personal accounts of foreign diplomatic and other official representatives of foreign countries.

8. "Employer's identification number" means the unique taxpayer's identification number assigned to the employer by the Internal Revenue Service (This is the number which should be entered in Part I, Item 1 (Identification of Reporter) on Form FPI-1 and FPI-2).

9. "Consolidated financial data" means the financial data regarding an issuer, developed in accordance with standard accounting concepts used by the issuer, shown in its annual report to stockholders or included in its annual report to the Securities and Exchange Commission (SEC).

ANNEX A: ENTERPRISE STANDARD INDUSTRIAL CLASSIFICATION

A: Agriculture, Forestry, and Fishing:
- 01—Agricultural production—crops
- 02—Agricultural production—livestock
- 07—Agricultural services
- 08—Forestry
- 09—Fishing, hunting and trapping

B: Mining:
- 10—Metal mining
- 11—Coal mining
- 13—Oil and gas extraction
- 14—Nonmetallic minerals, except fuels

C: Construction:
- 15—General building contractors
- 16—Heavy construction contractors
- 17—Special trade contractors

D: Manufacturing
- 20—Food and kindred products
- 21—Tobacco manufactures
- 22—Textile mill products
- 23—Apparel and other textile products
- 24—Lumber and wool products
- 25—Furniture and fixtures
- 26—Paper and allied products
- 27—Printing and publishing
- 28—Chemicals and allied products
- 29—Petroleum and coal products
- 30—Rubber and miscellaneous plastics products
- 31—Leather and leather products
- 32—Stone, clay and glass products
- 33—Primary metal industries
- 34—Fabricated metal products
- 35—Machinery, except electrical
- 36—Electrical and electronic equipment
- 37—Transportation equipment
- 38—Instruments and related products
- 39—Miscellaneous manufacturing industries

E: Transportation and Public Utilities
- 40—Railroad transportation
- 41—Local and interurban passenger transit
- 42—Trucking and warehousing
- 43—U.S. postal service
- 44—Water transportation
- 45—Transportation by air
- 46—Pipe Lines, except natural gas
- 47—Transportation services
- 48—Communication
- 49—Electric gas, and sanitary services

F: Wholesale Trade:
- 50—Wholesale trade—durable goods
- 51—Wholesale trade—nondurable goods

G: Retail Trade:
- 52—Building materials and garden supplies
- 53—General merchandise stores
- 54—Food stores
- 55—Automotive dealers and services stations
- 56—Apparel and accessory stores
- 57—Furniture and home furnishing stores
- 58—Eating and drinking places
- 59—Miscellaneous retail

H: Finance Insurance, and Real Estate
- 60—Banking
- 61—Credit agencies other than banks
- 62—Security, commodity brokers and services
- 63—Insurance carriers
- 64—Insurance agents, brokers and service
- 65—Real estate
- 66—Combined real estate, insurance, etc.
- 67—Holding and other investment companies

I: Services:
- 70—Hotels and other lodging places
- 72—Personal services
- 73—Business services
- 75—Auto repair, services and garages
- 76—Miscellaneous repair services
- 78—Motion pictures
- 79—Amusement and recreation services
- 80—Health services
- 81—Legal services
- 82—Educational services
- 83—Social services
- 86—Membership organizations
- 89—Miscellaneous services

J: Public Administration:
- 90—Public administration

K: Nonclassifiable Enterprises:
- 99—Nonclassifiable enterprises

ANNEX B. LISTING OF COUNTRIES AND COUNTRY CODES

The foreign holdings of U.S. securities are required to be reported in the country detail listed below. Insert in schedules A and B of Form FPI-1, on separate lines, the respective

[1] Section 7(b)(2) of the Act provides that whenever any person is required to submit information which may be specifically identified as having been obtained from the records of its customers, the Secretary, after having been provided names and addresses of such customers, shall send a notice to such customers that information from their records will be disclosed pursuant to the Act. This notification requirement does not apply where a reporter is "directly involved in the ownership or management of assets for the customer as nominee, agent, partner fiduciary, trustee, or in a similar relationship."

Form FPI-2 is required only of holders of record who stand in one of the foregoing named relationships to a foreign customer. While the regulations promulgated pursuant to the Act provide for notice to customers that information derived from their records will be reported in situations where notice is required by the Act, the survey does not, under the provisions of these regulations, extend to such situations.

country names and codes that are needed and insert on schedule C of Form FPI–2 the applicable country name and code in item 4.

Name of country	Country code
Afghanistan	AF–4040–1
Albania	AL–1510–5
Algeria	AG–5010–5
Argentina	AR–3010–4
Australia	AS–6008–9
Austria	AU–1018–9
Bahamas	BF–3531–9
Bahrain	BA–4070–3
Bangladesh	BG–4074–6
Barbados	BB–3015–5
Belgium	BE–1025–1
Belize (British Honduras)	BH–3571–8
Bermuda	BD–3560–2
Bhutan	BT–4081–9
Bolivia	BL–3020–1
Botswana	BC–5050–4
Brazil	BR–3030–9
British West Indies [1]	BW–3600–5
British Oceania	BO–6020–8
British West Africa	WA–5070–9
Brunei	BX–4100–9
Bulgaria	BU–1520–2
Burma	BM–4110–6
Burundi	BY–5080–6
Cambodia	CB–4120–3
Cameroon	CM–5100–4
Canada	CA–2999–8
Canary Islands	CR–5110–1
Central African Republic	CT–5130–6
Chad	CD–5140–3
Chile	CI–3040–6
China, Peoples Republic of (Mainland China).	CH–4140–8
China, Republic of (Taiwan).	TW–4630–2
Colombia	CO–3050–3
Comoro Islands	CN–5151–9
Congo (Brazzaville)	CF–5160–8
Costa Rica	CS–3058–9
Cuba	CU–3070–8
Cyprus	CY–1040–5
Czechoslovakia	CZ–1528–8
Dahomey	DM–5180–2
Denmark	DA–1050–2
Dominican Republic	DR–3080–5
Ecuador	EC–3100–3
Egypt	EG–5700–2
El Salvador	ES–3108–9
Equatorial Guinea (Fernando Po and Rio Muni).	EK–5194–2
Estonia	EN–1540–7
Ethiopia, including Eritrea	ET–5210–8
Falkland Islands	FA–3630–7
Fiji	FJ–6060–7
Finland	FI–1070–7
France	FR–1080–4
French Polynesia	FP–6070–4
French West Indies and Guiana.	FG–3660–9
F.T.A.I. (French Somaliland).	FT–5230–4
Gabon	GB–5241–8
Gambia	GA–5250–7
German Democratic Republic.	GC–1600–4
Germany, Federal Republic of.	GE–1100–2
Ghana	GH–5260–4
Gibraltar	GI–1108–8
Goa	GO–4171–8
Greece	GR–1120–7
Grenada	GJ–3670–6
Guatemala	GT–3120–8
Guinea	GV–5270–1
Guyana	GY–3130–5
Haiti	HA–3140–2
Honduras	HO–3148–8
Hong Kong	HK–4200–5
Hungary	HU–1550–4
Iceland	IC–1130–4
India	IN–4210–2
Indonesia	ID–4221–8
Iran	IR–4230–7
Iraq	IZ–4240–4
Ireland	EI–1140–1
Israel	IS–4250–1
Italy	IT–1150–9
Ivory Coast	IV–5300–7
Jamaica	JM–3160–7
Japan	JA–4260–9
Jordan	JO–4270–6
Kenya	KE–5310–4
Korea, Republic of	KS–4300–1
Kuwait	KU–4310–9
Laos	LA–4330–3
Latvia	LV–1560–1
Lebanon	LE–4341–9
Lesotho	LT–5315–5
Liberia	LI–5320–1
Libya	LY–5330–9
Liechtenstein	LC–1160–6
Lithuania	LH–1570–9
Luxembourg	LU–1170–3
Macao	MC–4350–8
Malagasy Republic (Madagascar).	MA–5340–6
Malawi	MI–5350–3
Malaysia	MY–4360–5
Maldive Islands	MV–4370–2
Mali	ML–5358–9
Malta, including Gozo	MT–1181–9
Mauritania	MR–5370–8
Mauritius	MP–5380–5
Mexico	MX–3170–4
Monaco	MN–1200–9
Mongolia	MG–4381–8
Morocco	MO–5400–3
Mozambique	MZ–5408–9
Nauru	NR–6130–1
Nepal	NP–4420–2
Netherlands	NL–1210–6
Netherlands Antilles & Surinam.	NA–3730–3
New Caledonia	NC–6140–9
New Zealand	NZ–6168–9
Nicaragua	NU–3180–1
Niger	NG–5420–8
Nigeria	NI–5430–5
North Korea	KN–4440–7
North Viet-Nam	VN–4450–4
Norway	NO–1220–3
Oman (Muscat and Oman).	MU–4410–5
Other Western Europe [2]	OE–1490–7
Pakistan	PK–4470–9
Panama	PN–3188–7
Paraguay	PA–3210–7
Peru	PE–3220–4
Philippines	RP–4480–6
Poland	PL–1576–8
Portugal	PO–1231–9
Portuguese Timor	PT–4500–4
Portuguese West Africa	PW–5448–8
Qatar	QA–4510–1
Reunion Island	RE–5460–7
Rhodesia (Southern)	RH–5470–4
Romania	RO–1580–6
Rwanda	RW–5501–8
St. Pierre and Miquelon Islands.	SB–6221–9
Saudi Arabia	SA–4560–8
Senegal	SG–5530–1
Seychelles	SE–5540–9
Sierra Leone	SL–5550–6
Singapore	SN–4601–9
Somalia	SO–5560–3
South Africa	SF–5571–9
Spain	SP–1250–5
Spanish Sahara	SS–5600–3
Sri Lanka (Ceylon)	CE–4131–9
Sudan	SU–5610–3
Swaziland	WZ–5621–9
Sweden	SW–1260–2
Switzerland	SZ–1268–8
Syria	SY–4620–5
Tanzania	TZ–5640–5
Thailand	TH–4641–8
Togo	TO–5650–2
Tonga	TN–6244–8
Trinidad and Tobago	TD–3240–9
Tunisia	TS–5670–7
Turkey	TU–1280–7
Uganda	UG–5680–4
United Arab Emirates	TC–4660–4
United Kingdom	UK–1300–5
United States Trust Territory of the Pacific Islands.	TT–6250–2
Upper Volta	UV–5711–8
Uruguay	UY–3260–3
U.S.S.R.	UR–1610–1
Vatican City	VT–1310–2
Venezuela	VE–3271–9
Viet-Nam, Republic of	VS–4680–9
Western Samoa	WS–6261–8
Yemen (Aden)	YS–4708–2
Yemen (San'a)	YE–4710–4
Yugoslavia	YO–1321–8
Zaire	CG–5170–5
Zambia	ZA–5720–7
International and regional:	
African regional organizations.[3]	AZ–7690–2
Asian regional organizations.[4]	AX–7590–6
Bank for International Settlements.	BS–1330–7
European Fund	EF–1340–4
European regional organizations.[5]	EO–7390–3
International organizations.[6]	IL–7290–7
Latin American regional organizations.[7]	LR–7491–8

[1] Includes Anguilla, Antigua, British Virgin Islands, Caicos Islands, Caymen Islands, Dominica, Montserrat, Saint Christopher and Nevis, Saint Lucia, Saint Vincent, and Turk Islands.

[2] Includes Andorra and San Marino.

[3] Includes African Development Bank.

[4] Includes Asian Development Bank and Southeast Asia Treaty Organization.

[5] Includes European Atomic Energy Community (Euratom), European Coal and Steel Community, European Economic Community, European Investment Bank, North Atlantic Treaty Organization, and Organization for Economic Cooperation and Development.

[6] Includes Food and Agriculture Organizations, International Atomic Energy Agency, International Bank for Reconstruction and Development, International Children's Emergency Fund, International Development Association, International Finance Corporation, International Labor Organization, International Monetary Fund, International Refugee Organization, United Nations and its Specialized Agencies and Commissions, Universal Postal Union, and World Health Organizations.

[7] Includes Central American Bank for Economic Integration, Inter-American Development Bank, Organization of American States (Pan American Union) and affiliated organizations.

Annex C: List of Foreign Official Institutions

This list of foreign institutions which conform to the definition of "foreign official institutions" used in this survey may be used to identify such foreign official institutions for the purposes of making this report.

The listing has been arranged on an area basis, listing countries alphabetically within each area, and showing official institutions for each such country.

EUROPE

Albania:
- Banque de l'Etat Albanais (State Bank of Albania).
- People's Republic of Albania.

Austria:
- Oesterreichische Nationalbank.
- Austrian Consulate General.
- Embassy of Austria.
- Republic of Austria.
- Trustee of the Austrian Government 1923–43 Bonds.

Bank for International Settlements

Belgium-Luxembourg:
- Banque Internationale a Luxembourg, S.A.
- Banque Nationale de Belgique.
- Belgian Economic Mission (Mission Economique Belge).
- Belgian Embassy.
- Belgian Government Delegation to the United Nations.
- Belgian Information Center.
- Commercial Counselor of Belgium.
- Consulate General de Belgique.
- Embassy of Luxembourg.
- Grand Duchy of Luxembourg.
- Grand Duke of Luxembourg.
- Kingdom of Belgium.
- Office of Belgian Agricultural Attache.
- Office of Belgian Military Attache.

Bulgaria:
- Banque Nationale de Bulgarie or Bulgarska Narodna Banka.
- Legation of the People's Republic of Bulgaria.
- People's Republic of Bulgaria.

Cyprus: Central Bank of Cyprus.

Czechoslovakia:
- Statni Banka Ceskoslovenska (State Bank of Czechoslovakia).
- Narodni Banka Ceskoslovenska (Narodni Bank pro Cechy).
- Central Slovac Consulate General.
- Czechoslovak Consulate.
- Czechoslovak Embassy.
- Czechoslovak Office for Relief and Rehabilitation.
- Czechoslovak Socialist Republic.
- Office of Czechoslovak Commercial Attache.
- Office of Czechoslovak Miliary and Air Attaches.

Denmark:
- Danmarks Nationalbank.
- Consulate General of Denmark.
- Danish Consulate General, Greenland Section.
- Embassy of Denmark.
- Kingdom of Denmark.
- Ministry of Finance.
- Office of Danish Military, Naval, and Air Attaches.

Estonia:
- Eeste Pank.
- Consulate General of Estonia.
- Government of Estonia.
- Legation of Estonia.

Finland:
- Bank of Finland (Finlands Bank) (Suomen Pankki).
- Consulate of Finland.
- Embassy of Finland.
- Republic of Finland.

France:
- Banque de France.
- Caisse Centrale de Cooperation Economique.
- Consulate de France.
- Consulate General de France.
- Credit National pour Faciliter la Reparation des Dommages Causes par la Guerre.
- Embassy of French Republic.
- French Republic.
- French Republic, General Treasury.
- Office of Commercial Attache.
- Office of Commercial Counselor.
- Office of Financial Counselor.
- Office of French Air Attache.
- Office of French Military Attache.
- Stabilization Fund of the Republic of France.

Germany:
- Deutsche Bundesbank.
- Combined Travel Board.
- Federal Republic of Germany.
- German Consulate General in New York.
- German Embassy.
- Joint Export-Import Agency.
- Trustees of German External Loan.

Greece:
- Banque de Greece.
- Consulate General of Greece.
- Embassy of Greece.
- Greek Seamens Pension Fund.
- Greek Supply Council.
- Hellenic Republic.
- Kingdom of Greece.
- Office of Greek Naval Attache.
- Royal Consulate General of Greece, Mercantile Marine Department.

Hungary:
- National Bank of Hungary (Magyar Nemzeti Bank) (Ungarische Nationalbank).
- Consulate General of Hungary.
- Hungarian People's Republic.
- Hungarian State Tourist Department.
- Legation of Hungary.

Iceland:
- Sedalabanki Islands (Central Bank of Iceland).
- Counselor of Iceland.
- Embassy of Iceland.
- Republic of Iceland.

Ireland:
- Central Bank of Ireland.
- Consulate of Ireland.
- Consulate General of Ireland.
- Department of External Affairs, Ireland.
- Irish Government Departments.
- Embassy of Ireland.
- Minister of Finance.
- Republic of Ireland.

Italy:
- Banca d'Italia.
- Consulate General of Italy.
- Embassy of Italy.
- Istituto Nazionale per i Cambi con l'Estero.
- Istituto Mobiliare Italiano.
- Italian Coal Procurement Agency (Ente Approvigionamenti Carboni).
- Italian Credit Consortium for Public Works.
- Italian Government Departments.
- Italian Technical Delegation.
- Italian Tourist Information Service, Inc.
- Office of Italian Air Attache.
- Office of Italian Military Attache.
- Office of Italian Naval Attache.
- Ufficio Italiano dei Cambi (Cambital) (Exchange Control Office).
- Republic of Italy.

Latvia:
- Latvijas Bankas, Riga, Latvia.
- Department of State Economy, Latvian Ministry of Finance.
- Government of Latvia.
- Legation of Latvia.

Lithuania:
- Lieuvas Bankas.
- Government of Lithuania.
- Lithuanian Consulate.
- Lithuanian Legation.

Malta: Central Bank of Malta.

Netherlands:
- De Nederlandsche Bank, N.V.
- Auditor General of the Netherlands Government.
- Consul General of the Netherlands.
- Departments of the Government of the Netherlands.
- Embassy of the Netherlands.
- Kingdom of the Netherlands.
- Netherlands Delegation to the United Nations.
- Netherlands Economic Mission.
- Netherlands Government.
- Netherlands Government Food Purchasing Bureau.
- Netherlands Ministry of Traffic, Directorate General of Shipping.
- Netherlands Purchasing Commission.
- Office of Netherlands Naval Attache.
- Royal Netherlands Navy.
- The Netherlands Information Bureau.

Norway:
- Norges Bank.
- Consulate General of Norway.
- Embassy of Norway.
- Kingdom of Norway.
- Norwegian Purchasing Commission.
- Norwegian Shipping and Trade Commission.
- Royal Norwegian Air Force.
- Royal Norwegian Commerce Department.
- Royal Norwegian Information Service, New York.
- Statens Kornforretning.

Poland:
- Narodowy Bank Polski.
- Bank Polski.
- Commercial Counselor of Embassy of Poland.
- Consulate General of the Polish People's Republic.
- Embassy of Poland.
- Financial Counselor of Embassy of Poland.
- Ministry of Finance of the Polish People's Republic.
- Office of Polish Military Attache.
- Polish American Supply Corporation.
- Polish People's Republic.

Portugal:
- Banco de Portugal.
- Agencia Financial de Portugal.
- Casa de Portugal.
- Embassy of Portugal.
- Office of Portuguese Naval Attache.
- Portuguese Consulate General.
- Portuguese Naval Mission.
- Republic of Portugal.

Romania:
- Banque Nationale de la Republique Socialiste de Roumanie.
- Embassy of Rumania.
- Rumanian People's Republic.

Soviet Zone of Germany: Staatsbank.

Spain:
- Banco de Espana.
- Consul General of Spain.
- Embassy of Spain.
- Foreign Market Services (Servicios de MercadosExtrajeros).
- Instituto Espanol de Moneda Extranjera.
- Spanish Agriculture Office.
- Spanish Office of Foreign Economy and Trade.
- The Spanish State.

Sweden:
- Sveriges Riksbank.
- Consulate General of Sweden.
- Embassy of Sweden.
- Kingdom of Sweden.
- Office of Swedish Air Attache.
- Swedish Travel Information Bureau, Inc.

Switzerland:
- Banque Nationale Suisse.
- Consulate General of Switzerland.
- Embassy of Switzerland.
- Swiss Confederation.
- Swiss Government Departments.
- NOTE: The Bank for International Settlements is classified under "Other Western Europe."

Turkey:
- Banque Centrale de la Republique de Turquie (Central Bank of Turkish Republic) (Turkeye Cumhuriyet Merkez Bankasi).
- Embassy of Turkey.
- Office of Commercial Counselor.
- Republic of Turkey.

Republic of Turkey Purchasing Delegation.
Turkish Consulate General.
Turkish Economic Mission.

United Kingdom:
Bank of England.
British Army Services.
British Army Staff.
British Consulate General.
British Embassy.
British Ministry of Transport.
British Joint Services Mission.
British Merchant Navy Committee.
British Ministry of Pensions.
British Government Treasury.
British Naval Welfare Fund.
British Supply Office.
Office of British Air Attache.
Office of British Army Paymaster.
Office of British Military Attache.
Office of British Naval Attache.
R.A.F. Delegation.
United Kingdom Delegation to the United Nations.
United Kingdom of Great Britain and Northern Ireland.
United Kingdom Payments Office.
United Kingdom Treasury and Supply Delegation.

U.S.S.R.:
State Bank of the U.S.S.R.
Amtorg Trading Corporation.
Embassy of U.S.S.R.
Government Purchasing Commission of the Soviet Union in the U.S.
Information Bulletin, Embassy, U.S.S.R.
Office of the Military and Naval Attaches.
Telegraphic Agency of the U.S.S.R.
Union of Soviet Socialist Republics.
U.S.S.R. Delegation to the United Nations Organization.

NOTE: The International Bank for Economic Cooperation, Moscow, is classified under "Other Eastern Europe."

Vatican City:
Accounts in the name of "His Holiness, the Pope".
Amministrazione dei Beni Della Santa Sede.
Amministrazione Speciale Della Sante Sede.
Apostolic Delegation.
Istituto per le Opere de Religione.
Mission for the Society of Jesus—Vatican Account.
Pontificia Opera Assistenza Comitato Economico.
Sacra Congregazione de Propaganda Fide Vatican City.
State of the Vatican City.

Yugoslavia:
Banque Nationale de la Republique Federative Populaire de Jugoslavia.
Consulate General of the Federal People's Republic.
Embassy of the Federal People's Republic of Yugoslavia.
Federal People's Republic of Yugoslavia.
Permanent Yugoslav Delegation to the United Nations.
Yugoslav Commercial Delegation.

CANADA

Bank of Canada.
Canadian Army Staff.
Canadian Consulate General.
Canadian Embassy.
Canadian Joint Staff.
Canadian Naval Staff.
Department of Trade and Commerce of Canada.
Dominion of Canada.
Minister of Finance and Receiver General of Canada.
Office of the Commercial Counselor of Canada.

LATIN AMERICA

Argentina:
Banco Central de la Republica Argentina.
Argentine Consulate General.
Argentine Delegation to the United Nations.
Argentine Embassy.
Argentine Government Purchasing Missions.
Argentine Naval Commission.
Argentine Republic.
Commision de Adquisiciones Aeronauticas en Canada y los Estados Undios.
Instituto Argentino de Promocion del Intercambio (IAPI).
Ministry of Finance.

Bahamas:
Bahamas Central Bank.
Bahamas Monetary Authority.

Barbados: Central Bank of Barbados.

Bolivia:
Banco Central de Bolivia.
Bolivian Army Purchasing Commission.
Bolivian Government Central Purchasing Agency.
Consulate General of Bolivia.
Contralorea General Tesoreria Nacional.
Embassy of Bolivia.
Republic of Bolivia.

Brazil:
Banco Central do Brasil.
Banco do Brasil.
Brazilian Aeronauitcal Commission.
Brazilian Delegation to the Pan American Union.
Brazilian Embassy.
Brazilian Military Commission.
Brazilian Navy Fund.
Brazilian Treasury Delegation.
Comissao Mixta Ferroviaria Brazileiro-Boliviano.
Consulate General of Brazil.
Delegation to the United Nations.
Foreign Trade Department of the Banco do Brasil.
Office of Brazilian Air Attache.
Office of Brazilian Military Attache.
Office of the Commercial Counselor.
Office of the Finance Counselor.
United States of Brazil.

British Honduras: Currency Board of British Honduras.

British West Indies: Board of Commissioners of Currency, British Caribbean Territories (Eastern Group).

Chile:
Banco Central de Chile.
Caja Autonoma de Amortizacion de la Deuda Publica de Chile.
Chilean Air Force Commission.
Chilean Naval Commission.
Consulate General of Chile.
Embassy of Chile.
Military Mission of Chile.
Ministry of Finance.
Republic of Chile.
Superintendencia de la Casa de Moneda y Especies Valorades.

Colombia:
Banco de la Republica.
Consulate General of Colombia.
Embassy of Colombia.
Republic of Colombia.

Costa Rica:
Banco Central de Costa Rica (Central Bank of Costa Rica).
Embassy of Costa Rica.
Republic of Costa Rica.

Cuba:
Banco Nacional de Cuba (National Bank of Cuba).
Consulate General de Cuba.
Cuban Mission to the United Nations.
Embassy of Cuba.
Republic of Cuba.

Dominican Republic:
Banco Central de la Republica Dominicana.
Banco de Reservas de la Republica Dominicana.
Consulate General of the Dominican Republic.
Dominican Republic.
Embassy of the Dominican Republic.

Ecuador:
Banco Central del Ecuador.
Consulate General of Ecuador.
Embassy of Ecuador.
Gobierno del Ecuador, Programa de Mantenimiento de Carreteras.
Office of the Air Attache.
Office of the Naval Attache.
Republic of Ecuador.

El Salvador:
Banco Central de Reserva de El Salvador.
Consulate of El Salvador.
Embassy of El Salvador.
Republic of El Salvador.

French West Indies and French Guiana:
Caisse Centrale de Cooperation Economique.
Office des Changes de Guyane.
Office des Changes de la Guadeloupe.
Office des Changes de la Martinique.
Institut d'Emission des Departements d'Outre-mer.

Guatemala:
Banco de Guatemala.
Consulate General of Guatemala.
Embassy of Guatemala.
Guatemalan Government Agencies.
Republic of Guatemala.
Secretaria de Hacienda y Credito Publico de Guatemala.

Guyana: Bank of Guyana.

Haiti:
Banque Nationale de la Republique d'Haiti.
Consulate of Haiti.
Embasy of Haiti.
Office of Military Attache, Army of Haiti.
Republic of Haiti.

Honduras:
Banco Central de Honduras (Central Bank of Honduras).
Consul General of Honduras.
Embassy of Honduras.
Honduran Exchange Control Commission.
Ministerio de Hacienda Credito Publico y Comercio
Republic of Honduras.

Jamaica:
Bank of Jamaica.
Government of Jamaica.
Embassy of Jamaica.

Mexico:
Banco de Mexico.
Consulate General of Mexico.
Delegacion Fiscal Mexico.
Embassy of Mexico.
Office of the Agricultural Attache.
United Mexican States.

Netherlands Antilles and Surinam (Netherlands Guiana):
Bank van de Nederlandse Antillen (Voorheen de Curacaosche Bank).
Central Bank of Surinam (Centrale Bank van Suriname).

Nicaragua:
Banco Central de Nicaragua.
Consulate General of Nicaragua.
Embassy of Nicaragua.
High Commissioner of the Republic of Nicaragua.
Ministry of Treasury and Public Credit.
Office of Military Attache to the Nicaraguan Embassy.
Republic of Nicaragua.
Republic of Nicaragua-Collector General of Customs.

Panama:
Banco Nacional de Panama.
Consulate General of Panama.
Republic of Panama.
Paraguay:
Banco Central del Paraguay.
Consulate General of Paraguay.
Embassy of Paraguay.
Republic of Paraguay.
Peru:
Banco Central de Reserva del Peru.
Banco de la Nacion.
Consulate General of Peru.
Embassy of Peru.
Office of Air Attache to the Peruvian Embassy.
Peruvian Government Department.
Peruvian Military Commission.
Peruvian Naval Commission.
Republic of Peru.
Trinidad and Tobago: Central Bank of Trinidad and Tobago.
Uruguay:
Banco Central del Uruguay.
Banco de la Republica Oriental del Uruguay.
Consulate General of Uruguay.
Direccion de Credito Publico.
Embassy of Uruguay.
Republic of Uruguay.
Uruguayan Military Mission.
Uruguayan Naval Mission.
Venezuela:
Banco Central de Venezuela.
Consulate General of Venezuela.
Embassy of Venezuela.
Ministerio de Obras Publicas.
Office of Air Attache.
Republic of Venezuela.

ASIA

Afghanistan:
Da Afghanistan Bank.
Embassy of Afghanistan.
Kingdom of Afghanistan.
Royal Legation of Afghanistan.
Bangladesh: Bangladesh Bank.
Brunei: Currency Board of Brunei.
Burma:
People's Bank Union of Burma.
Central Treasury Office.
Consulate of Burma.
Embassy of Burma.
Union of Burma.
Cambodia:
Banque Nationale du Cambodge.
Cambodia Embassy.
Kingdom of Cambodia.
China, People's Republic of (China Mainland and China, Republic of (Taiwan).
For purposes of reporting, all accounts listed below should be regarded as "official." If an account is blocked under Foreign Assets Control Regulations, it should be reported opposite the People's Republic of China. On the basis of information available in January 1973, all other accounts should be reported opposite the Republic of China, except for: (a) the People's Bank of China and (b) the Chinese Mission to the United Nations, which should be reported opposite the People's Republic of China.
Central Bank of China.
Bank of Taiwan.
Central Trust of China.
Board of Supplies, Executive Yuan.
China Defense Supplies Incorporated.
Chinese Air Force.
Chinese Air Force Library.
Chinese Delegation to Far East Commission.
Chinese Directorate General of Telecommunications.
Chinese Embassy.
Chinese Government Procurement and Services Mission.
Chinese Government Supply Mission.
Chinese Mail Section.
Chinese Military Procurement Technical Group.
Chinese Ministry of Education.
Chinese Naval Attache Office.
Chinese News Service.
Chinese Petroleum Corporation.
Chinese Postal Administration.
Chinese Signal Department.
Chinese Technical Mission.
Commission of Aeronautical Affairs.
Consulate General of China.
Council for U.S. Aid.
Delegation to International Emergency Food Council.
Delegation to the World Fund and Bank Conference.
Directorate General of Postal Remittances and Savings Bank.
Directorate General of Salt Administration.
Foreign Trade Office.
Information Office.
Inspector General Chinese Maritime Customs.
Joint Commission on Rural Reconstruction in Taiwan.
Military Missions.
Ministry of Communications.
Ministry of Economic Affairs.
Ministry of Education.
Ministry of Finance.
Ministry of Health.
Ministry of National Defense.
National Resources Commission.
National Treasury.
Navy, Kiangnan Dockyard.
Office of the Chinese Delegation to the United Nations.
Office of the Commercial Counselor.
Peoples Bank of China.
Republic of China.
Research Laboratory Ministry of Communications.
Universal Trading Corporation.
India:
Reserve Bank of India.
Embassy of India.
Government of India Education Department.
Government of India Information Services.
India Supply Mission.
Republic of India.
Indonesia:
Bank Indonesia.
Government of Republic of Indonesia.
Indonesia Supply Mission.
Indonesian Embassy.
Republic of Indonesia.
Trade Commissioner for Indonesia.
Iran:
Bank Markazi Iran.
Consulate General of Iran.
Imperial Embassy of Iran.
Imperial Legation of Iran.
Kingdom of Iran.
Ministry of War, Government of Iran, Office of the Military Attache.
Iraq:
Central Bank of Iraq.
Embassy of Iraq.
Republic of Iraq.
Israel:
Bank of Israel.
Consulate General of Israel.
Embassy of Israel.
Government of Israel.
Israeli Supply Mission.
State of Israel.
Treasury for the State of Israel.
Japan:
Bank of Japan or Nippon Ginko.
Consulate of Japan.
Embassy of Japan.
Government of Japan.
Japanese Ministry of International Trade (MITI).
Office of Minister of Finance of Japanese Government.
Jordan:
Central Bank of Jordan.
Hashemite Kingdom of Jordan.
Jordan Embassy.
Korea:
Bank of Korea.
Korea Exchange Bank.
Korean Embassy.
Republic of Korea.
Special Representative of the Republic of Korea.
Kuwait:
Central Bank of Kuwait.
Embassy of Kuwait.
Kuwait Currency Board.
Kuwait Investment Company.
State of Kuwait.
Laos:
Banque Nationale du Laos.
Embassy of Laos.
Kingdom of Laos.
Lebanon:
Bank of Lebanon.
Consulate General of Lebanon.
Embassy of Lebanon.
Ministry of Defense.
Republic of Lebanon.
Malaysia:
Central Bank of Malaysia (Bank Negara Malaysia).
Board of Commissioners of Currency, Malaysia and British Borneo.
Embassy of Malaysia.
Government of Malaysia.
Nepal:
State Bank of Nepal (Rastra Bank).
Kingdom of Nepal.
Embassy of Nepal.
Oman (Muscat and Oman):
Muscat Currency Authority.
Sultan of Oman.
Pakistan:
State Bank of Pakistan.
Consulate of Pakistan.
Embassy of Pakistan.
Office of Educational and Cultural Attache.
Philippines:
Central Bank of the Philippines.
Armed Forces of the Philippines (Procurement Mission Fund).
Embassy of the Philippines.
Philippine Constabulary.
Philippine Purchasing Agency.
Philippine Relief and Trade Rehabilitation Administration.
Republic of the Philippines.
Portuguese Timor: Banco Nacional Ultramarino (branch banks).
Saudi Arabia:
Embassy of Saudi Arabia.
His Majesty, the King of Saudi Arabia.
Kingdom of Saudi Arabia.
Ministry of Finance of the Saudi Arab Government.
Saudi Arabia Monetary Agency.
Saudi Arabian Delegation to the United Nations.
Singapore:
Board of Commissioners of Currency.
Monetary Authority of Singapore.
Sri Lanka (Ceylon):
Central Bank of Ceylon.
Embassy of Sri Lanka.
Republic of Sri Lanka.
Syria:
Banque Centrale de Syrie.
Embassy of the Syrian Arab Republic.
Syrian Arab Republic.
Syrian Consulate General.
Thailand:
Bank of Thailand.
Office of Thai Commercial Attache.
Office of Thai Military Attache.
Office of Naval Attache.

Royal Thai Embassy.
Siamese Fund.
Viet-Nam:
Banque Nationale du Viet-Nam.
Embassy of Viet-Nam.
Republic of Viet-Nam.
Yemen (Aden): Bank of Yemen.
Yemen (San'ā'): Central Bank of Yemen.

AFRICA

Algeria:
Banque Centrale d' Algerie.
Embassy of Algeria.
Burundi:
Banque de la Republique du Burundi (Bank of the Republic of Burundi).
Republic of Burundi.
Cameroon: Federal Republic of Cameroon.
Central African Republic: Central African Republic.
Chad: Republic of Chad.
Comoro Islands: Banque de Madagascar et des Comores.
Congo, Republic of (Brazzaville): Republic of Congo (Brazzaville).
Dahomey: Republic of Dahomey.
Egypt:
Central Bank of Egypt.
Bureau Egyptian Commercial Counsellor.
Egyptian Education Bureau.
Egyptian Office for the United Nations.
Office of the Military Attache.
Consulate of Egypt.
Embassy of Egypt.
Ethiopia:
National Bank of Ethiopia.
Consulate General of Ethiopia.
Embassy of Ethiopia.
Empire of Ethiopia.
Ethiopian Government Department.
French Somaliland:
Office Colonial des Changes Somalien, Banque de l'Indochine, Djibouti.
Tresor Publique de la Cote Francaise des Somalis.
Gabon: Gabon Republic.
Ghana:
Bank of Ghana.
Republic of Ghana.
Guinea:
Banque de la Republique de la Guinee.
Republic of Guinea.
Ivory Coast: Republic of Ivory Coast.
Kenya: Central Bank of Kenya.
Liberia:
Consulate General of Liberia.
Embassy of Liberia.
Republic of Liberia.
Libya:
Bank of Libya.
Embassy of Libya.
Kingdom of Libya.
Malagasy Republic: Institut Malgache d'Emission.
Malawi: Reserve Bank of Malawi.
Mali:
Banque de la Republique du Mali.
Republic of Mali.
Mauritania: Islamic Republic of Mauritania.
Mauritius: Bank of Mauritius.
Morocco:
Banque du Maroc.
Kingdom of Morocco.
Mozambique: Banco Nacional Ultramarino (branch banks).
Niger: Republic of Niger.
Nigeria:
Central Bank of Nigeria.
Federation of Nigeria.
Portuguese West Africa:
Banco de Angola.
Banco Nacional Ultramarino (branch banks).
Reunion Island: Institut d'Emission des Departements d'Outre-Mer.
Rhodesia (Southern): Reserve Bank of Rhodesia.
Rwanda:
Banque Nationale du Rwanda.
Republic of Rwanda.
Senegal: Republic of Senegal.
Sierra Leone: Bank of Sierra Leone.
Somalia: Banca Nazionale Somala.
South Africa:
South African Reserve Bank.
Embassy of the Republic of South Africa.
Permanent Delegation of the Republic of South Africa to the United Nations.
Republic of South Africa.
Republic of South Africa Department of Customs.
Republic of South Africa Government Supply Office.
South African Consulate General.
Sudan:
Bank of the Sudan.
Republic of the Sudan.
Tanzania: Bank of Tanzania.
Toco: Republic of Togo.
Tunisia:
Central Bank of Tunisia (Banque Centrale de la Tunisie).
Uganda: Bank of Uganda.
Upper Volta: Republic of Upper Volta.
Zaire: Nationale Banque du Zaire.
Zambia: Bank of Zambia.

OTHER COUNTRIES

Australia:
Reserve Bank of Australia.
Australia Consulate General.
Australian Imperial Force.
Commonwealth of Australia.
Embassy of the Commonwealth of Australia.
Office of Air Attache.
French Polynesia: Banque de l'Indochine, Succursale de Papeete, Office des Changes de Tahiti.
New Caledonia: Banque de l'Indochine, Succursale de Noumea, Office des Changes de la Nouvelle Caledonie.
New Zealand:
Reserve Bank of New Zealand.
Dominion of New Zealand.
Embassy of New Zealand.
New Zealand Trade Commission.
Office of Commercial Attache.
Western Samoa: Bank of Western Samoa.

INTERNATIONAL AND REGIONAL

International:
Food and Agriculture Organization.
International Atomic Energy Agency.
International Bank for Reconstruction and Development.
International Children's Emergency Fund.
International Civil Aviation Organization (Montreal, Canada).
International Development Association.
International Finance Corporation.
International Labor Organization.
International Monetary Fund.
International Refugee Organization.
United Nations, and Specialized Agencies and Commissions.
Universal Postal Union.
World Health Organization.
European regional:
European Atomic Energy Community (Euratom).
European Coal and Steel Community.
European Communities.
European Economic Community.
European Development Fund.
European Free Trade Association.
European Investment Bank.
North Atlantic Treaty Organization.
Organization for Economic Cooperation and Development.
Note: The Bank for International Settlements is classified under "Other Western Europe." The International Bank for Economic Cooperation, Moscow, is classified under "Other Eastern Europe."
Latin American Regional:
Andean Development Corporation.
Andean Subregional Group.
Caribbean Development Bank.
Caribbean Free Trade Association.
Caribbean Regional Development Agency.
Central American Bank for Economic Integration.
Central American Institute for Industrial Research and Technology.
Central American Monetary Stabilization Fund.
Inter-American Development Bank.
Latin American Free Trade Association.
Organization of American States (Pan American Union), and affiliated organizations.
Organization for Central American States.
Permanent Secretariat of the Central American General Treaty of Economic Integration.
River Plate Basin Commission.
Asian Regional:
Asia and Pacific Council.
Asian Development Bank.
Association of Southeast Asian Nations.
Central Treaty Organization (CENTO).
Colombo Plan.
South East Asia Treaty Organization (SEATO).
African Regional:
African Development Bank.
Banque Centrale des Etats de l'Afrique de l'Ouest.
Banque Centrale des Etats de l'Afrique Equatorial et du Cameroun.
Conseil de l'Entente.
East African Common Services Organization.
East African Community.
Organisation Commune Africaine et Malagache.
Organization of African Unity.
Union des Etats de l'Afrique Centrale.
Union Douaniere et Economique de l'Afrique Centrale.
Union Douaniere des Etats de l'Afrique de l'Ouest.

ANNEX D: CODE FOR SECURITIES AND LONG-TERM DEBT

	Code
Form FPI–1:	
Voting common stock	11
Nonvoting common stock	12
Warrants, rights, or transferable stock options	13
Voting preferred stock	14
Nonvoting preferred stock	15
Certificates of participation	16
Other ownership shares or certificates	17
Registered bonds or debentures, excluding convertible issues	21
Bearer bonds or debentures, excluding convertible issues	22
Convertible bonds or debentures	23
Notes to, and loans from, banks	24
Notes to, and loans from, nonbanks	25
Mortgages, other than bond issues	26
Certificates of deposit	27
Commercial paper	28
Other long-term debt	29
Form FPI–2:	
Common stock	11
Warrants, rights or transferable stock options	13
Preferred stock	15
Certificates of participation	16
Other ownership shares or certificates	17
Bonds or debentures	21
Notes to, and loans from, banks	24
Notes to, and loans from, nonbanks	25
Mortgages, other than bond issues	26
Certificates of deposit	27
Commercial paper	28
Other long-term debt	29

The data furnished on this report will be held in strict confidence

Treasury Form FPI-1

Reporting Form for U.S. Issuers of Securities

NOTE: Mail completed form to:

Foreign Portfolio Investment Project
Office of the Assistant Secretary for International Affairs
U.S. Department of the Treasury
Washington, D.C. 20220

Give name, title and telephone number of person to be consulted concerning any question regarding this report.

Name: _____ Title: _____

Telephone: Area Code ( ) Number: _____

Part I: Information Relating to the Reporting Company: (Entries with arrows should be made directly in the "code spaces" column)

	Code Spaces
1. Identification of reporter:	
a. Employer's Identification Number ----->	/ / / / / / / / /
b. Name of company _____	
c. Address _____ ----->	Zip Code / / / / /
d. Type of organization (check box) ----->	Corporation ☐ 1 Partnership ☐ 2 Business or investment trust ☐ 3 Other ☐ 4
e. Principal business activity of reporter (use Enterprise SIC Code, in Annex A to the General Instructions) -------->	/ /

2. Trading of Securities:

a. Check the appropriate box (boxes) to identify the exchanges on which your securities are traded in the United States.	Code Spaces: Common (Voting) Stock	Other Stock	Bonds or debentures	Other Debt
(1) New York Stock Exchange ---------->	☐	☐	☐	☐
(2) American Stock Exchange ---------->	☐	☐	☐	☐
(3) Pacific Stock Exchange ---------->	☐	☐	☐	☐
(4) Midwest Stock Exchange ---------->	☐	☐	☐	☐
(5) Other U.S. stock exchanges ---------->	☐	☐	☐	☐
(6) Over the counter ---------->	☐	☐	☐	☐
(7) None of the above ---------->	☐	☐	☐	☐
b. Check the appropriate box (boxes) to identify the exchanges on which your securities are traded outside the United States:				
(1) London Stock Exchange ---------->	☐	☐	☐	☐
(2) Amsterdam Stock Exchange ---------->	☐	☐	☐	☐
(3) Frankfurt Stock Exchange ---------->	☐	☐	☐	☐
(4) Zurich Stock Exchange ---------->	☐	☐	☐	☐
(5) Paris Bourse ---------->	☐	☐	☐	☐
(6) Tokyo Stock Exchange ---------->	☐	☐	☐	☐
(7) Other (identify)_____ ---------->	☐	☐	☐	☐

3. Consolidated financial data: (For fiscal year ending _____):	Code Spaces (Dollars) bill.	million	thousand
a. Total assets ---------->	/	///	///
b. Total liabilities (excl. net worth) ->	/	///	///
c. Total net worth (lines a-b) ---------->	/	///	///
d. Total net sales or revenues --------->	/	///	///
e. Total net earnings (after taxes) ---->	/	///	///

	Actual amounts: dollars	cents
f. Earnings (primary) per share of common stock ---------->	///	/
g. Cash dividends declared per share of common stock ---------->	///	/

4. If a foreign person(s) holds an interest in your company's voting stock of 10 percent or more, give extent of combined ownership, in percent, of such foreign holder(s) ---------->	Ownership percent
	//

Certification: The undersigned official executing this certification on behalf of the company hereby certifies that the information contained in this report, including any addenda, schedules or statements attached hereto, is correct and complete to the best of his knowledge and belief.

Name of company _____

Signature of authorized official _____

Title of official _____ Date _____

Part II: Information concerning ownership of reporter's security issues as of 12/31/74
Common (voting) stock, warrants, rights, etc., and other stock having voting privileges.
(Fill in required detail on an issue by issue basis.
Use extra sheet for additional issues, if needed).

Item	Voting common stock (with one vote per share voting power) (Code No. 11)	Warrants, rights or transferable options for common stock (no voting power) (Code No. 13)	Other voting stock (describe and sta voting power) (Code No. 12)
	CUSIP No: (1)	CUSIP No: (2)	CUSIP No: (3)
5. Number of shares, warrants, rights or transferable stock options issued and still outstanding, total --->			
a) Held by U.S. persons excluding U.S. holders of record ---------->			
b) Held by U.S. holders of record ---------->			
c) Held by foreign persons ---------->			
6. Value per share of stock, or per warrant, right or transferable stock option:			
a) Market value per share, or unit of warrant, right, etc. as of 12/31/74 ---------->			
b) Bookvalue as of 12/31/74 per share of stock, or other value (identify _____) per unit of warrant, right etc., based on company books ---------->			
7. Cash dividends declared per share for 12-month period to 12/31/74 ---------->			

If, based on your records, any portion of the company's voting stocks were held by foreign reside (see item 5c above) give detail by country and by issue as requested on Schedule A.

Capital stock other than voting stock, such as preference stock or non voting issues of common stock as of 12/31/74
(Fill in required detail on an issue-by-issue basis
Use extra sheet for additional issues, if needed).

Item	Describe each issue below:			
	Code No. CUSIP No: (1)	Code No. CUSIP No: (2)	Code No. CUSIP No: (3)	Code No. CUSIP No (4)
8. Number of shares issued and still outstanding, total ->				
a) Held by U.S. persons excluding U.S. holders of record ---------->				
b) Held by U.S. holders of record ---------->				
c) Held by foreign persons---------->				
9. Value per share of stock:				
a) Market value as of 12/31/74---------->				
b) Bookvalue as of 12/31/74 based on company books---------->				
10. Cash dividends declared per share for the twelve-month period to 12/31/74---------->				

If, based on your records, any portion of these securities were held by foreign residents (see item 8c above) give detail by country and by issue as requested on Schedule A.

Bonds, debentures, notes and other long-term debt obligations as of 12/31/74
(Fill in required detail on an issue by issue basis.
Use extra sheet for additional issues, if needed.)

	Code No. CUSIP No. (1)	Code No. CUSIP No. (2)	Code No. CUSIP No. (3)	Code No. CUSIP No. (4)
11. Description of issue				
a) Year of original offering date. ---------->				
b) Year of maturity date. ---------->				
c) Interest rate (in percent). Give rate on a 2 digit decimal basis. (Example: 6 1/4% show as 6.25)---------->				
d) Interest payment date. Give months of scheduled interest payments. (Example: June and December show as 6-12; March and September show as 3-9)---------->				
e. Market value as of 12/31/74. Give price per $100 face amount on a 2 digit decimal basis. (Example: 64 1/8 show as 64.12)---------->				
f. Currency in which the issue is denominated, if other than U.S. dollars. Use country code from Annex B of the General Instruction to designate currency ---------->				
12. Face amount of issue outstanding, total --->				
Registered securities:				
a) Held by U.S. persons excluding U.S. holders of record---------->				
b) Held by U.S. holders of record---------->				
c) Held by foreign persons ---------->				
Bearer securities:				
d) Amount outstanding ---------->				

If, based on your records, any portion of these debt obligations were held by foreign persons (see item 12c above) give detail by country and by issue as requested in Schedule B.

13. Give list of U.S. nominees, custodians, fiduciaries, or brokers who are registered as holders of record for 1,000 shares or more of your company's stocks, or $100,000 face amount or more of any of your company's debt issues, except for names listed in the 1974 issue of "Nominee List" published by the American Society of Corporate Secretaries, Inc.

Part III: Foreign Placements and Exchanges of Stock

14 Did you make primary placements or sales of your securities (including securities of your financing and other U.S. subsidiaries in foreign countries since 1965? (Check box)---------- ☐ Yes ☐ No

If the answer to item 14 is yes, fill out the following schedule below:

Foreign Placements or Sales of U.S. Securities Since 1965

Give description of issue (Identify bearer issues in column 2 with code 1, registered issues with code 2) (1)	CODE 1 or 2 (2)	CUSIP No. (3)	Year of transaction (4)	Value of primary placement or sale of: Debt issues (including those of U.S. subsidiaries (5)	Value of primary placement or sale of: Stock issues (including those of U.S. subsidiaries (6)	Country of placement (use country code from Annex B) (7)

15. Did you issue your company's stock in exchange for stock of foreign companies, for tangible foreign assets, or for intangible items such as patents, know-how, manufacturing rights, etc. ----------→ ☐ Yes ☐ No

If the answer to item 15 is yes, fill out the following schedule below:

Exchange of Stock for Foreign Assets Since 1965

Give description of your stock (1)	CUSIP No. (2)	Year of transaction (3)	Value of your stock exchanged for: Foreign corporate stock (4)	Value of your stock exchanged for: Foreign tangible assets (5)	Value of your stock exchanged for: Foreign intangible assets (6)

Code Spaces

PART IV: Relationship to Treasury Foreign Exchange Forms

16 (a) Did you engage on your own behalf, or on behalf of your customers, in transactions in long-term securities with foreigners during the year 1974? (Check box) ——→ [/] Yes No

If your answer to (a) above is yes, do you now file reports with the Treasury, through a Federal Reserve Bank, on Form S-1 (Purchases and Sales of "Long-Term" Securities by Foreigners)? (Check box) ——→ [/] Yes No

(b) Are you a banking firm (check box) ——→ [/] Yes No

If your answer to (b) above is yes, did you have liabilities to, or claims on, foreigners for your own account or for the account of your domestic customers during the year 1974? ——→ [ ] Yes No

If your answer to (b) above is yes, do you now file reports with the Treasury, through a Federal Reserve Bank, on Form B-1? (Check box) ——→ [/] Yes No

On Form B-2? ——→ [/] Yes No

On Form B-3? ——→ [/] Yes No

(c) Are you a non banking firm? (Check box) ——→ [/] Yes No

If your answer to (c) above is yes, did you have liabilities to, or claims on, non affiliated foreigners during the year 1974 (Check box) ——→ [/] Yes No

If your answer to (c) above is yes, do you now file reports with the Treasury, through the Federal Reserve Bank of New York, on Form C-1/2? (Check box) ——→ [/] Yes No

(d) Are you a brokerage firm or security dealer? (Check box) → [/] Yes No

If your answer to (d) above is yes, did you have debit or credit balances for account of, or with, foreigners during the year 1974? (Check box) ——→ [/] Yes No

If your answer to (d) above is yes, do you now file reports with the Treasury, through a Federal Reserve Bank, on Form S-4? (Check box) ——→ [/] Yes No

FPI-1
Schedule A.

REPORTING FORM FOR U.S. ISSUERS OF SECURITIES

BREAKDOWN OF FOREIGN OWNERSHIP IN U.S. STOCKS AND OTHER EQUITY INTERESTS, BY COUNTRY 1/

Report filed by:
Name: _____
E.I. No. _____

This is page ___ of ___ pages

Identify stock issue: _____ Cusip No. / / / / / / / / / Code No. _____

Foreign countries (1)	Code No. (2)	Number of shares held by foreign persons as of 12/31/74													
		Total (Columns (4) to (9)) (3)		Individuals Residing Abroad				All Other Foreign Persons							
				U.S. nationals residing in foreign countries (4)		Foreign nationals residing in foreign countries (5)		Foreign official institutions (6)		Foreign banks, brokers and nominees (7)		Investment companies, insurance companies, pension funds & other employee benefit funds or trusts (8)		Other foreign holders such as corporations partnerships, etc. (9)	
		No. of holders (3a)	No. of shares (3b)	No. of holders (4a)	No. of shares (4b)	No. of holders (5a)	No. of shares (5b)	No. of holders (6a)	No. of shares (6b)	No. of holders (7a)	No. of shares (7b)	No. of holders (8a)	No. of shares (8b)	No. of holders (9a)	No. of shares (9b)
Grand Total															

1/ Exclude direct and indirect holdings in U.S. securities by foreign direct investors. A foreign direct investor is any foreign person owning 10% or more of the voting stock of the U.S. company. (See paragraph B.2.b. of the General Instructions.)

FPI-1
Schedule B

Reporting Form for U.S. Issuers of Securities

Breakdown of foreign ownership in U.S. long-term debt obligations, by country[1]

(Give all amounts shown below in the currency of issue)

Identify debt issue or obligation

Cusip No. | | | | | | | | | |

Code No. _____

If this is a foreign currency issue, identify currency of issue _____

Report filed by:
Name: _____
E.I. No. _____

This is page ___ of ___ pages

Foreign countries (1)	Code No. (2)	Face Amount of Issue Held by Foreign Persons as of 12/31/74													
		Total (Columns (4) to (9)) (3)		Individuals Residing Abroad				All Other Foreign Persons							
				U.S. nationals residing in foreign countries (4)		Foreign nationals residing in foreign countries (5)		Foreign official institutions (6)		Foreign banks, brokers and nominees (7)		Investment companies, insurance companies, pension funds & other employee benefit funds or trusts (8)		Other foreign holders such as corporations partnerships, etc. (9)	
		No. of holders (3a)	Face amount (3b)	No. of holders (4a)	Face amount (4b)	No. of holders (5a)	Face amount (5b)	No. of holders (6a)	Face amount (6b)	No. of holders (7a)	Face amount (7b)	No. of holders (8a)	Face amount (8b)	No. of holders (9a)	Face amount (9b)
All countries, total															

[1] Exclude direct and indirect holdings of U.S. debt obligations by foreign direct investors. A foreign direct investor is any foreign person owning 10% or more of the voting stock of the U.S. company. (See paragraph B.2.b. of the General Instructions.)

SPECIFIC INSTRUCTIONS RELATING TO FORM FPI–1

1. *Who must report.* Form FPI–1 is required only of United States issuers. For information as to which types of issuers are required to submit Form FPI–1, as well as the exemption level for certain small issuers, please refer to Paragraph A.1. of Part II of the General Instructions.

2. *What must be reported.* General information as to what must be reported by United States issuers filing Form FPI–1 may be found in Paragraph B.1. of Part II of the General Instructions.

3. *Acknowledgement required.* The regulation and General Instructions require selected issuers receiving copies of Form FPI–1 from the Treasury to submit an acknowledgement of receipt. The package of reporting forms includes a reply card to be used for this purpose.

4. *Instructions pertaining to specific items on Form FPI–1:*

Item 1.a. For a definition of "Employer's Identification Number", refer to Paragraph 8 of Part III of the General Instructions.

Item 1.c. Enter both address and ZIP code. Make entry for ZIP code number in coding spaces provided.

Item 2. If a security is traded on more than one of the identified exchanges, check off all relevant boxes in item 2.

Item 3. Consolidated financial data should be given for the latest available year-end or closest 12-month period. If the company operates on a calendar year basis and dates for 1974 are not yet available, information should be supplied for the year ending 12/31/73. Information should be based on consolidations used in reports to stockholders or to the Securities and Exchange Commission.

Amounts that have to be converted to U.S. dollars should be converted in agreement with standard accounting principles. If the company uses different conversion procedures, these may be used but a statement should be appended describing these procedures.

Item 3.f. If the reporter is not a corporation, enter here the closest equivalent of per-share earnings for other units of ownership.

Item 3.g. This item applies only to corporations.

Item 4. If a foreign person(s) holds an interest in the reporter's voting stock of 10 percent or more, enter the extent of combined foreign ownership by such foreign holder(s).

Items 5 through 12. If the columns provided for these items are not sufficient to describe all of your issues of securities and your long-term debt that have to be reported, you may reproduce the respective pages of the questionnaire for the purpose of including these items.

If this is a consolidated report, as provided for in paragraph A.1.d. of the General Instructions, list all subsidiaries and affiliates consolidated in this report, and append this list to the report.

Items 5(a)(b), 8(a)(b), and 12(a)(b). For a definition of the term holder of record as used in these items, refer to Paragraph 5 of Part III of the General Instructions.

NOTE: Securities held by parents or guardians acting as custodians for minors may be included in line (a) of these items.

Items 6(a), 9(a), and 11(e). Enter market value as of December 31, 1974. If no transactions in these securities occurred in the market on December 31, 1974, enter market value as of the latest available preceding date when such transactions occurred. If a security was not traded within 90 days prior to 12/31/74, an estimated market value (identified Est.) may be substituted in order to establish a reasonable valuation.

Items 6(b) and 9(b). This information should be supplied as of December 31, 1974. However, if the reporter does not ordinarily close its books as of that date, enter book value as of the nearest available closing date.

Item 7. Stock dividends or dividends in kind should not be included in this item.

Item 8 and 11. Make appropriate code entry in each column heading to identify the type of issue described below. Use Appendix D, code for Form FPI–1, for that purpose.

Items 11 and 12. Certificates of Deposit. Combine all certificates of deposit of an issuing company and show them as a single issue. In line 11(b) give range of maturities and in line 11(c) give range of interest for the total of all certificates covered by the group.

Item 11 (f). If an issue is denominated in a currency other than United States dollars, it must be reported in that currency. For purposes of making this entry use the code symbol of the country from Annex B of the General Instructions.

Schedule to Item 14, col. 5. State amounts at face value rather than market value.

Schedule to Item 14, col. 6. State amounts at market value at time of placement or sale.

Schedule to Item 15, cols. 4, 5, and 6. State amounts at market value at the time of the stock exchange.

SCHEDULES A AND B

Code number. Where an interest in an issuer, whether equity or debt, does not have a CUSIP number, leave "CUSIP No. " but enter the appropriate issue code from Annex D of the General Instructions in the

space provided. (For treatment of certificates of deposit, see specific instructions to items 11 and 12 above.)

Schedule B. Use country code from Annex B of the General Instructions to identify foreign currency of issue.

Country detail. For each country in which your issues are held list the name of the country and the country code as listed in Annex B of the General Instructions. Use reproduced continuation sheets if necessary.

Column 7. If a foreign holder engages in multiple activities, list it under the column representing its primary activity. Example: A foreign bank which operates an investment company should be listed as a bank.

General Note: Neither the number of holders nor the number of shares or amounts should be rounded. Enter actual figures, including fractional shares.

The data furnished on this report will be held in strict confidence

Treasury Form FPI-2

REPORTING FORM FOR U.S. HOLDERS OF RECORD

Note: Mail completed form to:

Foreign Portfolio Investment Project
Office of the Assistant Secretary
for International Affairs,
U.S. Department of the Treasury
Washington, D.C. 20220

Give name, title and telephone number of person to be consulted concerning any question regarding this report.

Name: _____ Title: _____

Telephone number: Area Code ( ) Number _____

Part I. Information Relating to the Reporting Firm (entries with arrows should be made directly in the "Code Spaces" column.)

	Code Spaces
1. Identification of reporter:	
a. Employer's Identification Number ---------->	/ / / / / / / / /
b. Name of company _____	Zip Code
c. Address _____ ---->	/ / / / /
_____	
d. Type of organization (Check box) ---------->	Corporation ☐ Other ☐
e. Principal business of reporter (use Enterprise SIC code in Annex A of the instructions)---------->	/ /

Part II. Information Relating to U.S. corporate securities, including debt obligations, held for foreign accounts or customers.

2. If you are a holder of record, directly, or indirectly, of shares of stock or of any debt obligations for foreign persons, file the necessary Schedules C for your foreign accounts.	
Number of Schedules C submitted---------->	/ / / /

Certification: The undersigned official executing this certification on behalf of the company hereby certifies that the information contained in this report, including any addenda, schedules or statements attached hereto, is correct and complete to the best of his knowledge and belief.

Name of Company _____

Signature of authorized official _____

Title of official _____ Date _____

Schedule C

BREAKDOWN OF INVESTMENTS HELD FOR FOREIGN PERSONS

Name of reporter:

1. Total number of foreign accounts in your filing: _____

2. This is the report for account No(s). _____

3. This is sheet No. ____ of ____ sheets for report covered in item 2 above.

4. Country of foreign owner_____
Country code _____

5. Kind of foreign owner (check box)

a. U.S. national residing abroad ☐
b. Foreign national residing abroad ☐
c. Official institution ☐
d. Bank, broker or nominee ☐
e. Investment company, insurance company, pension fund or other employee benefit funds or trusts ☐
f. Other business firms ☐

Stocks and long-term debt obligations held for foreign person as of 12/31/74

Identification of investment (Name of issuer and type of stock or non corporate ownership interest, type of debt issue or other obligation) (1)	CODE (2)	Cusip No. (3)	Stocks: No of shares (4)	Debt obligations (5) Face amount(in dollars or foreign currency (5a)	Foreign currency code (See instruction) (5b)

SPECIFIC INSTRUCTIONS RELATING TO FORM FPI–2

1. *Who must report:*

Form FPI–2 is required only of United States holders of record. For information as to which holders of record are required to submit Form FPI–2, as well as the exemption level, and the requirement of consolidated reports from multiple holders under a single parent institution, please refer to Paragraph A.2. of the General Instructions.

2. *What must be reported:*

General information as to what must be reported by United States holders of record filing Form FPI–2 may be found in Paragraphs B. 1. and 2. of the General Instructions.

3. *Acknowledgment required:*

The regulations and General Instructions require selected holders of record receiving copies of Form FPI–2 from the Treasury to submit an acknowledgment of receipt. The package of reporting forms, mailed to reporters, includes a reply card to be used for this purpose.

4. *Instructions pertaining to specific items on Form FPI–2:*

Item 1a. For a definition of "Employer's Identification Number" refer to Paragraph 8 of Part III of the General instructions.

Item 1c. Enter both address and ZIP code. Make ZIP code entry in code space provided.

Item 1e. Enter the appropriate business code from Annex A of the General Instructions.

Schedule C:

Submit Schedule C for each account held for a foreign person or for an aggregated group as defined below.

Item 2. Assign an arbitrary identifying number to each foreign account in sequential order from 1 to the total number of accounts reported. Do not use actual internal account numbers. Enter the appropriate identifying number in this item.

NOTE: Reporters may aggregate accounts for purposes of Schedule C provided that the accounts fall within a single country and a single category listed in Item 5. Reporters using this method are not obligated, however, to aggregate all accounts in a single country/category. Neither does an election to aggregate for one or more country/categories bind the reporter to use the aggregate method for all accounts reported on Schedule C. In item 2, aggregated accounts should be identified by inclusive sequential numbers (e.g. 16–20).

Item 4. Enter the appropriate country name and country code from Annex B of the General Instructions.

Item 5. If the foreign person is engaged in several activities enter only the category for its major activity. Example: A foreign bank, which also operates an investment company should be identified as a bank.

Column 2. Enter code numbers only for issues for which you do not have CUSIP numbers. Use Annex D of the General Instruction, Code for Securities and Long-Term Debt for FPI–2.

Column 3. The CUSIP number must be listed for any security that has such a CUSIP number assigned to it (see Part II, F of the General Instructions).

Column 4. Enter the number of shares of stock certificates, or other units of ownership. Enter actual numbers; do not round.

Column 5. Enter face amount of debt obligations in Column 5a in the currency of issue. Do not convert foreign currency into U.S. dollars, and do not round.

Column 5b. If an entry involves a foreign currency issue, enter the appropriate country code in Annex B of the General Instructions.

Certificates of Deposit. Certificates of deposit should be totaled by issuing institutions and shown in separate lines of Schedule C.

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federal register

FRIDAY, DECEMBER 20, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 246

PART III

DEPARTMENT OF LABOR

Wage and Hour Division

■

Employees of Public Agencies Engaged in Fire Protection or Law Enforcement Activities (Including Personnel in Correctional Institutions)

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION

PART 553—EMPLOYEES OF PUBLIC AGENCIES ENGAGED IN FIRE PROTECTION OR LAW ENFORCEMENT ACTIVITIES (INCLUDING SECURITY PERSONNEL IN CORRECTIONAL INSTITUTIONS)

The Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), as amended by the Fair Labor Standards Amendments of 1974 (Pub. L. 93–259), 88 Stat. 55), extends the Act's minimum wage, overtime, equal pay and recordkeeping requirements to most public agency employees. In the case of certain public agencies (i.e., those having employees engaged in fire protection and law enforcement activities, including security personnel in correctional institutions), application of the Act's overtime provisions was delayed until January 1, 1975. This delay was accomplished by new section 13(b)(20) which provided an interim overtime exemption for all such employees regardless of the size of the employing public agency. Effective January 1, 1975, however, the section 13(b)(20) exemption will, by its express terms, be limited to fire protection and law enforcement employees who are employed by a public agency which has, during the workweek, less than five employees so engaged. For larger public agencies having such employees, the Act provides, in section 7(k), a partial overtime exemption which, by its express terms, becomes effective January 1, 1975. These two sections are self-executing and do not depend upon administrative rules or regulations.

On May 17, 1974, however, the Acting Administrator of the Wage and Hour Division, United States Department of Labor, recognizing the need for the issuance of guidelines for interpreting the new and unique overtime exemptions relating to these public agency employees, published in the FEDERAL REGISTER (39 FR 17596) notice of a hearing scheduled for June 3, 1974, to obtain evidence and receive comments regarding the duties, customs, practices, and working conditions of such employees.

The public hearing, which was held as scheduled on June 3, 1974, lasted two full days, during which time 11 individuals and organizations testified and 143 related exhibits were made a part of the hearing record.

Thereafter, on October 30, 1974, the Administrator of the Wage and Hour Division, after reviewing the hearing record in light of the express language and legislative history of the sections 7(k) and 13(b)(20) exemptions, issued proposed regulations (29 CFR Part 553), defining "employees engaged in fire protection and law enforcement activities" and prescribing tentative guidelines for determining hours worked, the work period and tour of duty, and caused the proposed regulations to be published in the FEDERAL REGISTER (39 FR 38663).

The proposed regulations as thus published invited interested persons to submit written comments, suggestions, data or arguments in regard to them on or before December 2, 1974, and, in addition, scheduled a further public hearing for November 18, 1974. In order to give as wide publicity as possible to all affected public agencies, copies of the proposed regulations were mailed directly to the governors of all 50 States, with informational copies going to every State Attorney General and State Fire Marshal, each of whom was requested to bring the proposed regulations to the attention of interested State and local government officials. In addition, approximately 800 copies of the proposed regulations were mailed to individuals, labor organizations, employer organizations, State and local government officials and agencies, as well as to members of the United States Congress.

The further public hearing, announced in the FEDERAL REGISTER on November 1, 1974, was held in Washington, D.C., on November 18–21, 1974, for the purpose of receiving oral suggestions, proposals and comments on the proposed Part 553 from interested persons. Thirty-eight individuals and organizations testified at this second hearing and approximately 300 related exhibits were made a part of the hearing record, which, along with the June 1974 hearing record, is on file with the Chief, Branch of Wage-Hour Standards, Wage and Hour Division, United States Department of Labor, Room 1107, 711 14th Street, NW., Washington, D.C. 20210.

A thorough analysis of all testimony and written material received in connection with the November 1974 hearing has been made, again in conjunction with the express statutory language and pertinent legislative history. This analysis indicated the desirability of making certain changes and additions in 29 CFR Part 553, as proposed, as well as adding new sections to it for the purpose of calling attention to the existence of other Fair Labor Standards Act exemptions which might be available to public agencies affected by new Part 553, as well as to the Act's recordkeeping requirements which are applicable to all covered employers. Other changes in proposed Part 553 expand the term "any employee in fire protection activities" to include employees of forestry conservation agencies who spot forest or brush fires and help in their extinguishment along with other individuals who are called upon to assist during periods of emergencies and high fire danger. Similarly, the term "any employee in law enforcement activities" has been expanded to include "border patrol agents," and modified to indicate that fish and game wardens and criminal investigative agents assigned to such offices as those of a district attorney may be engaged in such activities, depending upon the particular facts. Both of the foregoing terms have been further expanded to indicate that bona fide fire protection and law enforcement employees will not lose their exempt status when they perform "support activities" on a rotational assignment for training or familiarization purposes, or for other reasons due to illness, injury or infirmity; the requirement that law enforcement officers be sworn has been deleted, as has the requirement for completed training. The sections dealing with training (§ 553.7), secondary and joint employment (§ 553.9), volunteers (§ 553.11) and "comp time" (formerly § 553.17 and now § 553.19) have been further clarified, and a new section has been added to explain the general rules for determining compensable hours of work. Numerous other minor changes have been made but they are not discussed in this preamble since they can be readily discerned by comparing the proposed Part 553 with the version now to be issued. It was suggested that changes be made in the current definitions of executive, administrative or professional employees, and these suggestions, although not germane to the section 7(k) or 13(b)(20) exemptions, will be considered when 29 CFR Part 541 is reissued. The arguments criticizing the subsections dealing with mutual aid agreements (§ 553.10) and sleep and meal time (§ 553.15) were carefully considered. No substantive changes were made, however, because these subsections restate legal requirements which cannot be waived or altered by any official of the Department of Labor. Numerous other arguments were directed to the inflationary or cost impact of Part 553. Whatever impact there is, however, is the result of the 1974 Amendments, which, after Congress had considered these same arguments, expressly extended overtime protection to employees engaged in fire protection and law enforcement activities. Moreover, the extent to which the Act will have a cost impact on such public agencies depends, in large part, upon which of the several alternatives open to them the State and local jurisdictions elect to use. Assuming that all jurisdictions elect section 7(k), without any modification in the present tours of duty, the estimated cost impact of the extension of the Act's overtime requirement for calendar year 1975 is estimated to be $27 million for all such jurisdictions.

In issuing Part 553, it is recognized that the Secretary of Labor has been directed by the 1974 Amendments to conduct a study in calendar year 1976 of the hours ordinarily worked by fire protection and law enforcement employees, and to publish the results thereof in the FEDERAL REGISTER (88 Stat. 61). Now, therefore, pending completion of such study or studies, the final version of Part 553 is hereby adopted on an interim basis to read as follows:

Sec.
553.1 Statutory provisions.
553.2 Purpose and scope.

EMPLOYEES ENGAGED IN FIRE PROTECTION AND LAW ENFORCEMENT ACTIVITIES (INCLUDING SECURITY PERSONNEL IN CORRECTIONAL INSTITUTIONS)

Sec.
553.3 Fire protection activities.
553.4 Law enforcement activities.
553.5 20-percent limitation on nonexempt work.
553.6 Public agency employees engaged in both fire protection and law enforcement activities.

Sec.

553.7 Employees attending training facilities.
553.8 Ambulance and rescue service employees.
553.9 Fire protection or law enforcement employees who perform unrelated work for their own agency or for another public agency or private employer.
553.10 Mutual aid.
553.11 Fire protection and law enforcement volunteers.

RULES FOR DETERMINING THE TOUR OF DUTY, WORK PERIOD AND COMPENSABLE HOURS OF WORK

553.12 General statement.
553.13 Tour of duty.
553.14 General rules for determining compensable hours of work.
553.15 Sleeping and meal time as compensable hours of work.
553.16 Work period.
553.17 Early relief.
553.18 Trading time.
553.19 Time off for excess hours or so-called "comp time."
553.20 The "regular rate."
553.21 Records to be kept.

AUTHORITY: Secs. 1–19, 52 Stat. 1060, as amended; 88 Stat. 60; (29 U.S.C. 201–219).

§ 553.1 Statutory provisions.

(a) In extending coverage to certain public agency employees, the Fair Labor Standards Act (hereafter the Act), by virtue of section 13(b)(20), provided a complete overtime exemption for any employee of a public agency who is engaged in fire protection or law enforcement activities (including security personnel in correctional institutions) during the period between the effective date of the 1974 Amendments (May 1, 1974) to and through December 31, 1974. Beginning January 1, 1975, however, this complete overtime exemption may be claimed only with respect to "any employee of a public agency who in any workweek is employed in fire protection activities or any employee of a public agency who in any workweek is employed in law enforcement activities (including security personnel in correctional institutions), if the public agency employs during the workweek less than five employees in fire protection or law enforcement activities, as the case may be."

(b) Beginning January 1, 1975, public agencies not qualifying for the complete overtime exemption provided in section 13(b)(20) will be required to pay overtime compensation to their fire protection and law enforcement employees on a workweek basis as required by section 7(a) of the Act unless they elect to take advantage of the partial overtime exemption provided in section 7(k) which applies, not on a workweek basis, but on a work period basis, as follows:

* * * No public agency shall be deemed to have violated subsection (a) with respect to the employment of any employee in fire protection activities or any employee in law enforcement activities (including security personnel in correctional institutions) if—

(1) In a work period of 28 consecutive days the employee receives for tours of duty which in the aggregate exceed 240 hours; or

(2) In the case of such an employee to whom a work period of at least 7 but less than 28 days applies, in his work period the employee receives for tours of duty which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in his work period as 240 hours bears to 28 days, compensation at a rate of not less than one and one-half times the regular rate at which he is employed.

(B) Effective January 1, 1976, section 7(k) is amended by striking out "240 hours" each place it occurs and inserting in lieu thereof "232 hours".

(C) Effective January 1, 1977, such section is amended by striking out "232 hours" each place it occurs and inserting in lieu thereof "216 hours".

(D) Effective January 1, 1978, such section is amended—

(i) By striking out "exceed 216 hours" in paragraph (1) and inserting in lieu thereof "exceed the lesser of (A) 216 hours, or (B) the average number of hours (as determined by the Secretary pursuant to section 6(c)(3) of the Fair Labor Standards Amendments of 1974) in tours of duty of employees engaged in such activities in work periods of 28 consecutive days in calendar year 1975"; and

(ii) By striking out "as 216 hours bears to 28 days" in paragraph (2) and inserting in lieu thereof "as 216 hours (or if lower, the number of hours referred to in clause (B) of paragraph (1)) bears to 28 days * * *.

(c) These statutory provisions, as is apparent from their terms, are limited to public agencies and do not apply to any private organization engaged in furnishing fire protection or law enforcement services, and this is so even if the services are provided under contract with a public agency.

(d) In determining whether a public agency qualifies for the section 13(b)(20) exemption after January 1, 1975, the fire protection and law enforcement activities are considered separately. Thus, for example, if a public agency employs less than five employees in fire protection activities but five or more employees in law enforcement activities (including security personnel in a correctional institution), it may claim the exemption for the fire protection employees but not for the law enforcement employees. No distinction is made between full-time and part-time employees, and both must be counted in determining whether the exemption applies. Bona fide volunteers may be excluded. This determination of the number of employees engaged in each of the two named activities is made on a workweek basis.

(e) In addition to the special exemptions provided in sections 7(k) and 13(b)(20), which are the subject matter of Parts 53, the Act provides other exemptions which, depending upon the facts, may be claimed for certain employees in lieu of such special exemptions. For example, section 13(a)(1) provides a complete exemption for any employee employed in a bona fide executive, administrative or professional capacity, as those terms are defined and delimited in 29 CFR Part 541, and that exemption may be claimed for any fire protection or law enforcement employee who meets all of the tests specified in Part 541 relating to duties, responsibilities and salary. Thus, although police captains are clearly employees engaged in law enforcement activities, they may also, depending upon the facts, qualify for the section 13(a)(1) exemption, in which event the employing agency may claim that exemption for such employees in lieu of the section 7(k) or 13(b)(20) exemption. Similarly, certain criminal investigative agents may qualify as administrative employees, in which event the employing agency may elect which of the applicable exemptions it will claim for such employees. In no event, however will the election to take the section 13(a)(1) exemption for an employee who qualifies for it result in excluding that employee from the count that must be made under § 553.1(d) in determining whether the employer may claim for its other employees the section 13(b)(20) exemption.

§ 553.2 Purpose and scope.

The purpose of Part 553 is to define the pertinent statutory terms used in sections 7(k) and 13(b)(20) and to set forth the rules by which the Administrator of the Wage and Hour Division will determine the compensable hours of work, tour of duty and work period in applying the section 7(k) exemption.

EMPLOYEES ENGAGED IN FIRE PROTECTION AND LAW ENFORCEMENT ACTIVITIES (INCLUDING SECURITY PERSONNEL IN CORRECTIONAL INSTITUTIONS)

§ 553.3 Fire protection activities.

(a) As used in section 7(k) and 13(b)(20) of the Act, the term "any employee in fire protection activities" refers to any employee (1) who is employed by an organized fire department or fire protection district and who, pursuant to the extent required by State statute or local ordinance, has been trained and has the legal authority and responsibility to engage in the prevention, control or extinguishment of a fire of any type and (2) who performs activities which are required for, and directly concerned with the prevention, control or extinguishment of fires, including such incidental non-firefighting functions as housekeeping, equipment maintenance, lecturing, attending community fire drills and inspecting homes and schools for fire hazards. The term would include all such employees, regardless of their status as "trainee," "probationary," or "permanent" employee, or of their particular speciality or job title (e.g., firefighter, engineer, hose or ladder operator, fire specialist, fire inspector, lieutenant, captain, inspector, fire marshal, battalion chief, deputy chief, or chief), and regardless of their assignment to support activities of the type described in paragraph (d) of this section, whether or not such assignment is for training or familiarization purposes, or for reasons of illness, injury or infirmity. The term would also include rescue and ambulance service personnel if such personnel form an integral part of the public agency's fire protection activities. See § 553.7.

(b) The term "any employee in fire protection activities" also refers to employees who work for forest conservation agencies or other public agencies charged with forest fire fighting responsibilities, and who direct or engage in (1) fire spotting or lookout activities, or (2) fighting fires on the fireline or from aircraft or (3) operating tank trucks, bulldozers and tractors for the purpose of clearing fire

breaks. The term includes all persons so engaged, regardless of their status as full time or part time agency employees or as temporary or casual workers employed for a particular fire or for periods of high fire danger, including those who have had no prior training. It does not include such agency employees as biologists and office personnel who do not fight fires on a regular basis, except, of course, during those emergency situations when they are called upon to spend substantially all (i.e., 80 percent or more) of their time during the applicable work period in one or more of the activities described in paragraph (b) (1), (2) and (3) of this section. Additionally, for those persons who actually engage in these fire protection activities, the simultaneous performance of such related functions as housekeeping, equipment maintenance, tower repairs and/or the construction of fire roads, would also be within the section 7(k) or 13(b)(20) exemption.

(c) Not included in the term "employee in fire protection activities" are the so-called "civilian" employees of a fire department, fire district, or forestry service who engage in such support activities as those performed by dispatchers, alarm operators, apparatus and equipment repair and maintenance workers, camp cooks, clerks, stenographers, etc.

§ 553.4 Law enforcement activities.

(a) As used in sections 7(k) and 13(b)(20) of the Act, the term "any employee in law enforcement activities" refers to any employee (1) who is a uniformed or plainclothed member of a body of officers and subordinates who are empowered by statute or local ordinance to enforce laws designed to maintain public peace and order and to protect both life and property from accidental or willful injury, and to prevent and detect crimes, (2) who has the power of arrest, and (3) who is presently undergoing or has undergone or will undergo on-the-job training and/or a course of instruction and study which typically includes physical training, self-defense, firearm proficiency, criminal and civil law principles, investigative and law enforcement techniques, community relations, medical aid and ethics.

Employees who meet these tests are considered to be engaged in law enforcement activities regardless of their rank, or of their status as "trainee," "probationary" or "permanent" employee, and regardless of their assignment to duties incidental to the performance of their law enforcement activities such as equipment maintenance, and lecturing, or to support activities of the type described in paragraph (f) of this section, whether or not such assignment is for training or familiarization purposes, or for reasons of illness, injury or infirmity. The term would also include rescue and ambulance service personnel if such personnel form an integral part of the public agency's law enforcement activities. See § 553.8.

(b) Typically, employees engaged in law enforcement activities include city police; district or local police; sheriffs, under sheriffs or deputy sheriffs who are regularly employed and paid as such; court marshals or deputy marshals; constables and deputy constables who are regularly employed and paid as such; border control agents; state troopers and highway patrol officers. Other agency employees not specifically mentioned may, depending upon the particular facts and pertinent statutory provisions in that jurisdiction, meet the three tests described above. If so, they will also qualify as law enforcement officers. Such employees might include, for example, fish and game wardens or criminal investigative agents assigned to the office of a district attorney, an attorney general, a solicitor general or any other law enforcement agency concerned with keeping public peace and order and protecting life and property.

(c) Some of the law enforcement officers listed above, including but not limited to certain sheriffs, will not be covered by the Act if they are elected officials and if they are not subject to the civil service laws of their particular State or local jurisdition. Section 3(e)(2)(C) of the Act excludes from its definition of "employee" elected officials and their personal staff under the conditions therein prescribed. 29 U.S.C. 203(e)(2)(C). Such individuals, therefore, need not be counted in determining whether the public agency in question has less than five employees engaged in law enforcement activities for purposes of claiming the section 13(b)(20) exemption.

(d) Employees who do not meet each of the three tests described above are not engaged in "law enforcement activities," as that term is used in sections 7(k) and 13(b)(20). Such employees would typically include (1) building inspectors (other than those defined in § 553.3(a)), (2) health inspectors, (3) animal control personnel, (4) sanitarians, (5) civilian traffic employes who direct vehicular and pedestrian traffic at specified intersections or other control points, (6) civilian parking checkers who patrol assigned areas for the purpose of discovering parking violations and issuing appropriate warnings or appearance notices, (7) wage and hour compliance officers, (8) equal employment opportunity compliance officers, (9) tax compliance officers, (10) coal mining inspectors, and (11) building guards whose primary duty is to protect the lives and property of persons within the limited area of the building.

(e) The term "any employee in law enforcement activities" also includes, by express reference, "security personnel in correctional institutions." A correctional institution is any government facility maintained as part of a penal system for the incarceration or detention of persons suspected or convicted of having breached the peace or committed some other crime. Typically, such facilities include penitentiaries, prisons, prison farms, county, city and village jails, precinct house lockups and reformatories. Employees of correctional institutions who qualify as security personnel for purposes of the section 7(k) exemption are those who have responsibility for controlling and maintaining custody of inmates and of safeguarding them from other inmates or for supervising such functions, regardless of whether their duties are performed inside the correctional institution or outside the institution (as in the case of road gangs). These employees are considered to be engaged in law enforcement activities regardless of their rank (e.g., warden, assistant warden or guard) or of their status as "trainee," "probationary," or "permanent" employee, and regardless of their assignment to duties incidental to the performance of their law enforcement activities, or to support activities of the type described in paragraph (f) of this section, whether or not such assignment is for training or familiarization purposes or for reasons of illness, injury or infirmity.

(f) Not included in the term "employee in law enforcement activities" are the so-called "civilian" employees of law enforcement agencies or correctional institutions who engage in such support activities as those performed by dispatcher, radio operators, apparatus and equipment maintenance and repair workers, janitors, clerks and stenographers. Nor does the term include employees in correctional institutions who engage in building repair and maintenance, culinary services, teaching, or in psychological, medical and paramedical services. This is so even though such employees may, when assigned to correctional institutions, come into regular contact with the inmates in the performance of their duties.

§ 553.5 20-percent limitation on nonexempt work.

Employees engaged in fire protection or law enforcement activities, as described in §§ 553.3 and 553.4, may also engage in some nonexempt work which is not performed as an incident to or in conjunction with their firefighting activities. For example, those who work for forest conservation agencies may, during slack periods, plant trees and perform other conservation activities. The performance of such nonexempt work will not defeat either the section 7(k) or 13(b)(20) exemption unless it exceeds 20 percent of the total hours worked by the particular employee during the applicable work period.

§ 553.6 Public agency employees engaged in both fire protection and law enforcement activities.

Some public agencies have employees (sometimes referred to as public safety officers) who engage in both law enforcement activities and fire protection activities, depending upon the agency needs at the time. This dual assignment would not defeat either the section 7(k) or 13(b)(20) exemption, provided that each of the activities performed meets the appropriate tests set forth in §§ 553.3(a), 553.4(a) and (e). This is so regardless of how the employees divide their time between the two types of activities. If, however, either the fire protection or law enforcement activities do not meet the tests of § 553.3(a) or §§ 553.4(a) and (e), and if such nonqualifying activities, standing alone or in conjunction with

some other nonexempt activity, exceed 20 percent of the employee's total hours of work in the work period, neither exemption would apply.

§ 553.7 Employees attending training facilities.

The attendance at a bona fide fire or police academy or other training facility, when required by the employing public agency, does not constitute engagement in exempt activities, unless the employee in question meets all the tests described in § 553.3(a) or § 553.4(a), as the case may be, in which event such training or further training would be incidental to, and thus part of, the employee's fire protection or law enforcement activities. Only the time spent in actual training or retraining constitutes compensable hours of work. All other time, such as that spent in studying and other personal pursuits, is not compensable hours of work even in situations where the employee is confined to campus or to barracks 24 hours a day. See § 553.14. Attendance at training facilities and schools, which is not required but which may incidentally improve the employee's performance of his or her regular tasks or prepare the employee for further advancement, need not be counted as working time even though the public agency may pay for all or part of such training.

§ 553.8 Ambulance and rescue service employees.

(a) Ambulance and rescue service employees of a public agency other than a fire protection or law enforcement agency may be treated as employees engaged in fire protection or law enforcement activities of the type contemplated by sections 7(k) and 13(b)(20) if their services are substantially related to firefighting or law enforcement activities in that (1) the ambulance and rescue service employees have received special training in the rescue of fire and accident victims or firefighters injured in the performance of their firefighting duties, and (2) the ambulance and rescue service employees are regularly dispatched to fires, riots, natural disasters and accidents.

(b) Ambulance and rescue service employees of public agencies subject to the Act prior to the 1974 Amendments do not come within the section 7(k) or section 13(b)(20) exemptions, since it was not the purpose of those Amendments to deny the Act's protection of previously covered employees. This would include employees of public agencies engaged in the operation of a hospital; an institution primarily engaged in the care of the sick, the aged, the mentally ill or defective who reside on the premises of such institutions; a school for mentally or physically handicapped or gifted children; an elementary or secondary school; an institution of higher education; a street, suburban, or interurban electric railway; or local trolley or motor bus carrier.

(c) Ambulance and rescue service employees of private organizations do not come within the section 7(k) or section 13(b)(20) exemptions even if their activities are substantially related to the fire protection and law enforcement activities performed by a public agency.

§ 553.9 Fire protection or law enforcement employees who perform unrelated work for their own agency or for another public agency or private employer.

(a) If an employee regularly engaged in exempt fire protection or law enforcement activities also works for another department or agency of the same State or political subdivision, such employee will lose the exemption if the other work is unrelated to fire protection or law enforcement activities. For example, if a city police officer also works as a clerk in the city health department, which is clearly nonexempt work, the city could not claim the section 7(k) exemption for such employee and would have to pay overtime compensation for all hours worked for the two agencies in excess of 40 per week. See 29 CFR 778.117 for an explanation of how overtime compensation is computed in such a situation. If, however, such employee's other job for the city is also exempt work, as, for example lifeguarding at a seasonally operated city beach which work is exempt from both the Act's minimum wage and overtime provisions by virtue of section 13(a)(3), the city would be entitled to claim the lesser of the two exemptions which, in the example given would be the section 7(k) exemption, and it would have to pay overtime compensation only for the combined hours (if any) which are in excess of the employee's tour of duty.

(b) These same principles also apply where the fire protection or law enforcement employee works for another public or private employer who, although entirely separate from the employee's regular employer, is nonetheless a joint employer with the fire protection or law enforcement agency. Usually, of course, working for a separate employer does not affect the employee's status as an employee engaged in fire protection or law enforcement activities or the employing agency's right to claim the section 7(k) or 13(b)(20) exemption. In some limited circumstances, however, the relationship between the fire protection or law enforcement agency and the other employer is so closely related that they must be treated as joint employers. Such a joint employment relationship exists where the work done by the employee simultaneously benefits both employers and where it is done pursuant to an arrangement between the employers to share or interchange employees, or where one employer acts directly or indirectly in the interest of the other employer in relation to the same employee, or where the employers are so closely associated that they share control of the employee, directly or indirectly. See 29 CFR Part 791.

(c) To illustrate, if a police officer independently finds after-hours employment as a repair mechanic in a gas station or as a security guard in a department store, there would be no joint employment relationship between the police department and the second employer. This would be so even if the police officer wore his or her uniform at the second job and even if the police department engaged in such "brokering" functions as maintaining a list of officers available for extra outside work and referring employment requests to such officers. Nor would it matter whether the police department also established a wage scale for such extra outside work and approved it so as to avoid any conflict of interest problem. On the other hand, if the second employer is required by local ordinance or otherwise to hire a police officer to control crowds at a stadium or to direct traffic at a sports arena or during a parade, such employment benefits both the police department and the second employer, and, since both act in the interest of the other, a joint employment relationship is created.

§ 553.10 Mutual aid.

If employees engaged in fire protection activities voluntarily respond to a call for aid from a neighboring jurisdiction, they are volunteers in rendering such aid and their employer is not required to compensate them for the time spent in the neighboring jurisdiction. See § 553.10. If, however, the employees respond to such a call because their employer has a mutual aid agreement with a neighboring jurisdiction or if the employees are directed by their agency to respond, all hours worked by these employees in rendering such aid must be added to their regular hours of work for purposes of the section 7(k) exemption.

§ 553.11 Fire protection and law enforcement volunteers.

(a) Individuals who volunteer to perform fire protection or law enforcement activities, usually on a part-time basis and as a public service, are not considered to be employees of the public agency which receives their services. Such individuals do not lose their volunteer status because their tuition may have been paid or they may have been reimbursed for attending special classes or other training to learn about fire protection or law enforcement or because they are reimbursed for approximate out-of-pocket expenses incurred incidental to answering a call or to the cost of replacing clothing or other items of equipment which may have been consumed or damaged in responding to a call. Nor is the volunteer status of such individuals lost where the only material recognition afforded them is the holding of an annual party, the furnishing of a uniform and related equipment, or their inclusion in a retirement or relief fund, a workman's compensation plan or a life or health insurance program, or the payment of a nominal sum on a per call or other basis which may either be retained, in whole or in part, by the volunteer or donated to finance various social activities conducted by or under the auspices of the agency. Payments which average $2.50 per call will be considered nominal. Payments in excess of this amount may also qualify as nominal, depending upon the distances which must be traveled and other expenses incurred by the volunteer. For purposes of this paragraph, it is not necessary for the

agency to maintain an exact record of expenses.

(b) Where, however, individuals engaged in fire protection or law enforcement activities receive more than a nominal amount or payment on a basis which does not reasonably approximate the expenses incurred by them, they are employees rather than volunteers and must be paid in accordance with the Act's requirements.

(c) Volunteers engaged in fire protection or law enforcement activities may include individuals who are employed in some other capacity by the same public agency. For example, a civilian PBX operator of a public agency engaged in law enforcement activities may also be a volunteer member of the local police reserve force. Similarly, an employee of a village Department of Parks and Recreation may serve as a volunteer firefighter in his or her local community.

(d) Police officers or firefighters of one jurisdiction may engage in fire protection or law enforcement activities on a voluntary basis for another jurisdiction where there is no mutual aid agreement or other relationship between the two jurisdictions. Such employees cannot, however, perform fire protection or law enforcement activities on a voluntary basis for their own agency, although they can engage in other activities not directly related to these primary functions. For example, a paramedic employed by a city fire department could volunteer to give a course in first aid at the city hospital and a police officer could volunteer to counsel young juveniles who are members of a boy's club or other similar organizations.

RULES FOR DETERMINING THE TOUR OF DUTY, WORK PERIOD AND COMPENSABLE HOURS OF WORK

§ 553.12 General statement.

(a) In extending the Act's coverage to public agency employees engaged in fire protection and law enforcement activities, Congress, recognizing the uniqueness of these activities, established section 7(k) which permits the computation of hours worked on the basis of a work period (which can be longer than a workweek) and which bases the overtime requirements on a work period concept. In adding this provision, Congress made it clear that some adjustment would have to be made in the usual rules for determining compensable hours of work (Conf. Rept. 93–953, p. 27) and where the employer elects section 7(k), these rules must be used for purpose of both the Act's minimum wage and overtime requirements.

(b) If, however, any public agency chooses not to claim the partial overtime exemption provided in section 7(k), but elects to pay overtime compensation as required by section 7(a), it need not concern itself with the "tour of duty" or "work period" discussion which follows or with the special rules relating to the determination of what constitutes compensable hours of work since, in that event, overtime would be payable on a workweek basis and the regular method of computing "hours worked" as set forth in 29 CFR Part 785 would apply. Such an agency would not, however, be able to take advantage of the special provisions of Part 553 relating to the balancing of hours over an entire work period, trading time and early relief.

§ 553.13 Tour of duty.

The term "tour of duty," as used in section 7(k), means the period during which an employee is on duty. It may be a scheduled or unscheduled period. Scheduled periods refer to shifts, i.e., the period of time which elapses between scheduled arrival and departure times, or to scheduled periods outside the shift, as in the case of a special detail involving crowd control during a parade or other such event. Unscheduled periods refer to time spent in court by police officers, time spent handling emergency situations, or time spent after a shift in order to complete required work. When an employee actually works fewer hours than those scheduled, the employee's tour of duty is reduced accordingly. Nothing in section 7(k) precludes employers (acting pursuant to collective bargaining agreements or in accordance with their own authority) from establishing new tours of duty for their employees, provided, however, that the change is intended to be permanent at the time that it is made.

§ 553.14 General rules for determining compensable hours of work.

(a) Compensable hours of work generally include all of that time during which an employee is on duty or on the employer's premises or at a prescribed workplace, as well as all other time during which the employee is suffered or permitted to work for the employer. Such hours thus include all pre-shift and post-shift activities which are an integral part of the employee's principal activity or which are closely related and indispensable to its performance, such as attending roll call, writing up and completing reports or tickets, and washing and re-racking fire hose. It also includes time which an employee spends in attending required training classes. See § 553.7. Time spent away from the employer's premises under conditions so circumscribed that they restrict the employee from effectively using the time for personal pursuits, also constitutes compensable hours of work. For example, a police officer who is required to remain at home until summoned to testify in a pending court case and who must be in a constant state of instant readiness, is engaged in compensable hours of work. On the other hand, employees who are confined to barracks while attending police academies are not on duty during those times when they are not in class or at a training session since they are free to use such time for personal pursuits. This would also be true in a forest fire situation where employees, who have been relieved from duty and transported away from the fire line, are, for all practical purposes, required to remain at the fire camp because their homes are too far distant for commuting purposes. Also, a police officer who has completed his or her tour of duty but who is given a patrol car to drive home and use on private business, is not working simply because the radio must be left on so that the officer can respond to emergency calls. Of course, the time spent in responding to such calls would be compensable, except in those instances where it is miniscule and cannot, as an administrative matter, be recorded for payroll purposes.

(b) Additional examples of compensable and noncompensable hours of work are set forth in 29 CFR Part 785 which is fully applicable to employees for whom the section 7(k) exemption is claimed except to the extent that it has been modified below in § 553.15.

§ 553.15 Sleeping and meal time as compensable hours of work.

(a) Where the employer has elected to use the section 7(k) exemption, sleep and meal time cannot be excluded from compensable hours of work where (1) the employee is on duty for less than 24 hours, which is the general rule applicable to all employees (29 CFR 785.21) and (2) where the employee is on duty for exactly 24 hours, which represents a departure from 29 CFR 785.21.

(b) Sleep and meal time may, however, be excluded in the case of fire protection or law enforcement employees who are on duty for more than 24 hours, but only if there is an express or implied agreement between the employer and the employee to exclude such time. In the absence of any such agreement, sleep and meal time will constitute hours of work. If, on the other hand, the agreement provides for the exclusion of sleep time the amount of such time shall, in no event, exceed 8 hours, in a 24-hour period, which is also the amount of time permitted when the agreement fails to specify the duration of sleep time. If such sleep time is interrupted by a call to duty, the interruption must be counted as hours worked, and if the period is interrupted to such an extent that the employee cannot get a reasonable night's sleep (which, for enforcement purposes, means at least 5 hours), the entire time must be counted as hours of work.

§ 553.16 Work period.

(a) As used in section 7(k), the term "work period" refers to any established and regularly recurring period of work which, under the terms of the Act and legislative history, cannot be less than 7 consecutive days nor more than 28 consecutive days. Except for this limitation, the work period can be of any length, and it need not coincide with the pay period or with a particular day of the week or hour of the day. Once the beginning time of an employee's work period is established, however, it remains fixed regardless of how many hours are worked within that period. The beginning of the work period, may, of course, be changed, provided that the change is intended to be permanent at the time that it is made.

(b) An employer may have one work period applicable to all of its employees, or different work periods for different employees or groups of employees. Prior

approval from the Wage and Hour Division is not required. The employer must, however, make some notation in its records which shows the work period for each employee and which indicates the length of that period and its starting time.

(c) For those employees who have a work period of at least 7 but less than 28 consecutive days, no overtime compensation is required until the ratio between the number of days in the work period and the hours worked during such work period exceeds the ratio between a work period of 28 days and 240 hours, at which point all additional hours are paid for at one and one-half times the employee's regular rate of pay.

(d) The ratio of 240 hours to 28 days is 8.57143 hours per day (8.57 rounded). Accordingly, overtime compensation at a rate of not less than one and one-half times the employee's regular rate of pay must be paid during calendar year 1975 for all hours worked in excess of the following maximum hours standards:

Work period (days):	*Maximum hours standard*
28	240
27	231
26	223
25	214
24	206
23	197
22	189
21	180
20	171
19	163
18	154
17	146
16	137
15	129
14	120
13	111
12	103
11	94
10	86
9	77
8	69
7	60

§ 553.17 Early relief.

It is a common practice among employees engaged in fire protection activities to relieve employees on the previous shift or tour of duty prior to the scheduled starting time. Such early relief may occur pursuant to employee agreement, either expressed or implied. This practice will not have the effect of increasing the number of compensable hours of work where it is voluntary on the part of the employees and does not result. over a period of time, in their failure to receive proper compensation for all hours actually worked. On the other hand, if the practice is required by the employer the time involved must be added to the employee's tour of duty and treated as compensable time.

§ 553.18 Trading time.

Another common practice or agreement among employees engaged in fire protection or law enforcement activities is that of substituting for one another on regularly scheduled tours of duty (or for some part thereof) in order to permit an employee to absent himself or herself from work to attend to purely personal pursuits. This practice is commonly referred to as "trading time." Although the usual rules for determining hours of work would require that the additional hours worked by the substituting employee be counted in computing his or her total hours of work, the legislative history makes it clear that Congress intended the continued use of "trading time" "both within the tour of duty cycle * * * and from one cycle to another within the calendar or fiscal year without the employer being subject to [additional overtime compensation] by virtue of the voluntary trading of time by employees" (Congressional Record, March 28, 1974, Page S 4692). Accordingly, the practice of "trading time" will be deemed to have no effect on hours of work if the following criteria are met: (a) The trading of time is done voluntarily by the employees participating in the program and not at the behest of the employer; (b) the reason for trading time is due, not to the employer's business operations, but to the employee's desire or need to attend to personal matter; (c) a record is maintained by the employer of all time traded by his employees; (d) the period during which time is traded and paid back does not exceed 12 months.

§ 553.19 Time off for excess hours or so-called "comp time."

(a) As a general rule, all overtime hours must be paid for in cash and not in time off. Section 7(k) creates a partial exception to this general rule by allowing employers to balance the employee's hours over a work period, which, as indicated in § 553.16, may be longer than a workweek, and to pay the overtime compensation required by the Act only if the employee's hours exceed the total number of hours established by section 7(k) for that particular work period. Thus, for example, if the duration of the employee's work period is 28 consecutive days, and he or she works 80 hours in the first week, but only 60 in the second week and 50 in each of the next 2 weeks, no additional overtime compensation would be required, since the total number of hours worked does not exceed 240. Of course, there might be a State law requiring overtime compensation at some earlier point (e.g., for any hours worked in excess of 40 in a week), but that obligation could be met with "comp time," if comp time is permissible under State law and if the wages paid to the employee for all hours worked during the entire 28-day tour of duty equal at least the minimum wage set forth in section 6(b) of the Act (29 U.S.C. 206(b)). Similarly, an employee whose work period is 1 week could be paid in "comp time" for all excess hours up to 60, provided that comp time is a permissible form of payment under State law and provided, also, that the wages paid to the employee equal at least the statutory minimum wage. Such "comp time" could be taken at any time authorized by state law or local ordinance.

(b) If the employee in either of the examples given above works more than the stated number of hours for a 7-day or 28-day work period, overtime compensation must be paid at one and one-half times the employee's regular rate. In computing the employee's regular rate, the cash equivalent of any comp time must be included. See also § 553.20.

§ 553.20 The "regular rate".

The rules for computing an employee's "regular rate," for purposes of the Act's overtime requirements, are set forth in 29 CFR Part 778. These rules are fully applicable to employees for whom the section 7(k) exemption is claimed, except that wherever the word "workweek" is used the word "work period" should be substituted.

§ 553.21 Records to be kept.

The recordkeeping requirements of the Act are set forth in 29 CFR Part 516. These requirements are applicable to public agencies engaged in fire protection and law enforcement activities, except that where section 7(k) is claimed, the records for those employees can be kept on a work period, instead of a workweek, basis. In addition, the records must show, as indicated in § 553.16(b), the work period for each employee.

Signed at Washington, D.C. this 18th day of December 1974.

BETTY SOUTHARD MURPHY,
Administrator.

[FR Doc.74-29843 Filed 12-19-74;8:45 am]

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PART IV

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions, Modifications, and Supersedeas Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions, Modifications, and Supersedeas Decisions

General wage determination decisions. General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 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.

Alabama	AR–4067

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):

California:	
AR–1044; AR–1045	Nov. 8, 1974
Colorado:	
AR–1032; AR1033; AR–1034; AR–1035	Sept. 27, 1974
Connecticut:	
AR–3094	Aug. 16, 1974
Hawaii:	
AR–1052	Dec. 6, 1974
Illinois:	
AR–3074; AR–3076	Aug. 9, 1974
Louisiana:	
AR–78	Nov. 15, 1974
Montana:	
AR–1017	Aug. 16, 1974
AR–1039	Sept. 27, 1974
New Jersey:	
AR–2078	Nov. 15, 1974
AR–2080; AR–2082	Nov. 22, 1974
AR–2088	Nov. 29, 1974
Oklahoma:	
AR–80	Nov. 22, 1974
Pennsylvania:	
AQ–2046	Mar. 8, 1974
AQ–2081; AQ–2084	Mar. 29, 1974
AQ–2083	Apr. 5, 1974
AR–2001	July 5, 1974
AR–2033; AR–2034	Sept. 27, 1974
Texas:	
AR–45	Sept. 20, 1974
AR–46; AR–52; AR–53	Sept. 27, 1974
AR–84	Dec. 6, 1974
Washington:	
AR–1051	Do.
Wisconsin:	
AQ–3095	Feb. 15, 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 numbers of the decision being superseded):

Maryland:	
AR–2023 (AR–2093)	Aug. 23, 1974
Michigan:	
AR–3104; AR–3107; AR–3110 (AR–3177)	Aug. 16, 1974
AR–3149 (AR–3178)	Oct. 11, 1974
Mississippi:	
AQ–4113 (AR–4066)	May 17, 1974
Nevada:	
AQ–1081 (AR–1058); AQ–1082 (AR–1059)	Feb. 15, 1974
New York:	
AR–2051 (AR–2096)	Sept. 13, 1974
North Dakota:	
AR–1036 (AR–1055)	Sept. 27, 1974
South Dakota:	
AR–1026 (AR–1056)	Aug. 30, 1974
Texas:	
AR–47 (AR–90)	Sept. 27, 1974

Signed at Washington, D.C., this 13th day of December 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Alabama COUNTY: Madison
DECISION NO.: AR-4067 DATE: Date of Publication
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories).

45-AL-1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$7.71	.30	.30		.05
Boilermakers	7.50	.40	.90		.02
Bricklayers	8.20				
Carpenters	7.12				.03
Cement masons	6.75				
Electricians; Linemen	7.65	.30	1%		½ of 1%
Glaziers	6.00				
Laborers:					
Laborers; Mason tenders	4.19	.15	.20		
Air tool op. (jackhammer, vibrator); Mortar mixers	4.44	.15	.20		
Millwrights	7.49				.03
Painters, brush	4.50				
Plumbers; Pipefitters	8.10	.40	.35		.10
Roofers	4.85				
Sheet metal workers	8.75	.40	.35		.05
Truck drivers	3.67				
Power equipment operators:					
Backhoe; Crane; Front end loader	6.00				
Compressor	6.78	.25	.25		
Tractor	7.98	.25	.25		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-1044 - Mod. #2					
(39 FR 39677 - November 8, 1974) Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California					
Change:					
Electricians					
Los Angeles County					
Electricians	$ 10.23	.71	1% + 1.25		.02
Cable Splicers	10.53	.71	1% + 1.25		.02
Traffic Signal & Street Lighting:					
Electricians	10.23	.71	1% + 1.25		.02
Utility Technician No. 1	7.67	.71	1% + 1.25		.02
Utility Technician No. 2	7.16	.71	1% + 1.25		.02
Tunnel					
Electricians	11.25	.71	1% + 1.25		.02
Cable Splicers	11.55	.71	1% + 1.25		.02
Sound Technicians:					
Sound Technicians (on building construction)	10.17	.50	1%		
Sound Technician (on modification of existing building)	8.21	.50	1%		
Line Construction:					
Groundmen	7.86		1%		
Linemen	10.48		1%		
Cable Splicers	10.78		1%		
DECISION #AR-1045 - Mod. #2					
(39 FR 39687 - November 8, 1974) Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California					
Change:					
Electricians					
Los Angeles County					
Electricians	$ 10.23	.71	1% + 1.25		.02
Cable Splicers	10.53	.71	1% + 1.25		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-1032 - Mod. #3					
(39 FR 34957-September 27, 1974) Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld Counties, Colorado					
Change:					
Building Construction					
Painters:					
Park County (southern half)					
Brush, Roller, Taper, hand texture	$7.20	.50	.20		.03
Paperhanger, Steel Painter	7.70	.50	.20		.03
Spray	7.80	.50	.20		.03
Steel Spray	8.30	.50	.20		.03
Roofers:					
Eagle and southern portions of Lake, Jefferson, Park, Douglas, and Elbert Counties	7.91	.42	.10		
Tile Layers:					
Remaining Counties	7.60	.53	.40	.25	
DECISION #AR-1033 - Mod. #2					
(39 FR 34967-September 27, 1974) Garfield, Gunnison, Mesa, Montrose, and Pitkin Counties, Colorado					
Change:					
Building Construction					
Asbestos workers	9.01	.38	.72		
Glaziers	8.37				
Millwrights	7.58	.48	.60	.40	.05
Painters:					
Brush and Roller	8.51	.50	.45		.04
Drywall Finisher, Paperhanger	8.71	.50	.45		.04
Spray, Swing Stage	8.99	.50	.45		.04
Roofers	7.91	.42	.10		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-1034 - Mod. #2					
(39 FR 34970-September 27, 1974					
Las Animas and Pueblo Counties, Colorado					
Change:					
Building Construction					
Asbestos workers	$9.01	.38	.72		
Glaziers	8.37				
Roofers	7.91	.42	.10		
DECISION #AR-1035 - Mod. #2					
(39 FR 34976-September 27, 1974)					
El Paso County, Colorado					
Change:					
Building Construction					
Asbestos Workers	9.01	.38	.72		
Electricians	9.07	.42	1%+.25		.01
Glaziers	8.37				
Painters:					
Brush, Roller, Tapers, hand texture	7.20	.50	.20		.03
Paperhanger, Steel Painter	7.70	.50	.20		.03
Spray	7.80	.50	.20		.03
Steel Spray	8.30	.50	.20		.03
Plasterers	8.69				.01
Plumbers, Pipefitters	8.18	.55	.65	1.17	.05
Roofers	7.91	.42	.10		
Soft Floor Layers	7.10	.35	.45	.30	.05
DECISION #AR-3094 - Mod. #4					
(39 FR 29730 - August 16, 1974)					
Fairfield County, Connecticut					
Change:					
Electricians:					
Norwalk-Westport-Wilton-Weston	$8.85	.43	1% +.30	6%	½%
DECISION #AR-1052 - Mod. #1					
(39 FR 42819-December 6, 1974)					
Statewide, Hawaii					
Change:					
Lathers	$8.65	.44	.60		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3074 - Mod. #1					
(39 28826 - August 9, 1974)					
Williamson County, Illinois					
CHANGE:					
Asbestos Workers	$9.35	.35	.30		
Boilermakers	9.15	.60	1.00		.01
Carpenters:					
Carpenters & Soft Floor Layers	7.13	.35	.35		.02
Millwrights & Piledrivermen	7.13	.35	.35		.02
Electricians	9.65	.30	1%+.20		½ of 1%
Elevator Constructors	8.39	.39	.26	2½%+a&b	.02
Helpers	70%JR	.39	.26	2½%+a&b	.02
Helpers (Prob.)	50%JR				
Ironworkers	7.55	.45	.50		.02
Laborers	6.75		.30		.035
Sprinkler Fitters	9.40	.50	.70		.08
OMIT:					
Boilermakers' Helpers	8.10	.40	.95		.01
DECISION #AR-3076 - Mod. #1					
(39 28831 - August 9, 1974)					
Winnebago County, Illinois					
CHANGE:					
Bricklayers & Stonemasons	8.85	.30	.40	.45	.02
Carpenters; Soft Floor Layers & Piledrivermen	8.70	.25	.35		
Electricians	9.60	.30	1%+.20		1%
Elevator Constructors	8.07	.39	.26	2½%+a&b	.02
Helpers	70%JR	.39	.26	2½%+a&b	.02
Helpers (Prob.)	50%JR				
Line Construction:					
Linemen; Digger Opr.	9.25	.35	1%		.25%
Groundmen Equip. Opr.	6.28	.35	1%		.25%
Groundmen	6.06	.35	1%		.25%
Marble-Tile & Terrazzo Workers	8.40	.25		.25	
Painters:					
Brush & Roller	7.80	.30			
Structural Steel (Open)	8.05	.30			
Spray	8.70	.30			
Plumbers & Steamfitters	9.25	.35	.40		.05
Sheet Metal Workers(West ½)c:	8.95	.25	.20		.02
Sprinkler Fitters	9.40	.30	.70		.08

DECISION #AR-78 - Mod. #3
(39 FR 40429 - November 15, 1974)
Statewide Louisiana

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Glaziers:					
Zone 5	$6.40		.10		
Marble setters:					
Zone 5	6.00				
Painters:					
Zone 1:					
Group 1	6.71				
Group 2	6.835				
Group 3	6.91				
Group 4	7.055				
Group 5	7.195				
Terrazzo workers:					
Zone 5	6.00				
Tile setters:					
Zone 5	6.00				

DECISION #AR-1017 - Mod. 4
(39 FR 29853 - August 16, 1974)
Statewide, Montana

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Beaverhead, Broadwater (southwest portion); Jefferson (southern area, south of the city of Boulder); Madison (west of a line running north-south through the west limits of Harrison and Silver Bow Counties					
Brush	$5.82	.25	.10		
Spray	8.60	.25	.10		
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, Wheatland (south of the City of Harlowtown), Wibaux and Yellowstone Counties					
Brush	5.84	.25	.20		
Steel	6.09	.25	.20		
Spray	6.82	.25	.20		
Cascade, Choteau (south of a line running East and West through the southern limits of Big Sandy), Daniels, Fergus, Glacier (excl. Glacier National Park), Garfield, Judith Basin, Lewis and Clark (northern portion from a line running East and West through the northern limits of Craig), McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, Valley, and Wheatland (northern area from a line running East and West through the southern limits of Harlowtown) Counties					
Painters, brush, preparatory work; Pot tender; Rollers not over 9" for wire mesh, Louvers, Peg boards behind radiators and perforated tile only; Parking lot stripping and related work	6.60	.34	.20		

DECISION #AR-1017 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Paperhanger; Rollers up to 9" long and brush cutting in ahead of roller	$6.85	.34	.30		
Perfataper	6.95	.34	.30		
Brush on steel	7.10	.34	.30		
Water and Sandblasting; Application of cold tar products (including epoxies, polyurethanes and acid resistant paints; Spraying and airless spray	8.85	.34	.30		
Roller over 9" long	10.20	.34	.30		
Broadwater, Gallatin, Jefferson, (northern area from a line running East and West five miles south of the southern city limits of Boulder), Lewis and Clark (southern portion from a line running East and West through the southern limits of Craig), Madison (east of the West city limits of Harrison), Meagher, Park, Powell(northern area from a line running East and West through the southern city limits of Helmsville)					
Brush	6.61	.25	.20		
Spray; Steel brush	7.61	.25	.20		
Structural steel brush	8.11	.25	.20		
Steel spray	8.61	.25	.20		
Structural steel spray	9.11	.25	.20		
Blaine, Hill, Liberty and Chouteau (north of the southern limits of the city of Big Sandy) Counties	5.90				
Flathead, Granite (northern area north limits of Phillipsburg), Lake (southern area including City of Ronan), Lincoln, Mineral, Missoula, Powell (northern area through south limits of Helmsville), Ravalli, and Sanders Counties	7.10	.34	.30		.04

DECISION #AR-1039 - Mod. #2
(39 FR 34999 - September 27, 1974)
Statewide, Montana

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Beaverhead, Broadwater (southwest portion); Jefferson (southern area, south of the city of Boulder); Madison (west of a line running north-south through the west limits of Harrison and Silver Bow Counties					
Brush	$5.82	.25	.10		
Spray	8.60	.25	.10		
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, Wheatland (south of the City of Harlowtown), Wibaux and Yellowstone Counties					
Brush	5.84	.25	.20		
Steel	6.09	.25	.20		
Spray	6.82	.25	.20		
Cascade, Choteau (south of a line running East and West through the southern limits of Big Sandy), Daniels, Fergus, Glacier (excl. Glacier National Park), Garfield, Judith Basin, Lewis and Clark (northern portion from a line running East and West through the northern limits of Craig), McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, Valley, and Wheatland (northern area from a line running East and West through the southern limits of Harlowtown) Counties					
Painters, brush, preparatory work; Pot tender; Rollers not over 9" for wire mesh, Louvers, Peg boards behind radiators and perforated tile only; Parking lot stripping and related work	6.60	.34	.20		

DECISION #AR-1039 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Paperhanger; Rollers up to 9" long and brush cutting in ahead of roller	$6.85	.34	.30		
Perfataper	6.95	.34	.30		
Brush on steel	7.10	.34	.30		
Water and Sandblasting; Application of cold tar products (including epoxies, polyurethanes and acid resistant paints; Spraying and airless spray	8.85	.34	.30		
Roller over 9" long	10.20	.34	.30		
Broadwater, Gallatin, Jefferson, (northern area from a line running East and West five miles south of the southern city limits of Boulder), Lewis and Clark (southern portion from a line running East and West through the southern limits of Craig), Madison (east of the West city limits of Harrison), Meagher, Park, Powell(northern area from a line running East and West through the southern city limits of Helmsville)					
Brush	6.61	.25	.20		
Spray; Steel brush	7.61	.25	.20		
Structural steel brush	8.11	.25	.20		
Steel spray	8.61	.25	.20		
Structural steel spray	9.11	.25	.20		
Blaine, Hill, Liberty and Chouteau (north of the southern limits of the city of Big Sandy) Counties	5.90				
Flathead, Granite (northern area north limits of Phillipsburg), Lake (southern area including City of Ronan), Lincoln, Mineral, Missoula, Powell (northern area through south limits of Helmsville), Ravalli, and Sanders Counties	7.10	.34	.30		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2078 - Mod. #2 (39 FR 40473 - November 15, 1974) Bergen County, New Jersey					
Change: Bricklayers, Cement Masons, Plasterers & Stone Masons: Remainder of County	$9.20	.97	.70		.02
DECISION #AR-2080 - Mod. #2 (39 FR 41130 - November 22, 1974) Burlington County, New Jersey					
Change: Bricklayers, Cement Masons, Marble Masons, Plasterers, Stone Masons, Terrazzo Workers, & Tile Setters: Bordentown City, Chesterfield Twp., Bordentown Twp., North Hanover Twp. & Mansfield Twp..	9.15	.55	1.00		.03
Laborers, Building Construction: Bordentown City, Bordentown Twp., Chesterfield Twp., Florence Twp., Burlington Twp., Burlington City, Mansfield Twp., New Hanover Twp., & Springfield Twp: Laborers, Mortar Mixers, Mason Tenders, Pneumatic Gas, Electric Tool Operators, Power Buggy, Wreckers & Pipe Layers (Concrete & Clay)	7.00	.40	.55		
Plasterers' Tenders & Hod Carriers	7.10	.40	.55		
DECISION #AR-2082 - Mod. #2 (39 FR 41146 - November 22, 1974) Cumberland County, New Jersey					
Change: Bricklayers, Cement Masons, Marble Setters, Plasterers, Stone Masons, Terrazzo Workers & Tile Setters	8.95	.50	.25		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2088 - Mod. #1					
(39 FR 41677 - November 29, 1974)					
Mercer County, New Jersey					
Change:					
Bricklayers, Stone Masons, Cement Masons, Plasterers, Marble Masons, Terrazzo Workers, & Tile Setters:					
Princeton Boro. & Princeton Twp.:					
Bricklayers, Plasterers, Stone Masons & Cement Masons	$9.15	.55	1.00		.03
Marble Masons	9.15	.55	1.00		.03
Terrazzo Workers	9.15	.55	1.00		.03
Tile Setters	9.15	.55	1.00		.03
Remainder of County	9.15	.55	1.00		.03
Laborers, Building Construction:					
Remainder of County:					
Laborers, Mortar Mixers, Mason Tenders, Pneumatic Gas, Electric Tool Operators, Power Buggy, Wreckers & Pipe Layers (Concrete & Clay)	7.00	.40	.55		
Plasterers' Tenders & Hod Carriers	7.10	.40	.55		
DECISION NO. AR-80 Mod. #1					
(39 FR41107 - November 22, 1974)					
Comanche County, Oklahoma					
Change:					
CARPENTERS:					
Carpenters	$6.50	.25	.25		.02
Millwrights	7.00	.25	.25		.02
Piledrivermen	7.00	.25	.25		.02
Power Saw Operator	6.625	.25	.25		.02
Bricklayers-Stonemasons	7.95		.20		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2001 - Mod. #4					
(39 FR 24803 - July 5, 1974)					
Frankling County, Pennsylvania					
Change:					
Millwrights	$ 7.995	5%	3%+.25	2.6%	1%
Piledrivermen	9.58	5%	8%		.50 of 1%
Sprinkler Fitters	9.60	.50	.70		.08
DECISION #AR-2033 - Mod. #1					
(39 FR 35048 - September 27, 1974)					
Allegheny County, Pennsylvania					
Change:					
Lathers	8.53	.45	1.10		.01
Millwrights	7 995	5%	3%+.25	2.6%	1%
Piledrivermen	9.58	5%	8%		.50 of 1%
Plumbers	9.405	.60	.20		.12
Soft Floor Layers	8.96	5%	6%	6%	.5%
Stonemasons	9.60	.45	.85		
Sprinkler Fitters	9.60	.50	.70		.08
DECISION #AR-2034 - Mod. #1					
(39 FR 35051 - September 27, 1974)					
Armstrong County, Pennsylvania					
Change:					
Millwrights	7.995	5%	3%+.25	2.6%	1%
Piledrivermen	9.58	5%	8%		.50 of 1%
Soft Floor Layers	8.96	5%	6%	6%	.5%
Sprinkler Fitters	9.60	.50	.70		.08

Decision #AQ-2046 - Mod. #5 (39 FR - 9338 - March 8, 1974) Elk County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Ironworkers	$9.08	.70	.81		.04
Millwrights	7.995	5%	3%+.25	26%	1/2%
Piledrivermen	9.58	5%	8%		.50 of 1%
Sprinkler Fitters	9.60	.50	.70		.08
Decision #AQ-2081 - Mod. # 4 (39 FR 11805 - March 29, 1974) Cambria County, Pennsylvania					
Change:					
Bricklayers & Stonemasons	8.88	.45	.60		
Cement Masons	8.05	1.00			
Millwrights	7.995	5%	3%+.25	26%	1/2%
Soft floor layers	8.96	5%	6%	6%	.5%
Marble, Tile & Terrazzo Workers	8.88	.45	.60		.01
Sprinkler Fitters	9.60	.50	.70		.08
Piledrivermen	9.58	5%	8%		.50 of 1%
Decision #AQ-2083 - Mod. # 5 (39 FR 12578 - April 5, 1974) Blair County, Pennsylvania					
Change:					
Bricklayers & Stonemasons	8.88	.45	.60		.01
Cement Masons	8.05	1.00			
Ironworkers	9.08	.70	.81		.04
Marble, Tile & Terrazzo Workers	8.88	.45	.60		.01
Millwrights	7.995	5%	3%+.25	26%	1/2%
Piledrivermen	9.58	5%	8%		.50 of 1%
Decision # AQ-2084 - Mod. # 5 (39 FR 11808 - March 29, 1974) Bedford County, Pennsylvania					
Change:					
Cement Masons	8.05	1.00			
Piledrivermen	9.58	5%	8%		.50 of 1%
Millwrights	7.995	5%	3%+.25	26%	1/2%
Soft floor layers	8.96	5%	6%	6%	.5%
Sprinkler Fitters	9.60	.50	.70		.08

Decision # AQ-2099 - Mod. # 3 (39 FR 14175 - April 19, 1974) Lehigh County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Bricklayers & Stonemasons	$8.80	.35	.80		
Electricians	9.70	.30	1%		.01
Elevator Constructors	8.69	.345	.23	2%+a+b	.015
Elevator Constructors Helpers	6.08	.345	.23	2%+a+b	.015
Elevator Constructors Helpers (Prob.)	4.345				
Marble, & Tile Setters	7.64	.35	.80		
Marble & Tile Helpers	6.65	.60	.25		
Plasterers	8.15	.30	.41		.01
Terrazzo Workers	7.89	.35	.80		
Terrazzo Workers Helpers	6.65	.60	.25		
Sprinkler Fitters	9.60	.50	.70		.08
DECISION #AR-45 - Mod. #3 (39 FR 34015 - September 20, 1974) Bexar County, Texas					
Change:					
Carpenters:					
Carpenters	$7.12	.38	.30	.40	.02
Millwrights	7.42	.38	.30	.40	.02
DECISION #AR-46 - Mod. #3 (39 FR 35059 - September 27, 1974) Wichita County, Texas					
Change:					
Laborers:					
General laborers	4.125	.275	.20		
Pipelayer (concrete & clay); Power buggy operator; Gunite mixer; Cement work mixer; Power tool operator; Bell hole man (piers)	4.25	.275	.20		
Mason tender; Mason mortar mixer; Plasterer tender; Hod carrier; Plasterer mortar mixer	4.375	.275	.20		
Gunnite over 1½" thick; Nozzleman & machine operator	4.375	.275	.20		
Powderman, blaster	4.625	.275	.20		
Omit:					
Painters:					
Brush	3.50				
Spray	4.00				

DECISION #AR-46 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	App. Tr.
Add:					
Painters:					
Brush	$7.895		.20		.02
Spray; Wallcovering; Pressure roller; Sandblasting; Structural steel; Bosun chair; Window jack & window sill; Stage; Fire escape; Steel storage tanks; Stilts; Mittens; Ames tools; Drywall finishing	8.145		.20		.02
On jobs requiring less than six 250 foot rolls of joint tape, or less than eight man hours of bedding time the drywall finishing rate will be	7.895		.20		.02
Steeple jack rate (radio & TV towers, smoke stacks, chimneys and water towers, and similar facilities and flag poles stop buildings located closer to the edge of the building than the height of the pole); Toxic material rate (creosote, coal tar products or similar materials injurious to the skin)	9.145		.20		.02

DECISION #AR-52 - Mod. #3 (39 FR 35066 - September 27, 1974) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	App. Tr.
Change:					
Electricians:					
Zone 1:					
Electricians	$8.08	.30	1%		1/2%
Cable splicers	8.88	.30	1%		1/2%
Line Construction:					
Zone 1:					
Lineman	8.08	.30	1%		1/2%
Cable splicers	8.88	.30	1%		1/2%
Groundman, more than 1 year experience	5.42	.30	1%		1/2%
Groundman, less than 1 year experience	4.73	.30	1%		1/2%
Operator-hole digger, line truck	6.28	.30	1%		1/2%
Flat bed truck driver	4.73	.30	1%		1/2%
Plumbers & Pipefitters:					
Zone 1	7.73	.25	.55	.30	
Zone 2	7.98	.25	.55	.30	
Zone 3	8.23	.25	.55	.30	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-53 - Mod. #3 (39 FR 35069 - September 27, 1974) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Electricians	$8.08	.30	1%		1/2%
Plumbers	7.73	.25	.55	.30	
DECISION #AR-84 - Mod. #1 (39 FR 42830 - December 6, 1974) Galveston & Harris Counties, Texas					
Change:					
Electricians:					
Harris County	8.65	.30	3%		.04
Sheet metal workers:					
Harris County	8.335	.225	.475	.20	.025

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-1051 - Mod. #1 (39 FR 42832-December 6, 1974) Statewide, Washington					
Change:					
Plumbers:					
Chellan, Clallam, King, Kittitas (north of 47°15' N. Lat.), Douglas (west of 119°30' W. Long.), Jefferson and Okanogan (except the area lying between 119°30' W. Long. and South of 48°30' N. Lat.) Counties	$9.61	.58	.95	.75	.06
Adams (except area between a line drawn south from the western boundary of Ferry County to Highway #10 eastward to Whitman County), Asotin, Benton, Columbia, Franklin Garfield, Grant, Klickitat, Walla Walla, Yakima, Douglas, (east of 119°30' W. Long.), Ferry (west of a line drawn from Creston in Lincoln County Northward to the Canadian Border), Kittitas (south of 47°15' N. Lat.), Lincoln (west of a line drawn from Schrag in Adams County northward to the Ferry County Line), and Okanogan (east of 119°30' N. Lat.) Counties.	10.11	.33	.85	.62	.10
Adams (area between a line drawn south from the western boundary of Ferry County to Highway #10 and eastward to Whitman County), Asotin, Cowlitz, Ferry (east of a line drawn from Creston in Lincoln County northward to the Canadian Border), Grays Harbor, Kitsap, Lewis, Lincoln (east of a line drawn from Schrag in Adams County northward to the Ferry County Line), Mason, Pend Oreille,					

DECISION NO. AR-1051 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Plumbers: (Cont'd)					
Pierce, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Whatcom, Whitman, and Clark and Skamania (those portions lying north of an east-west line drawn through Woodland eastward to the Klickitat County Line) Counties	$9.60	.33	.85	.60	.10
Clark and Skamania Counties South of an east-west line drawn through Woodland eastward to the Klickitat County Line.	9.37	.70	1.00		.08
Ironworkers:					
Statewide except Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties Structural, Ornamental, Reinforcing, Fence Erectors, Riggers, and Signalman	9.15	.48	.80		.05
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Cos. Structural, Oranmental, Reinforcing, Fence Erectors, Riggers and Signalmen	8.90	.48	.80		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AO-3095 - Mod. #1 (39 FR 5982 - February 15, 1974) Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania & Wisconsin					
CHANGE:					
Under Dipper & Hydraulic Dredging:					
Chief Engineer	$9.56	.25	.25	a	
Operators	9.49	.25	.25	a	
Assistant Engineers	9.13	.25	.25	a	
Welders; Cranemen-Dipper Dredging; Spill Barge Opra-Hydraulic Dredging	9.04	.25	.25	a	
Under Drill Boats:					
Engineers	9.01	.25	.25	c	
Blasters	9.13	.25	.25	c	
Firemen	8.66	.25	.25	c	
Drillers, Welders or Machinists	9.02	.25	.25	c	
Oilers & Helpers	8.48	.25	.25	c	

SUPERSEDEAS DECISION

STATE: Maryland

COUNTIES: Baltimore, Harford, Howard and Baltimore City

DECISION NO.: AR-2093

DATE: Date of Publication

Supersedes Decision No. AR-2023, dated August 23, 1974 in 39 FR 30761.

DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to and including 4-stories), Heavy Construction (excluding sewer and water lines).

1 of 1

BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$7.65	.60	.75		.02
Boilermakers	8.65	.60	.70		.02
Bricklayers	9.00	.40	.50		.07
Carpenters	8.10	.60	.54		.05
Cement Masons	8.62	.25	.30		
Electricians:					
Zone 1 - From Beltimore City Hall to 25 Miles	8.80	.50	1%+.20		½%
Zone 2 - Over 25 Miles to 45 Miles from Baltimore City Hall	9.05	.50	1%+.20		½%
Zone 3 - Over 45 Miles from Baltimore City Hall	9.30	.50	1%+.20		½%
Elevator Constructors	8.45	.395	.26	2½%+a&b	.02
Elevator Constructors' Helpers	5.915	.395	.26	2½%+a&b	.02
Elevator Constructors' Helpers (probationary)	4.225				
Glaziers:					
Glaziers	7.70	.25	.30		
Swinging Scaffold or Bosun's Chair	7.95	.25	.30		
Ironworkers:					
Ironworkers, finishers, rodmen, pre-cast & pre-stress erectors	8.47	.60	1.05		.04
Sheeters	8.72	.60	1.05		.04
Laborers:					
Laborers	5.75	.275	.30		.05
Hod carriers	6.15	.275	.30		.05
Plasterers' laborers	5.90	.275	.30		.05
Power tool operators	5.85	.275	.30		.05
Pipelayers (concrete & clay)	5.95	.275	.30		.05
Wagon drill operators	6.00	.275	.30		.05
Mason tenders	6.05	.275	.30		.05
Scaffold builders	6.25	.275	.30		.05
Lathers	8.84		.35		.01
Lead Burners	9.25	.35		c	.01
Linemen & Cable Splicers:					
Zone 1 - From Baltimore City Hall to 25 Miles	9.15	.35	1%		¼%
Zone 2 - Over 25 Miles to 45 Miles from Baltimore City Hall	9.40	.35	1%		¼%
Zone 3 - Over 45 Miles from Baltimore City Hall	9.65	.35	1%		¼%

2 of 2

BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Marble Setters	$9.00	.40	.50		.07
Marble, Tile & Terrazzo Workers' Helpers	6.00	.20	.20		
Millwrights	8.20	.60	.54		.05
Painters:					
Brush	7.445	.85	.45		.05
Structrual Steel, Spray(Steel), Steamcleaning & Sandblasting	7.945	.85	.45		.05
Spackling, Taping & Wall Coverings	7.595	.85	.45		.05
Spray (except steel)	7.695	.85	.45		.05
Piledrivermen	8.10	.60	.54		.05
Plasterers	8.55	.35	.30		
Plumbers	8.68	.35	.45		.10
Roofers:					
Roofers, Damp & Waterproof Workers	6.40	.35	.40		.05
Slate, Tile; Asbestos & Asphalt Shingle	6.85	.35	.40		.05
Precast Slab & Woodblock Layer	7.40	.35	.40		.05
Sheet Metal Workers	8.17	.55	.50		.05
Soft Floor Layers - Resilient Floor Layers	8.10	.60	.54		.05
Sprinkler Fitters:					
Baltimore City including a 10-mile radius beyond the City Limits	8.60	.40	.60		.10
Harford & Howard Counties and the remainder of Baltimore County	9.40	.50	.70		.08
Steamfitters	8.41	.45	.60		.12
Stone Masons	9.00	.40	.50		.07
Tile & Terrazzo Workers	7.26	.40	.40		.04
Truck Drivers:					
Goose-necks, drop frame trailers	7.35	.50	.30	f&g	
All "A" Frames, winch trucks, fork lifts & trailers	7.15	.50	.30	f&g	
Flat beds & pick-ups	6.70	.50	.30	f&g	
Helpers	6.40	.50	.30	f&g	
Mixer trucks with agitator of 12 yds. capacity	5.05	.50	.30	f&g	
Mixer trucks with agitator over 12 yds. capacity	5.48	.50	.30	f&g	
Euclid wagons & dumpsters	5.97	.50	.30	f&g	
Dump trucks	5.66	.50	.30	f&g	

BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (EXCAVATION):					
Dump truck	5.89	.50	.30	h&j	
Euclid Wagons & Dumpsters	6.20	.50	.30	h&j	
Drop-Frame, Goose-Neck & Trailers	6.09	.50	.30	h&j	
Pick-Ups	5.71	.50	.30	h&j	
Helpers	5.76	.50	.30	h&j	
Welders - receive rates prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day' C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.
b. Employer contributes 4% of basic hourly rate for 5 years or more of service as vacation pay credit.
c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve (provided employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
f. Employee with 1 year of service - 1 week's paid vacation; 2 years of service - 2 weeks paid vacation; 10 years of service - 3 weeks paid vacation, provided the employee has worked 125 days in the previous contract year.
g. Holidays: A trhough F plus the employee's birthday; the day after Thanksgiving Day and Christmas Eve (provided the employee has worked one day and has been available for work during holiday week).
h. Employee with 1 year of service - 1 week's paid vacation; 2 years of service - 2 weeks paid vacation; 10 years of service - 3 weeks paid vacation, provided employee has worked 100 days in the contract year.
j. Holidays A through F plus the employee' birthday, Good Friday and Christmas Eve (providing the employee has worked one day and has been available for work during the holiday week).

BUILDING & HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$7.93	.50	.50	a	.07
GROUP 2	7.48	.50	.50	a	.07
GROUP 3	7.37	.50	.50	a	.07
GROUP 4	7.25	.50	.50	a	.07
GROUP 5	7.14	.50	.50	a	.07
GROUP 6	6.97	.50	.50	a	.07
GROUP 7	6.80	.50	.50	a	.07
GROUP 8	6.62	.50	.50	a	.07
GROUP 9	6.30	.50	.50	a	.07
GROUP 10	6.09	.50	.50	a	.07
GROUP 11	5.98	.50	.50	a	.07

FOOTNOTE: a. 6 paid holidays - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day

CLASSIFICATIONS

GROUP 1 - Backfiller, backhoe, concrete mixing plants, scale type batching plants, cableway, derrick, derrick boat, boat captain, dragline, elevating grader, excavating scoop (25 yds., and over), hoist (2 active drums or more), pile driving machine, tower crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, Eimco type overhead loader, whirley rig, welder, concrete paver, double concrete pump, front end loader (1-3/4 yds., and over), multiple conveyor, mighty midget with compressor, repair mechanic, twin engine scraper, gradall
GROUP 2 - Tractor with attachments (2 or more), autopatrol type grader
GROUP 3 - Compressors (2 or more), conveyors (2 or more), space heaters, over 4 welders (more than 6, another man), well point system
GROUP 4 - Front end tractor loader (under 1-3/4 yds.), bulldozer
GROUP 5 - Concrete mixer, concrete pump, one drum hoist, elevator operator, narrow gauge locomotive, stone crusher, hi-lift, fork lift
GROUP 6 - Excavating scoop (under 25 yds.), caterpillar type tractor
GROUP 7 - Finishing machine, bull float, sub grader, longitudinal float, screeding machine, concrete spreader, asphalt spreader
GROUP 8 - Single compressor, grout pump, power roller, pumps, well drill, engine driven welders (up to 4), space heaters (up to 4), steam hammer, pile extractor, conveyor
GROUP 9 - Fireman, truck crane oiler, grease truck, fuel truck
GROUP 10 - Wheel tractor
GROUP 11 - Oiler, deck hand, mechanic's helper

SUPERSEDEAS DECISION

STATE: Michigan

COUNTIES: Alger, Baraga, Chippewa, Gogebic, Houghton, Keewenaw, Mackinac, Marquette & Ontonagon

DECISION NO: AR-3177

DATE: Date of Publication

Supersedes Decision Nos. AR-3104, AR-3107 & AR-3110 dated August 16, 1974 in 39 FR 29790, 39 FR 29801 & 39 FR 29811 Respectively

DESCRIPTION OF WORK: Building (excluding single family homes and garden type apartments up to and including 4 stories) and Heavy Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers:					
Chippewa and Mackinac Cos.	$ 7.98	.66	.95		.02
Gogebic and Ontonagon Cos.	9.15	.30	.25		
Remainder of Counties	8.56	.45	.20	.65	.03
Boilermakers	8.83	.60	1.00	1.00	.01
Bricklayers:					
Alger and Marquette Cos.	7.88	.45	.35	.50	.01
Chippewa and Mackinac Cos.	8.39	.45	.30		
Remainder of Counties	8.35	.45	.35		
Carpenters:					
Carpenters	7.54	.50	.40		.01
Millwrights	8.04	.50	.40		.01
Piledrivermen	7.74	.50	.40		.01
Cement Masons:					
Alger and Marquette Cos.	7.38	.45	.35	.50	.01
Chippewa and Mackinac Cos.	7.82	.45	.30		
Remainder of Counties	7.85	.45	.35		
Electricians:					
Alger and Marquette Cos.					
Electricians	8.80	.30	1%		½%
Cable Splicers	10.12	.30	1%		½%
Chippewa & Mackinac Cos.					
Electricians	8.30	.40	1%		
Cable Splicers	9.545	.40	1%		
Gogebic County					
Electrical contracts over $3,000 including industrial	8.45	4%	1%	11%	3%
Electrical contracts up to $3,000 except industrial	7.05	4%	1%	11%	3%
Remainder of Counties					
Electrical contracts over $5,000	8.45	.40	1%		1%
Electrical contracts up to $5,000	7.00	.40	1%		1%
Elevator Constructors	7.785	.39	.26	2½%	.02
Elevator Constructors helpers	70%JR	.39	.26	2½%	.02
Elevator Constructors helpers (PROB)	50%JR				
Ironworkers: Structural, Reinforcing & Ornamental	8.04	.25	1.31		.02
Lathers	7.95	.44	.10	.50	.01
Leadburners	8.75	.30			.01
Painters:					
Chippewa & Mackinac Cos.					
Brush	6.95		.50		
Paperhanging	7.25		.50		

Painters (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Sandblasting; Spray; Tapers, hand	$ 7.45		.50		
Tapers, machine	7.55		.50		
Steel	9.45		.50		
Glaziers	5.80		.50		
Baraga, Houghton, Keweenaw and Northern portion of Ontonagon					
Painters; Glaziers; Tapers, hand	6.75				
Tapers, machine	7.25				
Spray; Sandblasting	7.30				
Gogebic County and remaining portion of Ontonagon County					
Painters; Paperhanger	6.00				
Spray	6.50				
Plasterers:					
Alger and Marquette Counties	7.83	.45	.35	.50	.01
Chippewa and Mackinac County	8.24	.45	.30		
Remainder of Counties	8.35	.45	.35		
Plumbers: Steamfitters	8.13	.35	.30		.02
Roofers	7.75		.50		
Sheet Metal Workers					
Alger, Chippewa, Mackinac and Marquette	8.25	.32	.40		.02
Remainder of County	7.55	.28	.30		.02
Soft Floor Layers	7.54	.50	.40		.01
Sprinkler Fitters	9.40	.50	.70		.08
Tile Setters and Terrazzo Workers					
Alger and Marquette Cos.	7.63	.45	.35	.50	.01
Chippewa and Mackinac Cos.	8.19	.45	.30		
Remainder of County	8.35	.45	.35		
Truck Drivers:					
Truck Driver	6.52	18.00a	11.00a		
Heavy Duty; Double axle and Semi	6.65	18.00a	11.00a		
Euclid	6.88	18.00a	11.00a		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

Footnote:

a. Per Week, Per Employee

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$ 6.05	.40	.30		
CLASS B	6.15	.40	.30		
CLASS C	6.45	.40	.30		
CLASS D	6.60	.40	.30		

CLASSIFICATIONS

CLASS A: General Construction Laborers

CLASS B: Chipping Hammers; Concrete Mixers; Green Cutting (air, electric or gas); Material Mixers (hand or machine ; Motor driven buggies; Mortar Mixers; Sand Blasters; Tamping Machines; Vibrator Operator; Laborers with concrete mixer to pour, including pour from trucks

CLASS C: Blasters; Buster Operators; Cement Gun Nozzleman; Drillers; Layers of all non-metallic pipe; Mixers

CLASS D: Underground Work, Tunnels and Shafts- muckers, caisson workers, miners, drillers, blasters.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Line Construction:					
Lineman; Heavy Equipment Operator	$ 7.88	.35	1%		½%
Cable Splicer	8.21	.35	1%		½%
Combination Digger Operator Tractor Operator:					
First Six Months	5.73	.35	1%		½%
Over Six Months	6.18	.35	1%		½%
Light Equipment Operator: Distribution Line Truck Driver Operator; Groundman					
First Six Months	4.99	.35	1%		½%
Over Six Months	5.43	.35	1%		½%
Combination Winch Truck Driver - Groundman					
First Six Months	4.55	.35	1%		½%
Over Six Months	5.19	.35	1%		½%
Combination Truck Driver - Groundman	4.40	.35	1%		½%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Building, Heavy and Underground					
Class A	$ 7.07	.50	.55	.22	.01
Class B	6.68	.50	.55	.21	.01
Class C	6.31	.50	.55	.20	.01
Class D	5.91	.50	.55		
Steel Construction					
Class 1	7.31	.50	.55	.23	.01
Class 2	6.83	.50	.55	.21	.01
Class 3	6.02	.50	.55	.19	

CLASSIFICATIONS

Building, Heavy and Underground

CLASS A: Regular Equipment Operators, Crane, Dozer, Front End Loader; Mechanic

CLASS B: Air Track Drill; Boom Truck; Concrete Mixers; Fork Truck; Material Hoist and Tugger; Pumps, 6" or over; Pumpcrete; Beltcrete; Squeese crete; Sweeping Machine; Trencher; Winches; Well Points and Freeze Systems

CLASS C: Air Compressor; Conveyor; Concrete Saw; Farm Tractor (without attachments); Generator; Guard Post Driven; Mulching; Pumps under 6"

CLASS D: Oiler; Fireman; Heater Operator

Steel Construction

CLASS 1: Operator

CLASS 2: Compressor

CLASS 3: Oiler; Fireman

SUPERSEDEAS DECISION

STATE: Michigan COUNTY: Marquette
DECISION NO: AR-3178 DATE: Date of Publication
Supersedes Decision No. AR-3149 dated October 11, 1974 in 39 FR 36757
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$ 6.85	.35	.20	.55	.06
Boilermakers	8.83	.60	1.00	1.00	.01
Bricklayers; Stonemasons	7.88	.45	.35	.50	.01
Carpenters	7.54	.50	.40		.01
Cement Masons	7.38	.45	.35	.50	.01
Electricians	5.80	.30	.06		2%
Elevator Constructors	7.785	.39	.26	2 2/5%	.02
Elevator Constructors' Helpers	5.45	.39	.26	2 2/5%	.02
Elevator Constructors' Helpers (prob.)	3.89				
Ironworkers, structural, ornamental & reinforcing	8.04	.25	.50	1.31	.02
Laborers:					
Laborers	6.05	.40	.30		
Chipping Hammers; Concrete Mixers; Green Cutter (Air, electric or gas); Material Mixers; Mortar Mixers; Motor driven buggy operator; Sandblasters; Tamping machines; Vibrator operators	6.15	.40	.30		
Lathers	7.65	.44	.10	.50	.01
Marble Setters	6.98	.35	.35	.50	.01
Sheet Metal Workers	8.25	.31	.40		.02
Soft Floor Layers	7.54	.50	.40		.01
Sprinkler Fitters	9.50	.50	.70		.08
Tile Setters; Terrazzo Workers	7.63	.45	.35	.50	.01
Tile Setters' Helpers	6.53	.45	.35	.50	.01
Truck Drivers:					
Regular	6.02	17.00a	10.00a		
Heavy Duty, double axle and semi	6.15	17.00a	10.00a		
Euclid type equipment	6.38	17.00a	10.00a		
Welders - receive rate prescribed for craft performing operation to which welding is incidental					

Footnote:
a. Per Week, Per Employee

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators					
Regular Equipment Operator Crane; Dozer; Front End Loaders Job Mechanic	$ 7.07	.50	.55	.22	.01
Air Track Drill; Boom Truck Concrete Mixers; Fork Truck; Material Hoist and Tugger; Pump, 6" and over; Pumpcrete; Belt Crete; Squeeze crete; Sweeping Machine; Trencher; Winches; Well points and Freeze Systems	6.68	.50	.55	.21	.01

STATE: Mississippi
DECISION NUMBER: AR-4066
SUPERSEDES DECISION NO.. AQ-4113 dated May 17, 1974, in 39 FR 17664
Description of Work: Heavy and highway construction

COUNTY: Statewide *See Below; except Hancock, Harrison, Jackson and Pearl River.
DATE: Date of Publication

	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air tool operator	2.50	2.50	3.25	2.75	2.50	3.00
Asphalt raker	2.50	2.50	3.00	2.50	2.75	2.75
Bricklayers	4.25	4.00	5.00	5.50	5.00	4.25
Carpenter	3.50	3.50	3.75	3.75	3.75	3.75
Cement masons (Finisher)	3.25	3.50	3.50	3.50	3.50	3.50
Concrete saw operator	3.00	3.00	3.00	3.00	3.00	4.00
Electricians	5.30	4.50	6.50	6.50	4.50	5.40
Form setter	3.75	3.25	3.25	2.50	3.25	2.80
Grade checker	2.75	2.50	2.50	2.50	2.25	2.25
Ironworker, reinforcing	3.25	3.00	2.50	3.25	3.50	4.00
Ironworker, structural	3.00	2.75	3.00	3.00	3.00	3.30
Laborer, unskilled	2.00	2.00	2.00	2.00	2.00	2.00
Mason tender (Cement mason helper)	2.50	2.75	2.75	2.50	2.75	2.90
Painter (Structural steel)	2.75	3.00	3.00	4.00	4.00	3.90
Piledriverman	2.75	2.80	3.00	2.75	3.00	3.00
Truck driver	2.50	2.25	2.50	2.25	2.25	2.75
Tugboat operator						2.50
Welder	3.25	2.75	3.50	3.00	3.00	3.70
POWER EQUIPMENT OPERATORS:						
"A" frame truck (winch)			3.00		2.75	2.40
Aggregate spreader operator	2.75	3.00	3.00	2.75	2.50	3.00
Air compressor operator	3.25	2.60	3.00	2.50	2.75	2.60
Asphalt distributor-spreader operator	3.00	2.75	3.00	2.75	2.75	3.00
Asphalt plant	2.75	2.75	3.00	2.75	2.75	3.50
Backhoe or shovel operator	3.50	2.80	3.50	3.50	3.25	3.50
Bulldozer operator	3.50	3.25	3.75	3.50	3.50	3.25
Concrete batch plant operator	3.00	3.00	3.00	3.10	2.75	3.25
Concrete breaker & hydo-hammer operator	2.25	2.25	2.25			
Concrete finishing machine op.	3.50	2.75	3.10	3.00	3.75	3.50
Concrete paving machine op.	3.50	3.00	3.00	3.50	3.00	3.30
Concrete spreader machine op.	2.75	2.50	3.10	3.25	2.80	3.00
Crane, dragline operator	3.25	3.50	4.00	3.75	4.00	4.00
Crusher feeder operator		3.00	2.50	3.50	3.00	3.00
Curing machine operator	3.00	2.25	2.75	2.75		3.00
Earth auger	3.00	3.00	3.50	3.00	3.00	2.75
Fireman	2.85	2.50	3.00	2.75	2.75	3.00
Guard rail post driver		2.50	3.50		2.75	2.75
Joint filler	2.25	2.00	2.50		2.75	3.00
Joint setter	2.50		3.00	2.30	2.30	
Loader operator (all types)	3.00	2.75	3.00	2.75	3.00	3.50
Mechanic	3.50	3.00	3.75	3.50	3.50	3.75
Mixer operator (All types)	3.00	2.50	2.75	2.75	2.50	3.00
Motor patrol operator	3.50	3.50	3.75	3.25	3.50	3.75
Mud-jack operator	2.65		2.25			
Mulcher operator	2.50	2.75	2.25	2.25	2.25	2.50
Oiler-greaser	2.50	2.50	2.75	2.50	2.75	2.75
Piledriver operator	3.25	3.75	3.75	3.25	3.90	4.00
Pipelayer	3.00		3.00	3.00		2.80
Roller operator (self-propelled)	2.50	2.50	2.75	2.60	2.75	2.75
Scales (all types)	2.50	2.20	2.35	2.40	2.20	2.85
Scraper operator	3.25	3.25	3.50	3.25	3.00	3.25
Steel machine operator			2.25			
Striping machine operator	4.00	4.00	4.00	4.25	4.00	4.00
Sub grader machine operator						3.50
Tractor operator (track type)	2.75	2.75	3.00	2.35	3.00	2.75
Tractor operator (wheel type)	2.25	2.50	2.25	2.25	2.25	2.50
Trenching machine	2.75	2.50	2.75	2.25	2.75	3.00

COUNTIES:

*ZONE I: Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Okitbbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union and Webster.

*ZONE II: Bolivar, Carroll, Coahoma, DeSoto, Grenda, Leflore, Montgomery, Panola, Quitman, Sunflower, Tallahatchie, Tate, Tunica, Washington and Yalobusha.

*ZONE III: Claiborne, Copiah, Hinds, Holmes, Humphreys, Issaquena, Madison, Rankin, Sharkey, Simpson, Warren and Yazoo.

*ZONE IV: Attala, Clarke, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton, Noxubee, Scott, Smith, and Winston.

*ZONE V: Adams, Amite, Covington, Forrest, Franklin, Greene, Jefferson, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Perry, Pike, Walthall, Wayne, and Wilkinson.

*ZONE VI: George, and Stone.

STATE: Nevada

COUNTY: Clark (excluding the Nevada Test Site)

DECISION NUMBER: AR-1058

DATE: Date of Publication

Supersedes Decision #AQ-1081 dated February 15, 1974, in 39 FR 5992

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$10.16	.78	.72		
BOILERMAKERS	8.50	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons	9.02	.35	.30	1.00	.01
CARPENTERS:					
Carpenters	8.46	.45	.60	.80	.12
Hardwood Floorlayers; Patent Scaffolds Erectors; Power Saw Operators	8.61	.45	.60	.80	.12
Piledrivermen	8.66	.45	.60	.80	.12
Millwrights	8.96	.45	.60	.80	.12
CEMENT MASONS:					
Cement Masons	7.90	.50		1.60	.08
Cement Floor Finishing Machine; Color Work	8.15	.50		1.60	.08
ELECTRICIANS:					
Electricians; Technicians	10.86	.43	1%		.05
Cable Splicers	11.19	.43	1%		.05
ELEVATOR CONSTRUCTORS	9.21	.195	.20	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	10.85				.05
IRONWORKERS:					
Fence Erectors	8.89	.73	.975	.85	.02
Reinforcing	9.78	.73	.975	.85	.02
Ornamental; Structural	9.78	.73	.975	.85	.02
LATHERS	8.55	.35	.50	1.00	.06
MARBLE MASONS; Terrazzo Workers; Tile Setters	9.02	.35	.30	1.00	.01
PAINTERS:					
Brush; Roller	$9.60	.47	.25		.05
Paperhangers; Sandblasters; Spray; Steel; Swing Stage; Tapers	9.95	.47	.25		.05
PLASTERERS	8.08	.50			.05
PLUMBERS; Steamfitters	9.70	.45	1.30	1.60	.08
ROOFERS	9.13	.30			
SHEET METAL WORKERS	8.93	.63	1.30	1.00	.05
SOFT FLOOR LAYERS	8.82	.40			.01
SPRINKLER FITTERS	11.85	.50	.70		.08

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS					
Group 1	$6.23	.26	.75	1.00	
Group 2	6.28	.26	.75	1.00	
Group 3	6.31	.26	.75	1.00	
Group 4	6.33	.26	.75	1.00	
Group 5	6.35	.26	.75	1.00	
Group 6	6.36	.26	.75	1.00	
Group 7	6.38	.26	.75	1.00	
Group 8	6.41	.26	.75	1.00	
Group 9	6.42	.26	.75	1.00	
Group 10	6.44	.26	.75	1.00	
Group 11	6.49	.26	.75	1.00	
Group 12	6.52	.26	.75	1.00	
Group 13	6.54	.26	.75	1.00	
Group 14	6.57	.26	.75	1.00	
Group 15	6.59	.26	.75	1.00	
Group 16	6.655	.26	.75	1.00	
Group 17	6.68	.26	.75	1.00	
Group 18	6.75	.26	.75	1.00	
POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)					
Group 1	7.88	.95	1.50	.30	.04
Group 2	8.14	.95	1.50	.30	.04
Group 3	8.39	.95	1.50	.30	.04
Group 4	8.51	.95	1.50	.30	.04
Group 5	8.71	.95	1.50	.30	.04
Group 6	8.81	.95	1.50	.30	.04
Group 7	8.92	.95	1.50	.30	.04
Group 8	9.07	.95	1.50	.30	.04
Group 9	9.18	.95	1.50	.30	.04
TRUCK DRIVERS					
Group 1	8.00	.35	.50		
Group 2	8.11	.35	.50		
Group 3	8.16	.35	.50		
Group 4	8.32	.35	.50		
Group 5	8.50	.35	.50		
Group 6	9.00	.35	.50		

LABORERS

Group 1: Debris Handler; Dry Packing of Concrete and Filling of Form-bolt Holes; Dumpman; Gas and Oil Pipeline Laborers; Demolition Laborers; General or Construction Laborers; Spotter; Window Cleaner

Group 2: Cutting Torch Operator (Demolition); Tarman and Motorman

Group 3: Guinea Chaser

Group 4: Fine Grader, highway and street paving, airport, runways and similar type heavy construction; Landscape Gardener and Nursery-man

Group 5: Laborers - packing rod steel and pans

Group 6: Underground Laborers including Caisson Bellowers

Group 7: Chucktender (except tunnels); Scaler; Septic Tank Digger and Installer (leadman); Tank Scaler and Cleaner

Group 8: Cesspool Digger and Installer

Group 9: Concrete Curer-impervious Membrane and Oiler of all Materials; Making and Caulking of all non-metallic pipe joints; Riprap Stonepaver; Sandblaster (pot tender)

Group 10: Asphalt Ironer, Raker, Spreader, Buggymobile; Cement Dumper (on 1 yd. or larger mixers and handling bulk concrete); Cement Grinding Machine Operator; Concrete Core Cutter; Concrete Saw Man, excluding tractor type; Gas and Oil Pipeline Wrapper Pot Tender and Form Man; Tree Climber, faller, Chain Saw Operator; Pittsburgh Chipper and similar type; Vibrators and all pneumatic gas, electric, and similar mechanical tools not separately classified herein; Roto Scraper

Group 11: Rock Slinger; Scaler, using bosun chair, safety belt or power tools

Group 12: Driller and/or Pavement Breaker

Group 13: Laying of all Non-metallic Pipe (including sewer pipe, drain pipe and underground tile)

Group 14: Gas and Oil Pipeline Wrapper - 6 inch pipe and over

Group 15: Cribber or Shorer; Powderman

Group 16: Steel Headerboard Man

Group 17: Driller (Core, Diamond or Wagon) Joy Driller Model T.W.-M-2A Gardner-Denver Model DH-163 and similar drills; Sandblaster - Nozzleman

Group 18: Head Rock Slinger

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

GROUP 1: Brakeman; Compressor Op.; Engineer Oiler; Generator Op.; Heavy Duty Repairman Helper; Pump Op.; Signalman; Switchman

GROUP 2: Concrete Mixer Op., Skip Type; Conveyor Op.; Fireman; Generator, Pump or Compressor (2-5 inclusive) Portable units, over 5 units, 10¢ per hour for each additional unit up to nine units; Hydrostatic Pump Op.; Oiler Crusher (Asphalt or Concrete Plant); Plant Operator, Generator, Pump or Compressor; Rotary Drill Helper (oilfield); Skiploader - Wheel type up to 3/4 yd. without attachment; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant Operator; Trenching Machine Oiler; Truck Crane Oiler

GROUP 3: A-Frame or Winch Truck Operator; Chainman; Elevator Op. (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Saw Op.; Power-driven Jumbo Form Setter Op.; Power Concrete Curing Machine Op.; Ross Carrier Op. (jobsite); Stationary Pipe Wrapping and Cleaning Machine Op.

GROUP 4: Asphalt Plant Fireman; Boring Machine Op.; Boxman or Mixerman (Asphalt or Concrete); Chip Spreading Machine Op.; Concrete Pump Op. (small portable); Bridge Type Unloader and Turntable Op.; Dinkey Locomotive or Motorman (up to and including 10 ton); Equipment Greaser (Grease Truck); Helicopter Hoist Op.; Highline Cableway Signalman; Hydra-Hammer - Aero Stomper; Power Sweeper Op.; Roller Op. (compacting); Screed Op. (Asphalt or Concrete); Rodman; Trenching Machine Op. (up to 6 ft.);

GROUP 5: Asphalt Plant Engineer; Concrete Batch Plant Op.; Backhoe Op. (up to and including 3/4 yd.); Bit Sharpener; Concrete Joint Machine Op. (Canal and similar type); Concrete Planer Op.; Derrickman (oilfield type); Deck Engine Op.; Drilling Machine Op. (including water wells); Forklift Op. (under 5 ton capacity); Hydrographic Seeder Machine Op.; (straw, pulp, or seed); Instrumentman; Machine Tool Op.; Maginnis Internal Full Slab Vibrator; Mechanical Berm, curb or gutter (concrete or asphalt); Mechanical Finisher Op. (concrete - Clary-Johnson-Bidwell or similar); Pavement Breaker Op.; Road Oil Mixing Machine Op.; Roller Op. (asphalt or finish); Rubber-tired Earth Moving Equipment (single engine, up to and including 25 yd. struck); Self-propeller Tar Pipelining Machine Op.; Slip Form Pump Op. (power-driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive Op. (over 10 and up to and including 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader Operator (Crawler and Wheel type over 3/4 yds. and up to and including 1 1/2 yds.); Tractor Op. - Bulldozer, Tamper, Scraper (single engine, up to 100 h.p., flywheel and similar types, up to and including D-5 and similar types); Welder - General

GROUP 6: Asphalt or Concrete Spreading Operator (tamping or finishing); Asphalt Paving Machine Op. (Barber-Greene or similar type); BHL Lima Road Pactor, Wagner Pactor or similar, Op., Bridge Crane Op.; Cast in Place Pipe Laying Machine Op.; Combination Mixer and Compressor Op. (Gunite work); Concrete Pump Op. (truck mounted); Concrete Mixer Op. - Paving;

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Crane Op. (up to and including 25 ton capacity); Crushing Plant Op.; Drill Doctor; Elevating Grader Op.; Forklift Op. (over 5 tons); Grade Checker; Grade-All Op.; Grouting Machine Op.; Heading Shield Op.; Heavy Duty Repairman; Hoist Op. (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Slab Machine Op. (Vagtborg and similar type); Lift Mobile Op.; Loader Op. (Athey, Euclid, Sierra and similar type); Material Hoist Op.; Mucking Machine Op. (1/4 yd. rubber-tired, rail or track type); Pneumatic Concrete Placing Machine Op. (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun Op.; Rotary Drill Op. (excluding Caisson Type); Rubber-tired Earth Moving Equipment Op. (single engine Caterpillar, Euclid, Athey Wagon and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds. struck); Rubber-tired Scraper Op. (self-loading - Paddel wheel type, John Deere, 1040 and similar single unit); Rubber-tired Earth Moving Equipment Op., multiple engine (up to and including 25 yds. struck); Skiploader Op. (Crawler and Wheel type - over 1 1/2 yds. up to and including 6 1/2 yds.); Surface Heaters and Planer Op.; Trenching Machine Op. (over 6 ft. depth capacity, manufacturers rating); Tower Crane Op.; Tractor Compressor Drill Combination Op.; Tractor Op. (any type larger than D-5 - 100 Flywheel h.p. and over, or similar); (Bull Dozer, Tamper, Scraper and Push Tractor, single engine); Tractor Op. (Boom Attachments); Traveling Pipe Wrapping, Cleaning and Bending Machine Op.; Tunnel Locomotive Op. (over 30 tons); Shovel, Backhoe, Dragline, Clamshell Op. (over 3/4 yds. and up to 5 cu. yd. M. R. C.)

GROUP 7: Crane Op. - over 25 ton up to and including 100 tons M. R. C.); Derrick Barge Op.; Dual Drum Mixer; Hoist Op., Stiff Legs, Guy Derrick, or similar type, up to and including 100 tons; Monorail Locomotive Op. (Diesel, gas or electric); Motor Patrol - Blade Op. (single engine); Multiple Engine Tractor Operator (Euclid and similar type, except Quad 9 Cat); Party Chief; Rubber-tired Earth Moving Equipment Op. (single engine over fifty (50) yds. struck); Rubber-tired Earth Moving Equipment Operator (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. and up to 50 cu. yds. struck); Tractor Loader Op. (Crawler and wheel type over 6 1/2 yds.); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Op. (over 5 cu. yds., M. R. C.); Welder - Certified; Woods Mixer Op. and similar Pugmill equipment; Heavy Duty Repairman - Welder combination

GROUP 8: Auto Grader Op.; Automatic Slip Form Op.; Crane Op. - over 100 tons; Hoist Op., Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator Op.; Mechanical Finishing Machine Op.; Mobile Form Traveler Op.; Motor Patrol Op. (multi-engine); Pipe Mobile Machine Op.; Rubber-tired Earth Moving Equipment Op. (multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired Self-Loading Scraper Op. (Paddle Wheel - Auger type self-loading - 2 or more units); Rubber-tired Scraper Op. - pushing one another without Push Cat, Push-Pull (.50c per hour additional to base rate); Tandem Equipment Op. (2 units only), Tandem Tractor Op. (Quad 9 or similar type); Tunnel Mole Boring Machine

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

GROUP 9: Canal Liner Op.; Canal Trimmer Op.; Helicopter Pilot; Highline Cableway Op.; Remote Controlled Earth Moving Equipment Op.; Wheel Excavator Op. (over 750 cu. yds.)

TRUCK DRIVERS

Group 1: Busses, job site, up to 25 passengers; Dump (less than 12 yds.); Pickups; Service Truck Driver, Teamster Equipment (Highest rate for dual craft operation); Truck Repairman Helper; Trucks (less than 15 tons); Warehouseman; Water and fuel (under 2,500 gals.)

Group 2: Bootman; Busses, job site more than 25 passengers; Dump (12 yds. but less than 16 yds.); Road Oil Spreader; Trucks (15 and 20 tons); Trucks working on gas and oil pipeline, including winch truck and all size trucks; Truck Greaser; Water and Fuel (2,500 gals. to 4,000 gals.)

Group 3: Dumpcrete (less than 6½ yds.); Tireman; Transit-mix (under 3 yds.)

Group 4: Dump (16 yds. up to and including 22 yds.); Dumpcrete (6½ yds. and over); Dumpster; Euclid Type Spreader; Fork Lift; Ross Carrier-Highway; Transit-mix (3 yds. but less than 6 yds.); Trucks (20 tons but less than 30 tons); Water and Fuel (4,000 gals. but less than 6,000 gals.)

Group 5: Dump (over 22 yds.); Transit-mix (6 yds. or more); Truck Repairman; Truck (30 tons and over); Water and Fuel (6,000 gals. and over)

Group 6: D.W., D.W. 10 and 20 Euclid type equipment; LeTorneau Pulls; Terra Cobra and similar; PB and similar, when performing work within Teamster jurisdiction, regardless of attachments including power units pulling off highway Belly Dumps in tandem

SUPERSEDEAS DECISION

STATE: Nevada COUNTY: Washoe

DECISION NUMBER: AR-1059 DATE: Date of Publication

Supersedes Decision #AQ-1082 dated February 15, 1974, in 39 FR 5996

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$10.20	.97	.75	1.07	.06
BOILERMAKERS	8.50	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Zone A (0-15 miles from Court House in Reno)	9.45	.45	.45		.01
Zone B (15-35 miles from Court House in Reno)	9.95	.45	.45		.01
Zone C (35-75 miles from Court House in Reno)	10.35	.45	.45		.01
BRICK TENDERS:					
Zone A (0-15 miles from Court House in Reno)	7.85	.50	.45		.05
Zone B (15-35 miles from Court House in Reno)	8.35	.50	.45		.05
Zone C (35-75 miles from Court House in Reno)	8.75	.50	.45		.05
CARPENTERS:					
Carpenters	8.35	.50	.80	1.00	.04
Hardwood Floorlayers; Power Saw Operator; Shinglers; Patent Scaffold Erectors	8.50	.50	.80	1.00	.04
Piledrivermen	8.55	.50	.80	1.00	.04
Millwrights	8.95	.50	.80	1.00	.04
CEMENT MASONS:					
Cement Masons	8.05	.50	.40	1.00	.01
Mastic, Magnesite and all Composition Masons	8.30	.50	.40	1.00	.01
Troweling Machine; Grinder Operator and Kelly Float	8.55	.50	.40	1.00	.01
DRYWALL INSTALLERS	7.15	.50	.70	.90	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS:					
Electricians	$9.59	.53	1%+.25		.03
Cable Splicers	10.55	.53	1%+.25		.03
ELEVATOR CONSTRUCTORS	9.21	.195	.20	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	7.845	.25	.55	.855	
IRONWORKERS:					
Fence Erectors	8.89	.73	.975	.85	.02
Reinforcing	9.78	.73	.975	.85	.02
Ornamental; Structural	9.78	.73	.975	.85	.02
LATHERS	8.21	.40	.35		.01
PAINTERS:					
Brush	8.30	.50	.20		
Paperhangers; Spray; Structural Steel; Swing Stage; Sandblasters; Tapers	8.55	.50	.20		
PLASTERERS	8.85	.50	.75		
PLASTERERS' TENDERS	7.75	.50	.45		
PLUMBERS; Steamfitters	9.44	.58	.60	1.95	.10
ROOFERS	8.10	.25	.05		.02
SHEET METAL WORKERS	8.85	.74	1.50	.89	.03
SOFT FLOOR LAYERS	8.45	.50	.20		
SPRINKLER FITTERS	11.85	.50	.70		.08
TERRAZZO WORKERS; TILE SETTERS:					
Zone A (0-15 miles from Court House in Reno)	9.45	.45	.45		.01
Zone B (15-35 miles from Court House in Reno)	9.95	.45	.45		.01
Zone C (35-75 miles from Court House in Reno)	10.35	.45	.45		.01

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DUMP (Single or Multiple units including Semis and Double and Transfer Units; Dumpcrete and Bulk Cement Spreader:					
Under 4 yards	$6.45	.51	.65		.05
4 yards and under 8 yards	6.65	.51	.65		.05
8 yards and under 18 yards	6.85	.51	.65		.05
18 yards and under 35 yards	7.00	.51	.65		.05
35 yards and under 60 yards	7.25	.51	.65		.05
60 yards and under 75 yards	7.40	.51	.65		.05
75 yards and under 100 yards	7.55	.51	.65		.05
100 yards and over	7.70	.51	.65		.05
TRANSIT MIX (Using Boom);					
Under 8 yards	6.975	.51	.65		.05
8 yards and including 12 yards	7.075	.51	.65		.05
Over 12 yards	7.275	.51	.65		.05
WATER AND JETTING:					
Up to 2500 gallons	6.65	.51	.65		.05
2500 gallons and over	6.85	.51	.65		.05
DW 20's and 21's and other similar Cat Type; Terra Cobra; LeTourneau Pulls; Tournerocker; Euclid and similar type equipment when pulling Aqua/Pak; Water Tank Trailers and Fuel and/or Grease Tank Trailer, or other misc. Trailers (except as defined under dump trucks	7.10	.51	.65		.05
FLAT RACK; INDUSTRIAL LIFT WITH MECHANICAL TAILGATE:					
Single Unit 2 axle	6.65	.51	.65		.05
Single Unit 3 axle	6.75	.51	.65		.05
BUS AND MANHAUL:					
Up to 18,000 lbs. (single unit)	6.50	.51	.65		.05
18,000 lbs. and over (single unit)	6.60	.51	.65		.05
WINCH AND A-FRAME:					
Under 18,000 lbs.	6.60	.51	.65		.05
18,000 lbs. and over	6.70	.51	.65		.05

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Heavy duty transport (high bed); Heavy duty transport (gooseneck lowbed); Tiltbed or flatbed pull trailers	$7.00	.51	.65		.05
Bootman, Combination bootman and road oiler	6.90	.51	.65		.05
Road oiler or bootman; Truck oiler and greaser; Fuel driver, fuel man and fuel island man	6.60	.51	.65		.05
Helicopter pilot (when transporting men or materials)	7.40	.51	.65		.05
Lift jitney and fork lift	6.70	.51	.65		.05
Warehouseman; Spotters; Teamsters	6.55	.51	.65		.05
Tireman repairman	6.85	.51	.65		.05
Truck repairman	7.15	.51	.65		.05
Pickup truck and pilot cars (jobsite)	6.50	.51	.65		.05

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$7.10	.50	.45		.10
Group 2	7.20	.50	.45		.10
Group 3	7.35	.50	.45		.10
Group 4	7.60	.50	.45		.10
Group 5	7.90	.50	.45		.10
Group 6	7.90	.50	.45		.10
Group 6-A:	7.60	.50	.45		.10
Group 6-B:	7.25	.50	.45		.10

LABORERS

Group 1: All cleanup work of debris, grounds, and buildings including windows and tile; Dumpman or Spotter (other than asphalt); General Laborer; Gardeners and Landscape Laborers; Limber, Brushloader and Piler

Group 2: Choker Setter or Rigger (clearing work only); Pittsburgh Chipper and similar type Brush Shredders; Concrete Worker (wet or dry) all concrete work not listed in Group 3; Crusher or Grizzly Tender; Guniea Chaser (Stakeman); Panel Forms (wood or metal) handling, cleaning, and stripping of; Loading and unloading, carrying and handling of all rods and material for use in reinforcing concrete; Railroad Trackmen (maintenance, repair or builders); Sloper; Semi-skilled Wreckers (salvaging of building materials other than those listed in Group 3); Greasing Dowels

Group 3: Asphalt Workers (Ironers, Shoveler, Cutting Machine); Buggymobile; Chainsaw, faller, logloader and bucker; Compactor (all types); Concrete Mixer under 1/2 yds.; Concrete Pan Work (breadpan type), (handling, cleaning, stripping); Concrete Saw, Chipping, Grinding, Sanding, Vibrator; Cribbing, Shoring, Lagging, Trench Jacking, hand-guided Lagging Hammer; Curbing or Divider Machine; Curb Setter (precast or cut); Ditching Machine (hand-guided); Drillers' Helper, Chuck Tender; Form Raiser, Slip Forms; Grouting of concrete walls; Windows and door jams; Headerboardman; Jackhammer, Pavement Breaker, Air Spade; Mastic Workers (wet or dry); Pipe Wrapper, Kettleman, Potman, and Men applying asphalt, creosote and similar type materials; All power tools (air, gas, or electric) not listed in Group 5; Pipejacking; Posthole Digger (air, gas, or electric) Post Driver; Riprap-stonepaver and Rock Slinger, incl. placing of sack concrete wet or dry; Rototiller; Rigging and Signaling in connection with Laborers' work; Sandblaster, Potman, Gunman or Nozzleman; Vibra-screed; Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing, and electrical fixtures)

Group 4: Burning and Welding in connection with Laborers' work; Joy Drill Model TWM-2A, Gardner Denver Model DN 143 and similar type drills; Track Drillers, Diamond Core Drillers, Wagon Drillers, Mechanical Drillers on multiple units; High Scalers; Concrete Pump; Heavy Duty Vibrators with stinger 5" diameter or over; Pipelayer, Caulker and Bander; Pipelayer - waterline, sewerline, gasline, or conduit; Asphalt Rakers

Group 5: Blasters and Powdermen, all work of loading, placing and blasting of all powder and explosives of any type, regardless of method used for such loading and placing.

Group 6-A: Nozzleman, Rodman

Group 6-B: Gunman, Materialman

Group 6-C: Reboundman

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
	AREA 1	AREA 2				
Group 1	$7.80	$8.95	.85a	1.37	.70	.20
Group 2	8.14	9.29	.85a	1.37	.70	.20
Group 3	8.32	9.47	.85a	1.37	.70	.20
Group 4	8.79	9.94	.85a	1.37	.70	.20
Group 5	8.98	10.13	.85a	1.37	.70	.20
Group 6	9.09	10.24	.85a	1.37	.70	.20
Group 7	9.25	10.40	.85a	1.37	.70	.20
Group 8	9.59	10.74	.85a	1.37	.70	.20
Group 9	9.79	10.94	.85a	1.37	.70	.20
Group 10	10 00	11.15	.85a	1.37	.70	.20
Group 10-A	10.11	11.26	.85a	1.37	.70	.20
Group 11	10.26	11.41	.85a	1.37	.70	.20
Group 11-A	11.24	12.39	.85a	1.37	.70	.20

a. Includes $.13 per hour to Pensioned Health and Welfare Fund.

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Assistant to Engineer, including Brakeman, Deckhand, Fireman, Heavy Duty Repairman Helper, Oiler, Partsman (heavy duty repair shops parts room when needed), Switchman, Tar Pot Fireman

Group 2: Compressor; Material Loader and/or Conveyor (handling building materials); Pump; Tar Pot Fireman (power agitated)

Group 3: Box Operator (Bunker); Concrete Curing Machines (streets, highways, airports, canals); Conveyor Belt (tunnel); Engineer Generating Plant (500 K. W.); Fireman Hot Plant; Hydraulic Monitor; Lubrication and Service Engineer (mobile and grease rack); Mixer Box Operator (concrete Plant); Motorman; Rodman or Chainsman; Rotomist; Screedman (except asphaltic or concrete paving); Oiler (truck crane)

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Concrete Mixer, Skip type; Dinky; Fork Lift (construction job site); Ross Carrier; Skip Loader (under 1 cu. yd.): Tie Spacer; Line Master

Group 5: Concrete Mixer (over 1 cu. yd.); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Screedman (Barber-Greene and similar) (asphaltic or concrete paving); Shuttle Car; Signalman

Group 6: Boom Truck or Dual Purpose "A" Frame Truck; B.L.H. Lima Road Pactor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotive (over 30 tons); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb Gutter Machine (concrete or asphalt); Power Jumbo (setting slip forms, etc., in tunnels); Roller (except asphalt); Self-propelled Compactor (single engine); Slip Form Pump (power driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms); Stationary Pipe Wrapping, Cleaning and Bending Machine; Pavement Breaker or Tamper (with or without compressor combination); Pavement Breaker, truck mounted, with compressor combination; Small Rubber-tired Tractors; Self-propelled Tape Machine

Group 7: Compressor (over 2); Concrete Conveyor; Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Generators; Grade Setters; Grade Checker; Instrument Man; Kolman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (tractor propelled and supported); Pipe Wrapping Machines (tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (over 2); Refrigeration Plant; Self-propelled Boom type Lifting Device (center mount) (10 ton capacity or less); Slusher; Soil Tester (certified); Surface Heater and Planer; Trenching Machine (maximum digging capacity 3 ft. depth) Truck type Loader; Welding Machines (gasoline or diesel); Roller (asphalt)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 8: Asphalt Plant Engineer; Car Passer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor; Dozer; Concrete Batch Plant (multiple units); Elevating Grader; Grooving and Grinding Machine (highways);Heavy Duty Repairman and/or Welder; Ken-seal; Loader (up to and including 2½ cu. yds.); Mechanical Trench Shield; Mixermobile; Push Cats; Road Oil Mixing Machine; Wood-mixer (and other similar pugmill equipment); Rubber-tired Earthmoving equipment (up to and including 35 cu. yds. "struck" M.R.C., Euclids, T-Pulls, DW's 10, 20, 21, and similar); Self-propelled Compactor with Dozer; Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber tire) or similar equipment; Tractor; Tractor drawn scraper; Tractor mounted Compressor Drill Combination; Trenching Machine (over 3 ft. depth); Tri-batch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Mole Boring Machine

Group 9: Canal Finger Drain Digger; Chicago Boom; Combination Backhoe and Loader (up to and including 3/8 yds.); Combination Mixer and Compressor (gunnite); Lull Hi-lift (20 ft. or over); Mucking Machine; Tractor with boom (D-6 or larger); Track Laying type Earth moving Machine (single engine with tandem scrapers); Sub-grader (Gurries or other types)

Group 10: Boom type Backfilling Machine; Bridge Crane; Cary-lift or similar; Chemical Grouting Machine; Chief of Party; Derricks; Derrick Barges (except excavation work); Euclid Loader and similar types; Heavy Duty Rotary Drill Rigs; Lift-slab (Vagtborg and similar types); Loader (over 2½ cu. yds. up to and including 4 cu. yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earth Moving Machines (Euclid, Dozers, etc.); Prestress Wire Wrapping Machine; Rubber Tired Scraper, self-loading; Self-propelled Reservoir-debris equipment floating (200 HP and over); Shuttle Car (Reclaim Station); Single Engine Scraper (over 35 cu. yds.); Train Loading Station; Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons); Trenching Machine; Multi-engine with sloping attachments (JEFFCO or similar)

Group 10-A: Backhoe (up to and including 1 cu. yd. hydraulic); Backhoe (up to and including 1 cu. yd.)(Cable); Cranes (not over 25 tons)(hammerhead and Gantry); Grade-alls (up to and including 1 cu. yd.); Motor Patrol; Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.); Rubber-tired Scraper, self-loading (twin engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 11: Automatic Asphalt or Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multi-engine Earthmoving Equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power Shovels, Clamshells, Draglines, Backhoes, Gradeall (over 1 yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled Compactor (with multiple propulsion power units); Single Engine Rubber Tired Earth-moving Machine (with tandem scraper); Slip Form Paver (concrete or asphalt); Tandem Cats and Scrapers; Tower Crane Mobile; Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Cranes (over 25 tons)

Group 11-A: Band Wagons (in conjunction with wheel excavators); Loader (over 12 cu. yds.); Multi-engine Earth Moving Equipment (over 75 cu. yds. "struck" M.R.C.); Operator of Helicopter (when used in construction work); Power Shovels and Draglines (over 7 cu. yds. M.R.C.); Remote Controlled Earth Moving Equipment; Wheel Excavator (over 750 cu. yds. per hour)

NEVADA AREA DEFINITIONS for Power Equipment Operators

** AREA 2: All areas not included within Area 1 as defined below.
* AREA 1: All of Northern Nevada within the following lines:

Commencing at the N.W. corner of township 22N, range 18E, Mount Diablo Baseline and Meridian at the California-Nevada border;
Thence Easterly to the N.E. corner of township 22N, range 22E;
Thence Southerly to the N.E. corner of township 20N, range 22E;
Thence Easterly to the N.W. corner of township 20N, range 26E;
Thence Northerly to the N.W. corner of township 22N, range 26E;
Thence Easterly to the N.W. corner of towhnsip 22N, range 29E;
Thence Northerly to the N.W. corner of township 30N, range 29E;
Thence Easterly to the N.E. corner of township 30N, range 33E;
Thence Southerly to the S.E. corner of township 24N, range 33E;
Thence Westerly to the S.E. corner of township 24N, range 31E;
Thence Southerly to the S.E. corner of township 16N, range 31E;
Thence Westerly to the S.E. corner of township 16N, range 30E;
Thence Southerly to the S.E. corner of township 15N, range 30E;
Thence Westerly to the S.E. corner of township 15N, range 27E;
Thence Southerly to the S.E. corner of township 14N, range 27E;
Thence Westerly to the S.E. corner of township 14N, range 23E;
Thence Southerly to the S.E. corner of township 13N, range 23E;
Thence Westerly to the S.E. corner of township 13N, range 22E;
Thence Southerly to the N.E. corner of township 10N, range 22E;
Thence Easterly to the N.E. corner of township 10N, range 23E;
Thence Southerly along the Easterly line of range 23E to the intersection of the California-Nevada border;
Thence North-Westerly, then Northerly following the California-Nevada border to the point of beginning.

Area 1 also includes that portion of Northern Nevada included within the following line:

Commencing at the S.W. corner of township 37N, range 52E;
Thence Easterly to the S.E. corner of township 37N, range 52E;
Thence Northerly to the N.E. corner of township 37N, range 52E;
Thence Easterly to the N.W. corner of township 37N, range 58E;
Thence Southerly to the S.W. corner of township 37N, range 58E;
Thence Easterly to the S.E. corner of township 37N, range 58E;
Thence Southerly to the N.E. corner of township 31N, range 58E;
Thence Westerly to the N.W. corner of township 31N, range 58E;
Thence Southerly to the S.W. corner of township 31N, range 58E;
Thence Westerly to the S.E. corner of township 31N, range 52E;
Thence Northerly to the N.E. corner of township 31N, range 52E;
Thence Westerly to the S.E. corner of township 32N, range 51E;
Thence Northerly to the point of beginning.

SUPERSEDEAS DECISION

STATE: NEW YORK
DECISION NO. AR-2096
COUNTY: ERIE
DATE: Date of Publication
Supersedes Decision No. AR-2051, dated September 13, 1974 in 39 FR 33185
DESCRIPTION OF WORK: Building Construction, (Excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

15-New York-1-2-3-X 1 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.21	.67	.55		.04
Boilermakers	9.45	.50	.85		.02
Bricklayers:					
Tonawanda and Grand Island Twps:					
Bricklayers and stone masons	9.79	.55	1.00		
Terrazzo workers & Tile setters	9.41	.55	1.00		
Marble masons	9.505	.55	1.00		
Remainder of County:					
Bricklayers and stone masons	9.79	.55	1.00		
Marble setters	9.505	.55	1.00		
Terrazzo workers & Tile setters	9.41	.55	1.00		
Carpenters, Building:					
Grand Island north of White Haven Road					
Carpenters	8.95	1.10	.70		.02
Millwrights	9.05	1.10	.70		.02
Remainder of County, Building, Heavy and Highway:					
Carpenters, dock carpenters, drivers tenders, millwrights and piledrivermen	8.78	1.25	1.10		
Divers	16.07	1.25	1.10		
Cement masons:					
Building	10.18		.75		
Electricians	10.79	.45	1%+.70		.05
Elevator Constructors	9.63	.395	.26	.86+a+b	.02
Elevator Constructors' helpers	6.74	.395	.26	.86+a+b	.02
Elevator Constructors' helpers (prob.)	4.815				
Glaziers	8.64	.50	.45+g		.05
Ironworkers, structural, ornamental & reinforcing:					
Grand Island to White Haven Road	9.16	.51	.40		.01
Remainder of County	9.61	.75	.78		.04
Lathers	10.92		.10		.01
Lead burners	9.25	.35		c	.01
Line Construction					
Linemen	9.79	.50	.50	d	3/8%
Cable splicer	10.54	.50	.50	d	3/8%
Groundman digging machine operator	8.81	.50	.50	d	3/8%
Groundman mobile equipment	8.30	.50	.50	d	3/8%

AR-2096 P. 2

15-New York-1-2-3-X 2 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Line Construction (Cont'd)					
Groundmen truck driver and mechanic	$ 7.90	.50	.50	d	3/8%
Groundmen dynamite man	8.30	.50	.50	d	3/8%
Marble, Tile & Terrazzo workers' helper	7.76	.50	.40+i		
Painters:					
Grand Island North of White Haven Road:					
Painters, brush	6.945	.425+.45	.60		.01
Spray, Steel steeple jacks, swing scaffold	7.345	.425+.45	.60		.01
Bridge-crossing the Niagara R River	9.86	.425+.45	.60		.01
Sandblasting and waterblasting	7.445	.425+.45	.60		.01
Remainder of County:					
Painters, brush	8.655	.525	.30+j		.10
Steel tanks, towers, stacks, flag poles, radio TV towers	9.155	.525	.30+j		.10
Sandblasting, swing stage, spray bosum chair	8.905	.525	.30+j		.10
Bridges 35' high or in depth of 35' from road level	10.32	.525	.30+j		.10
Plasterers	11.06				
Plumbers	10.51	.50	.45		.04
Roofers:					
Composition, damp waterproofers, sprayers, asphalt mastic, wood block floor workers, steep roofers and siders	8.12	1.09	1.10		.02
Slate, tile precast tile roofers and asbestos	8.27	1.09	1.10		.02
Sheet metal workers	9.98	.40	.95		.08
Soft floor layers	8.20	1.25	1.10		
Sprinkler fitters	10.34	.50	.70		.06
Steam fitters	9.70	.62	.73		.06
Truck Drivers, Building, Heavy & Highway:					
Contractor drivers	8.695	.50	.55	e+f	
Ready mix	7.965	.375	.55	e+f	
Dump	7.965	.375	.55	e+f	

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; 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 day immediately preceding and following the holiday.

d. Holidays; A through F; Washington's Birthday; Election Day for President of the United States and election of Governor of New York State, provided employee works the day before.

e. After one year, one weeks vacation; 2 years, 6 days vacation; 3 years, 7 days vacation; up to 2 weeks maximum vacation after completion of the 5th year, full vacations are earned by a driver who works 1040 hours or more in the calendar year, if an employee works less than 1040 hours in any calendar year, vacation will be prorated for either 1 or 2 weeks of vacation on the basis of using the number of hours worked as the numerator and 1040 as the denominator.

f. Paid Holidays, A through F, Friday after Thanksgiving Day except where the employee is laid off 2 or more weeks prior to the holiday, however employees laid off less than 2 weeks prior to election Day will automatically be eligible for the subsequent Friday after Thanksgiving as a paid holiday even though laid off.

g. Employer contributes $.40 per hour to Supplemental Unemployment Benefits fund.

h. Employer contributes $1.05 per hour to a combined Health, Welfare and Supplemental Unemployment Benefit fund.

FOOTNOTES: (Cont'd)

i. Employer contributes $1.00 per hour to a supplemental unemployment benefit fund.

j. Employer contributes $.45 per hour to a Supplement Unemployment benefit fund.

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OT
BUILDING						
BLASTER; Plumbing Laborer, Wagon Drill Operator; Swing Scaffold	$8.205	.65	1.20		.05	
PNEUMATIC-GAS-ELECTRIC TOOL OP (over 8 feet deep)	8.155	.65	1.20		.05	
MORTAR MIXER	8.105	.65	1.20		.05	
FOUNDATION LABORER (over 8 feet deep); Hod Carriers; Plaster Tender; Plaster Scaffold Builder; Pneumatic Gas-Electric Tool Operator	8.055	.65	1.20		.05	
LABORER	7.955	.65	1.20		.05	
WRECKING						
WAGON DRILL OPERATOR	8.205	.65	1.20		.05	
PNEUMATIC-GAS-ELECTRIC TOOL OPERATORS Steel Burners	8.055	.65	1.20		.05	
WRECKERS	7.955	.65	1.20		.05	
OPEN CUT SEWER						
BLASTER: Wagon Drill Op	8.205	.65	1.20		.05	
BOTTOM MEN: Pneumatic-Gas-Electric Tool Op.	8.305	.65	1.20		.05	
LABORER: Top Men	7.955	.65	1.20		.05	
CAISSON-SHAFT-COFFERDAMS (OPEN CUT)						
BLASTER: Bottom Men; Wagon Drill Op.	8.205	.65	1.20		.05	
PNEUMATIC-GAS-ELECTRIC TOOL OP.	8.055	.65	1.20		.05	
TOP MEN	7.955	.65	1.20		.05	
STREET-ROAD-WORK						
PAVEMENT FORM SETTER; Wagon Drill Op.	8.205	.65	1.20		.05	
CONCRETE WORKER (Bootmen); Pneumatic-Gas-Electric Tool Op.	8.055	.65	1.20		.05	
LABORER	7.955	.65	1.20		.05	
SOFT GROUND TUNNEL OR JACKING						
RODMEN(reinforce); Welder	8.555	.65	1.20		.05	
LEAD MINER	8.355	.65	1.20		.05	
CONCRETE FORM MOVER: Monkey Hole Man: Side Miner	8.305	.65	1.20		.05	
BOTTOM SHAFT MEN	8.255	.65	1.20		.05	
TUNNEL-SHAFT MUCKER: Shaft Miner	8.205	.65	1.20		.05	
CAR PUSHER: Concrete Placing Crew; & Bull Gangs	8.105	.65	1.20		.05	
TOP MAN	7.955	.65	1.20		.05	
ROCK TUNNEL						
RODMAN (reinforce); Welder	8.555	.65	1.20		.05	
LEAD HEADING ROCK DRILLERS	8.355	.65	1.20		.05	
CONCRETE FORM MOVER; Side Heading Rock Drillers	8.305	.65	1.20		.05	
PLUG HOLE AND ROOF BOLT DRILLERS: Mucking Machine Tender; Tunnel & Shaft Mucker; Shaft Sinking Drillers	8.205	.65	1.20		.05	
BOTTOM SHAFT MAN	8.155	.65	1.20		.05	

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OT
CAR PUSHERS; Bull & Tract Gangs; Concrete Placing Crew	$8.105	.65	1.20		.05	
TOP MAN	7.955	.65	1.20		.05	

BUILDING AND HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Crane with a main boom over 100 feet

GROUP II: all boom type equipment, all pan and carry-all operators, Archer hoist, back and pull hoe operator, blast or rotary drill, track or cat mounted, boiler (when used for power), boom trucks, cableway operator, concrete paver machine, crane operator, derrick operator, dragline operator, elevating grader (self-propelled), head tower operator, hot roller (finish course), hydraulic booms, hydro crane, maintenance engineer, mucking machine operator, multiple drum hoist, (more than 1 drum in use), Peine crane, pile driving machine operator, power grader machine operator, scoopmobile, shovel operator, skimmer operator, test core drill machine, tractor shovel operator, vertical caisson auger drill, well drilling machine

GROUP III: Back filling machine operator, Kolman loader, roller machine operator, snatch and pusher cats, stone crusher, towed or self-propelled rollers, trenching machine operator

GROUP IV: Air hoist operator, cage hoist operator, conveyor operator, conveyor system, (belt-crete or similar), hoisting engine op., house elevator, (when used for hoisting), industrial tractor, locomotive op., (irrespective of power), push button hoist op., Strato tower, tractors (when using winch power)

GROUP V: Concrete mixer op., (½ c.y. or over), gasoline driven boring machine, hydraulic system pumps, hydro hammer, finishing machine op., (asphalt spreader), finishing machine op., pump op., (4" or over), pump op., (2 or 3 in a battery)

GROUP VI: Air compressor operator, (under 160 cu. ft.), air compressor op., (over 160 cu. ft.), generator grount machine operator, heating boiler operator, (used for temporary heat), lubrication unit or truck, mechanical heaters, (when 3 are in a battery), mechanic or repairman, pneumatic mixer op., power plant (in excess of 10KW), welding machine operator, (to and including 3 machines) Bulldozer & tractor, (50 h.p., Monorail

GROUP VII: Bulldozer & tractor, (50 h.p., drawbar or under), jeep trench, mulchers, power brooms and rakes, seeders

GROUP VIII: Firemen

GROUP IX: Truck crane driver

GROUP X: Aggregate bin op., apprentice engineer or oiler, cement bin op., concrete mixer op., (under ½ c.y.), mechanical heaters, (when one or two are used), pump operators (one inch), pump op., (two inches), pump operators, (three inches), tractor machines

NY-9-PEO-1-2-A 2 of 2

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$10.235	.40	.90		.10
GROUP II	9.735	.40	.90		.10
GROUP III	9.58	.40	.90		.10
GROUP IV	9.54	.40	.90		.10
GROUP V	9.455	.40	.90		.10
GROUP VI	9.30	.40	.90		.10
GROUP VII	9.54	.40	.90		.10
GROUP VIII	9.145	.40	.90		.10
GROUP IX	8.985	.40	.90		.10
GROUP X	8.83	.40	.90		.10
GROUP XI	8.685	.40	.90		.10

HIGHWAY CONSTRUCTION

N.Y. -9-HEO-3- C 1 of 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Master Mechanic	$10.66	.40	.40+a		.10	
Cranes:						
Boom over 100 ft	10.07	.40	.40+a		.10	
Boom over 200 ft	10.57	.40	.40+a		.10	
Boom over 300 ft	11.07	.40	.40+a		.10	
All boom type equipment, all pan and carry-all operators, archer hoist asphalt roller (finish course), asphalt spreader or paver, automatic fine grader machine (C.M.I and similar type), back filling machine operators, back and pull hoe operator, belt placer (C M I. and similar type), black top plants, blast or rotary drill, track or cat mounted, boiler (when used for power), boom trucks, boring machine operator, bulldozers (all sizes), cableway operator, caisson auger, central mix plant (and all concrete batching plants), cherry picker, concrete paver machine, concrete pump, crane operator, derrick operator, dragline operator dredge, Elevating grader (self-propelled), excavator (all purpose hydraulically operated), fork-lift, front end loader, gradall, grader, head tower operator, hydraulic booms, hydro crane, Lubrication Unit on Truck, maintenance engineer, mucking machine operator, multiple drum hoist (more than 1 drum in use), overhead crane peine crane or similar type, pile driving machine operator, pump crete, push or snatch cats, quarry master or equivalent, ready mix concrete plant, road windener, rock bit sharpener (all types), scoop-mobile, shovel, side boom, skimmer operator, slip form paver (C.M I and similar type), test core drill machine, tire truck and repair, tractor drawn belt type graders trenching machine, tractor shovel operator, truck crane, tunnel shovel machine, well drilling machine winch, winch truck with A Frame	$9.57	.40	.40+a		.10	

HIGHWAY CONSTRUCTION (CONT'D)

N.Y. -9-HEO-3-C 2 of 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Air hoist operator, automatic fine grade machine (C.M.I. and similar type), belt placer (C.M.I. and type), bending machine (pipe), boring machine operator, bituminous spreader and mixer, cage hoist operator, concrete finishing machine, concrete mixer operator - ½ cu yd or more, concrete saw - self-propelled, concrete spreader, conveyor operator, conveyor systems (belt crete or similar), hoisting engine operator, house elevator (when use for hoisting), hydraulic pipe jack machine or similar type machines, hydro hammer or similar types, industrial tractor, kolman loader or similar type machines, locomotive operator mixer for stabilized base self-propelled, monorail, plant engineer, push button hoist operator, roller machine operator, slip form paver (C.M.I. and similar type), snorkel stone crushers, strato-tower, towed or self-propelled rollers, tractors (when using winch power), tractors (with towed accessories), tube finisher (C.M.I. and similar type).	9.43	.40	.40+a		.10	
Air compressors (under 160 cu.ft.) air compressors (over 160 cu.ft.) asphalt curb & gutter machines, blower for burning brush, chipping machine and chip spreader, concrete curb and gutter machines, concrete curing machines, generator, grout or gunite machines, heating boiler operator (used for temporary heat) hydraulic rock expander or similar type machines, hydraulic system pumps, mechanical heaters (when 3 are in a battery), motorized hydraulic Pin Puller, pneumatic mixer operator, post hole digger and post driver, power plant in excess of 10 K.W. pump operator (½" of over), pump Operator (2 or 3 in a battery), welding machine-						

HIGHWAY CONSTRUCTION (CONT'D)

N.Y.-9-FEO-3-C

3 of 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Yr.	Others
operator (1 machine over 300 amps. or 2 or 3 machines regardless of amps), well point systems (electric, diesel or gas driven	9.14	.40	.40+a		.10	
Fireman, jeep trencher, motorized hydraulic seeders, mulching machines power broom and rakes, truck crane driver,	8.99	.40	.40+a		.10	
Aggregate bin operator apprentice engineer or oiler, C M.I and similar type concrete spreads, cement bin operator, concrete mixer operator (under ½ cu yd), mechanical heaters (when one or two are used), pump operator (one inch), pump operator (two inch), pump oerator (three inch), revinius widener, steam cleaner, tractor machines	8.54	.40	.40+a		.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a Employer contributes $ .50 per hour to a Supplemental Unemployment Benefit fund.

SUPERSEDEAS DECISION

STATE: North Dakota

COUNTIES: Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh and Ward

DECISION NUMBER: AR-1055

DATE: Date of Publication

Supersedes Decision No. AR-1036 dated September 27, 1974, in 39 FR 35038

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 (except Walsh County)	$7.69	.35	.50		.005
BOILERMAKERS (except Walsh Co.)	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons:					
Burleigh and Morton Counties	7.78		.15		
Grand Forks, Steele and Walsh Counties	8.60		.15		
Cass and Richland Counties	8.25	.40	.15	.30	
Ward County	7.23		.15		.02
CARPENTERS:					
Burleigh and Morton Counties					
Carpenters	6.80				.02
Piledrivermen	6.925				.02
Grand Forks, Steele (Northern area) and Walsh Counties					
Carpenters	7.15		.20		.02
Piledrivermen	7.38		.20		.02
Millwrights	7.53		.20		.02
Cass, Richland and Steele (Southern area) Counties					
Carpenters	7.21		.30		
Ward County					
Carpenters	6.78				.02
Piledrivermen	7.01				.02
Millwrights	7.26				.02
CEMENT MASONS:					
Grand Forks and Steele Counties	6.25		.15		
Cass, and Richland Counties	7.51				
Ward County	5.50				
ELECTRICIANS:					
Cass, Grand Forks, Richland and Steele Counties					
Zone mileage from main P. O. in the Cities of Grand Forks, Valley City, Fargo and West Fargo.					
Zone (A) Within 0-15 miles of each main P. O.					
Electricians	7.95	.30	1%	6%	1½%
Cable Splicers	8.25	.30	1%	6%	1½%
ELECTRICIANS: (Cont'd)					
Zone (B) 15-30 miles of each main P. O.					
Electricians	$8.57	.30	1%	6%	1½%
Cable Splicers	8.87	.30	1%	6%	1½%
Zone (C) Over 30 miles of each main P. O.					
Electricians	8.95	.30	1%	6%	1½%
Cable Splicers	9.25	.30	1%	6%	1½%
Burleigh, Morton, and Ward Counties					
Zone mileage from main P. O. in the Cities of Minot, Bismarck and Manden					
Zone (A) Within 0-25 miles of each main P. O.					
Electricians	7.80	.30	1%	6%	1½%
Cable Splicers	8.20	.30	1%	6%	1½%
Zone (B) Over 25 miles from main P. O.					
Electricians	9.05	.30	1%	6%	1½%
Cable Splicers	9.45	.30	1%	6%	1½%
ELEVATOR CONSTRUCTORS (excluding Walsh County)	8.35	.395	.26	2½%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2½%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS:					
Ornamental; Structural; Reinforcing	8.50	.40	.28		.02
PAINTERS:					
Cass, Grand Forks, Richland and Steele Counties					
Brush; Roller; Paperhangers	7.25				.01
Sandblasting; Structural Steel	7.50				.01
Spray	8.00				.01
Drywall Tapers and Sanders	8.04				
Burleigh and Morton Counties					
Brush	5.55				
Spray	5.85				
Ward County					
Brush	5.20				
Spray	5.55				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS:					
Grand Forks and Steele Counties	$6.80		.15		
Ward County	6.50				
Cass and Richland Counties	8.30				
PLUMBERS:					
Cass, Grand Forks, Richland, Steele, and Walsh Counties	8.25	.38	.20		.01
Burleigh and Morton Counties	7.85	.35	.25		.02
Ward County	7.45	.35	.25		.02
ROOFERS:					
Cass and Richland Counties	5.30				
SHEET METAL WORKERS:					
Burleigh, Grand Forks, Morton, Steele and Ward Counties	8.00				
Cass, and Richland Counties	7.25	.40	.10		.01
SOFT FLOOR LAYERS:					
Cass and Richland Counties	5.75	.20			
SPRINKLER FITTERS (except Walsh County)	8.00	.50	.70		.08

FOOTNOTE:

a. Employer credits 2% basic hourly rate for employee with 6 months to 5 years' service; 4% basic hourly rate with over 5 years' service as Vacation Credit Plan. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

BUILDING CONSTRUCTION

LABORERS

Grand Forks and Steele Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1:					
Laborers; Concrete bucket dumpman	$5.42	.20			
Group 2:					
All power tools (air, gas and electric); Operators of tools that come under the laborers' jurisdiction; Brick, plaster and finisher tender; Sandblaster and gunnite pot tender; Hose tender where under the laborers' jurisdiction	5.57	.20			
Group 3:					
Hod Carriers; Non-metallic Pipe-layer; Gas Line wrapping or taping; Sand Blaster and Gunnite Nozzleman where under laborers' jurisdiction; Cutting Torch for demolition	5.77	.20			
Burleigh and Morton Counties					
Group 1:					
Laborers; Concrete bucket man; Brick and Plasterer tender	4.80	.20			
Groups 2 & 3:					
All Power tool operator of tools that come under the laborers' jurisdiction; Mortar Mixer; Hod Carriers; Non-metallic Pipe layer; Gas Line wrapping or taping; Cutting Torch for demolition	4.90	.20			

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cass and Richland Counties					
Group 1: Laborers; Concrete bucket dumpman; Bricktender	$4.99	.20			
Group 2: All Power tool operators of tools that come under the laborers' jurisdiction; Plasterers tender; and Mortar Mixer	5.14	.20			
Group 3: Hod Carriers; Non-metallic Pipe layer; Gas Line wrapping and taping (Distribution only); Cutting Torch for demolition	5.14	.20			
Ward County					
Group 1: Laborer; Concrete bucket dumpman	4.99	.20			
Group 2: All Power tool operators of all tools that come under the laborers' jurisdiction; Mortar Mixer; and Plasterer tender	5.09	.20			
Group 3: Non-metallic Pipe layer; Gas Line wrapping or taping (Distribution only); Cutting Torch for demolition	5.24	.20			
Walsh County	2.75				

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP 1 CRANES, tower and overhead; Cherry picker	$ 6.90	.35	.25			
GROUP 2 BRAKEMEN; Any air compressed operations over 300 well points; Frontend loader over 1 1/2 cu. yds.; Power plant engineer; Straddle Carrier; Oiler; Mechanic and welder; Batch plant drill rig; Tractor, over 75 HP; Concrete pumps, stationary and boom type; Forklift, over 3,000 lbs. lifting capacity	6.30	.35	.25			
GROUP 3 HOIST; Greaser; Concrete mixer operator; Boom truck; Firemen; Tractor, 75 HP and under; Frontend loader, 1 1/2 cu. yds., and under; Air compressor, 300 and under; Forklift, 3,000 lbs. and under lifting capacity; Self-propelled scissor jax	5.30	.35	.25			

Site Preparation Excavation and Incidental Paving (except Walsh County)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS					
Group 1	$3.20				
Group 2	3.30				
Group 3	3.40				
Group 4	3.50				
Site Preparation Excavation and Incidental Paving (except Walsh County)					
POWER EQUIPMENT OPERATORS					
Group 1	6.95	.35	.25		
Group 2	6.80	.35	.25		
Group 3	6.65	.35	.25		
Group 4	6.60	.35	.25		
Group 5	6.35	.35	.25		
Group 6	6.12	.35	.25		
Group 7	5.19	.35	.25		
Group 8	5.04	.35	.25		
Group 9	4.94	.35	.25		
Group 10	4.60	.35	.25		
Site Preparation Excavation and Incidental Paving (except Walsh County)					
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		

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

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

Group 3: Caisson Work; Bottom Man, (sanitary sewer, storm sewer, water, and gas lines); Concrete Mixer Operator (one bag capacity); Mortar Mixer

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

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, including power supply or tunnel mucking machine; Power Shovel and/or other equipment with shovel type controls 3½ cu. yds.

POWER EQUIPMENT OPERATORS (Cont'd)

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

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

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, trunk 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)

Group 5: Bituminous Spreader and Bituminous Finishing Operator (power); Concrete Distributor and Spreader Operator, Finishing Machine Longitudinal Float Operator, Ft. Machine Operator and Spray Operator; Concrete Mixer Operator on job site 16S or over; Paving Breaker or Tamping Machine Operator, including 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

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

POWER EQUIPMENT OPERATORS (Cont'd)

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 Operator Gunall; Hoist Engineer (power); Launchman (Tankerman or Pilot License); Pick-up Sweeper, 1 yd. and over hopper capacity; Shouldering Machine Operator (power) (Apsco or similar type) including Self-propelled Sand Chip Spreader Flaherty or similar; Sheepsfoot Roller or Compactor (self-propelled)

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

Group 9: Bituminous Spreader and Bituminous Finishing Machine Operator (helper) (power); Concrete Batch Operator (cement, rock and sand) (manual); Form Trench Digger (power); Front End Loader Operator 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

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

NORTH DAKOTA - LINE CONSTRUCTION

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I Cable Splicer; Lineman; Tractor dozer operator (D-4 and larger) all rigs erecting steel tower and "H" fixtures, also tension-pulling machines	$ 7.90	.35	1%		1/2%
GROUP II Groundman - operating special equipment hole digging machines; Aerial baskets on energized circuits; Tractors (D-4) and larger; Transmission line pole hauling; all Fifth wheel trucks and other setting and assembly equipment excluding steel tower and "H" fixtures erection	6.37	.35	1%		1/2%
GROUP III Groundman-Truck or tractor driver (with winch); Operators of trucks up to and including 2 1/2 tons; Tractor including D-2 and smaller; Including wheel tractors and crawler tractors	5.31	.35	1%		1/2%
GROUP IV Groundman-Truck or tractor driver (without winch); Operators of trucks up to and including 2 1/2 tons; D-2 and smaller; including wheel tractors and crawler tractors; Groundmen	4.88	.35	1%		1/2%

SUPERSEDEAS DECISION

STATE: South Dakota COUNTY: Minnehaha
DECISION NUMBER: AR-1056 DATE: Date of Publication
Supersedes Decision No. AR-1026 dated August 30, 1974, in 39 FR 31865
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	$8.53	.35	.40		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons	7.50	.25	.30	.50	
CARPENTERS:					
Carpenters, Piledrivermen	7.51		.20		.05
Millwrights	8.47		.20		.05
CEMENT MASONS	7.35				
ELECTRICIANS:					
0 miles through 30 miles from Sioux Falls Post Office					
Electricians	8.17	.30	1%	6%	1½%
Cable Splicers	8.99	.30	1%	6%	1½%
Over 30 miles from Sioux Falls Post Office					
Electricians	8.77	.30	1%	6%	1½%
Cable Splicers	9.59	.30	1%	6%	1½%
ELEVATOR CONSTRUCTORS	8.085	.345	.23	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	5.79				
LABORERS:					
Laborers	4.35				
Mortar mixers, Paving breakers, Jack hammer operator	4.45				
Nozzleman (gunite, sandblast and shotcrete)	4.60				
LATHERS	6.83				.01
PAINTERS:					
Brush	6.07				
Spray	6.57				
Tapers	6.32				
PLASTERERS	7.53				.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS; Steamfitters	$8.365	.32	.15	.17	.03
SHEET METAL WORKERS	7.92		.15	.35	
SPRINKLER FITTERS	7.85	.50	.70		.08
WELDER: Receive rate prescribed for craft performing operation to which 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.

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Lubbock
DECISION NO.: AR-90 DATE: Date of Publication
Supersedes Decision No. AR-47, dated September 27, 1974, in 39 FR 35059.
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	$8.00	.35	.30		.02
BOILERMAKERS	7.80	.30	.76		.02
BRICKLAYERS & STONEMASONS	7.65		.20		
CARPENTERS	6.45	.30	.30		.01
CEMENT MASONS	6.00				
ELECTRICIANS:					
Electricians	7.60	.30	1%		1/10%
Cable splicers	7.85	.30	1%		1/10%
IRONWORKERS:					
Structural; Ornamental; Reinforcing	6.65	.55	.50		.10
All ironworkers on jobs 30 miles or more from the city of Lubbock	6.775	.55	.50		.10
LABORERS:					
GROUP 1	3.925	.275	.10		.01
GROUP 2	4.20	.275	.10		.01
GROUP 3	4.125	.275	.10		.01
GROUP 4	4.275	.275	.10		.01
GROUP 5	4.525	.275	.10		.01

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing, shoring, digging, loading and unloading materials, wrecking buildings and all structures and all construction laborers except those named below
GROUP 2 - Air tool operator (jackhammer, vibrator, tamper, brush hammer, chipping hammer, air or electric), power buggy man, pipelayer (concrete and clay and all non-metallic pipe); handling, laying and cleaning pumpcrete pipe
GROUP 3 - Mortar mixers, mason tenders, plasterer tenders, cement finisher tenders, lather tenders
GROUP 4 - Wagon drill
GROUP 5 - Blasters and powder make-up men

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS	$6.75	.20			.01
LINE CONSTRUCTION:					
Lineman	7.60	.30	1%		
Operators	80%JR	.30	1%		
Groundmen (more than 1 year experience)	55%JR	.30	1%		
Groundmen (less than 1 year experience	50%JR	.30	1%		
Flat bed truck operator	70%JR	.30	1%		

DECISION NO. AR-90

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush	$5.80		.20		.04
Spray	6.45		.20		.04
PLASTERERS	6.00				
PLUMBERS & STEAMFITTERS	7.50		.40		.04
POWER EQUIPMENT OPERATORS:					
GROUP 1	5.60	.30	.50		.10
GROUP 2	6.50	.30	.50		.10
GROUP 3	6.90	.30	.50		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman
GROUP 2 - Air compressors, Pumps, Welding Machines, Throttle valves, Light Plants; Conveyor; Wagon drill; Elevators building; Form graders; Hoist, single drum; Ford tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening plants; Crushing plants; Fork lifts (short, under 25 feet); Concrete pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except blade and mower on rear); All other equipment of similar nature coming under the light equipment class, when power operated
GROUP 3 - Drilling machines (all types); Scoopmobiles; Hoists, two drums or more; Forklifts (over 25 ft.); Winch truck; Six wheel truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic feet or over; Blade graders, self-propelled; Cableways; Cranes - power operated(to 100 feet of boom); Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving mixer (all types); Pile drivers; Mobile concrete mixers over 14 cubic feet; Bulldozers, loaders, tractovators; Scrapers and pulls; Welder; Trenching machines; Roller, ten tons or over; Air compressors, pumps, welding machines and light plants; Air compressor & air tugger; Boilers, two or more fired by one man; Heavy duty mechanic; All other equipment of similar nature coming under the heavy equipment class, when power operated

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$3.50				
SHEET METAL WORKERS	8.33		.10		.07
SOFT FLOOR LAYERS	5.80		.20		.04
SPRINKLER FITTERS	9.05	.50	.70		.08
TRUCK DRIVERS	3.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

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Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of October 1, 1974)

Title 45—Public Welfare (Parts 1–99)---------- $3.00

Title 46—Shipping (Parts 41–69)---------- 3.85

Title 46—Shipping (Parts 70–89)---------- 2.05

Title 49—Transportation (Part 1300–End)---------- 2.75

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