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rules and regulations

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

Title 7—Agriculture

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1975 Crop of Upland Cotton; Base Acreage Allotments

STATE RESERVES AND COUNTY BASE ACREAGE ALLOTMENTS

Correction

In FR Doc. 75-1083 appearing at page 2992 in the issue for Friday, January 17, 1975, make the following changes:

1. On page 2999 in the table for North Carolina, the seventh entry now reading " * * * Tyrell * * * " should read " * * * Tyrrel * * * ".

2. On page 3002 in the table for Texas, the entry for Hopkins County, in the third (3) column now reading "4,036.2" should read "4306.2".

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPTER I—DETERMINATION OF PRICES

[Docket No. SH-328]

PART 877—SUGARCANE: PUERTO RICO

Fair and Reasonable Prices for 1974-75 Crop

The Sugar Act of 1948, as amended, requires producers who also process sugarcane grown by other producers to pay prices determined by the Secretary of Agriculture to be fair and reasonable as one of the conditions for receiving Sugar Act payments on their own production.

Such determination may not be made until after investigation and opportunity for interested persons to testify on the fair and reasonable prices to be paid under either purchase or toll agreements. A public hearing was held in San Juan, Puerto Rico, on December 4, 1974.

The determination, which is applicable to the 1974-75 crop of Puerto Rican sugarcane, continues the provisions of the 1973-74 crop determination.

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948 (7 U.S.C. 1131(c)(2)), as amended, (herein referred to as "act"), after investigation, and due consideration of evidence presented at the public hearing held in San Juan, Puerto Rico, on December 4, 1974, the following determination is hereby issued.

The regulations previously appearing in these sections under "Determination of Prices; Sugarcane; Puerto Rico" re-

main in full force and effect as to the time period to which they were applicable.

Accordingly, Part 877 is revised as follows.

Sec.

- 877.21 General requirements.
- 877.22 Definitions.
- 877.23 Payment for sugarcane.
- 877.24 Payment for molasses.
- 877.25 Determination of net sugarcane.
- 877.26 Services and allowances to producers.
- 877.27 Reporting requirements.
- 877.28 Applicability.
- 877.29 Procedures for checking compliance.
- 877.30 Subterfuge.

SCHEDULE A

SCHEDULE B

SCHEDULE C

AUTHORITY: Secs. 877.21 to 877.30 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; (7 U.S.C. 1131, 1153).

§ 877.21 General requirements.

A producer of sugarcane in Puerto Rico who is also a processor of sugarcane, to which this part applies as provided in § 877.28 of this part (herein referred to as "processor"), shall have paid or contracted to pay for sugarcane of the 1974-75 crop grown by other producers and processed by him, prices not less than those determined in accordance with the following requirements.

§ 877.22 Definitions.

For the purpose of this part, the term:

(a) "Price of raw sugar" means the simple average of the daily spot price quotations for sugar deliverable under the New York Coffee and Sugar Exchange No. 10 domestic contract (bulk sugar) for the period January 1, 1975, through December 31, 1975, except that if the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, determines that any such price quotation does not reflect the true market value of raw sugar because of inadequate volume or other factors, he may designate the price to be effective under this determination which he determines will reflect the true market value of raw sugar.

(b) "Sugar yield period" means any period not exceeding one calendar month as may be elected by the processor to determine the yield of raw sugar. The period adopted by the processor shall be used uniformly throughout the grinding season. In instances where odd days occur because a processor begins or ends grinding on a day which does not correspond with the beginning or ending of the sugar yield period, or grinding is interrupted because of holidays or for other reasons, such odd days shall be included either in the prior or subsequent sugar yield period,

or treated as a separate sugar yield period.

(c) "Raw sugar" means raw sugar, 96° basis.

(d) "Yield of raw sugar" means the yield of raw sugar per 100 pounds of net sugarcane determined for the sugar yield period in accordance with the formula set forth in Schedule A attached hereto and made a part hereof.

(e) "Inferior varieties of sugarcane" means sugarcane of *Saccharum spontaneum* or *Saccharum sinense* variety (including sugarcane of the Japanese, Uba, Kavangerie, Zuinga, Caledonia, Coimbatore 213, and Coimbatore 281 varieties).

(f) "Net sugarcane" means (1) the gross weight of the sugarcane delivered to the mill determined to contain a quantity of trash not in excess of five percent of the gross weight, or (2) the gross weight of the sugarcane delivered to the mill less the quantity of trash determined to be in excess of five percent of such gross weight.

(g) "Trash" means green or dried leaves, sugarcane tops above the last formed joint, soil, stones, and all other extraneous material.

(h) "Area office" means Caribbean Area Agricultural Stabilization and Conservation Service Office, P.O. Box 11188, Santurce, Puerto Rico 00910.

§ 877.23 Payment for sugarcane.

(a) The payment for net sugarcane delivered by the producer to the processor shall be made either by the delivery to the producer of his share of raw sugar, or by the payment to the producer of the money value of his share of raw sugar, whichever method is agreed upon by the producer and the processor.

(b) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of 9 pounds or more, the producer's share of raw sugar shall be not less than the quantity of raw sugar determined by applying the following applicable percentage to the yield of raw sugar of the producer's net sugarcane:

Pounds of raw sugar per 100 pounds of net sugarcane:

	Percentage
9.0	63.0
9.5	63.5
10.0	64.0
10.5	64.5
11.0	65.0
11.5	65.5
12.0	66.0
12.5	66.5
13.0	67.0
13.5 and over	67.5

NOTE.—Intermediate points within the above scale are to be interpolated to the nearest one-tenth point.

(c) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of less than 9 pounds, the producer's share of raw sugar shall be not less than the quantity determined by subtracting 3½ pounds of raw sugar from the yield of raw sugar of the producer's net sugarcane.

(d) If settlement with the producer is made in sugar, delivery shall be made, loaded in the producer's vehicle, at the mill where the sugar is produced, unless the producer and processor agree in writing to delivery at another mill; *Provided*, That the processor shall bear any increase in marketing costs resulting from such agreement.

(e) If settlement with the producer is made in cash, the processor shall pay to the producer the money value of his share of raw sugar determined on the basis of the price of raw sugar converted to an f.o.b. mill price by subtracting therefrom the admissible deductions for selling and delivery expenses on raw sugar in accordance with Schedule B, attached hereto and made a part hereof.

§ 877.24 Payment for molasses.

For each ton of net sugarcane delivered the processor shall either deliver to the producer 66 percent of the average production of blackstrap molasses per ton of net sugarcane of the 1974-75 crop processed at each mill or shall pay to the producer the money value of such quantity of molasses, whichever method is agreed upon between the producer and the processor. If settlement with the producer is made in cash, such settlement shall be based upon the average gross proceeds from the sales of molasses less the admissible deductions for selling and delivery expenses in accordance with Schedule C, attached hereto and made a part hereof. A processor operating more than one mill shall compute the average gross proceeds per gallon from the sales of molasses produced at all mills operated by such processor and shall compute the net proceeds per gallon separately for each mill operated by such processor by deducting from such gross proceeds each mill's admissible selling and delivery expenses. If a processor has not sold 1974-75 crop molasses by the time he is required to submit to the Area office a statement as required by § 877.26(b), he shall have made a provisional molasses payment to producers based upon not less than 85 percent of the average of the net proceeds per gallon realized by all other processors in Puerto Rico who made cash settlements for 1974-75 crop molasses, as determined by the Director of the Area office. Final settlement with such producers shall be made promptly after the 1974-75 crop molasses has been sold, based upon the average net proceeds therefrom and the processor shall promptly submit to the Area office a statement as required by § 877.27(b). In the event a processor has transferred all or part of its 1974-75 production of molasses to an affiliate, molasses payments to growers shall be based on the price

of the molasses transferred to the affiliate, but such price shall not be less than the average net proceeds per gallon as determined by the Director of the Area office for all processors who sold 1974-75 crop molasses. Where payment is based on the average net proceeds of all processors who sold molasses, the processor is required to make a provisional molasses payment not later than June 1, 1976, based upon not less than 85 percent of the estimated average of net proceeds per gallon realized by all other processors in Puerto Rico, as determined by the Director of the Area office from reports submitted under provisions of § 877.27(b). Processor is further required to make a final molasses payment in the amount necessary to base the total molasses payment upon a price not less than the average net proceeds per gallon for all processors who sold the 1974-75 crop of molasses after the Area office has determined such net proceeds and notified the processor.

§ 877.25 Determination of net sugarcane.

(a) The net sugarcane of each producer (including the processor) which is delivered to the mill each day shall be determined as follows: The processor jointly with a representative designated by the producers or the producer organization in any mill area, shall examine the sugarcane deliveries and estimate whether the deliveries contain a quantity of trash (1) not in excess of five percent of the gross weight, or (2) in excess of five percent of the gross weight. In the absence of a producer representative the processor shall have full responsibility for examining such sugarcane deliveries and for making such estimates. As to the deliveries of sugarcane of any producer which are estimated to contain trash not in excess of five percent, the gross weight of the sugarcane delivered shall also be the net weight. As to the deliveries of sugarcane of any producer estimated by both the processor and the representative of producers or by either of such parties to contain trash in excess of five percent, the net weight shall be determined by taking a representative sample of not less than 100 pounds of sugarcane from one or more of the deliveries deemed to be representative and separating therefrom all trash. The weight of trash which is removed from the sample of sugarcane shall be expressed as a percentage of the gross weight of the sample. The net weight of the sugarcane delivery from which the sample was taken shall be determined by deducting from the gross weight of such sugarcane, a percentage thereof which represents the excess, if any, of the trash over five percent, and the same adjustments as determined above shall be applied to the gross weight of all other deliveries delivered by that producer during the same day or in the case of sugarcane handled in bulk during the same sugar yield period, which are estimated to contain trash content reasonably similar to the delivery from which the sample was taken.

(b) With respect to the sample taken as provided in paragraph (a) of this section, the processor shall make a separate determination of the weight of soil and stones contained in such sample and may charge the producer five cents per ton of net sugarcane delivered which is represented by the sample for each one percent, fractions in proportion, by which the weight of soil and stones is in excess of one percent of the gross weight of the sample.

(c) The processor may charge the producer 66 percent of the actual cost, but not to exceed \$2.64, for each sample taken for trash including soil and stones to cover the cost of sampling and measuring the actual quantity of trash.

(d) Notwithstanding the foregoing paragraphs of this section, in cases where the direct cane analysis method is used, gross weight will also be net weight.

§ 877.26 Services and allowances to producers.

(a) When payment is made to the producer by the delivery of raw sugar, the processor shall store and insure all such sugar through December 31, 1975, and shall bear the cost thereof.

(b) The costs of services which were borne by the processor for the 1973-74 crop shall be borne for the 1974-75 crop.

(c) Allowances made to producers by the processor for the 1973-74 crop shall be made for the 1974-75 crop at the rates which were effective under comparable conditions in 1973-74; except that the processor is given the option of paying hauling allowances to producer on either (1) the gross weight of sugarcane, or (2) in cases where a bulk trash determination, as provided in § 877.25(a) is made, the net weight of sugarcane as determined by deducting from the gross weight the amount of trash that is in excess of five percent; *Provided*, That if the processor elects to pay allowances on the net weight, the allowance shall be computed at not less than the rates established in Rule 12 of the Sugar Board of Puerto Rico plus ten percent of such rates. The method of paying hauling allowances elected by the processor shall be used uniformly throughout the grinding season.

(d) Nothing in paragraphs (b) or (c) of this section shall be construed as prohibiting negotiations between the processor and producer with respect to the amount of services or allowances to be made to the producer, any change to be approved in writing by the Area office upon a determination by the Director of the Area office that the change is fair and reasonable.

§ 877.27 Reporting requirements.

(a) The processor shall submit to the Area office a statement as to whether settlement with producers is to be made in sugar or in cash, together with a statement as to the sugar yield period which will be used during the grinding season. Such information shall be submitted not later than March 3, 1975, except that if the Director of the Area office determines that the failure to submit such statement

by such date was unintentional, an extension of time may be granted by the Area office.

(b) If the processor makes settlement in cash, he shall submit in duplicate to the Area office statements verified by a Certified Public Accountant of the gross proceeds from the sales of molasses and the deductions made in determining the f.o.b. mill price of sugar and the net proceeds from molasses. Such statements shall be submitted not later than June 1, 1976, except that if the Director of the Area office determines that the failure to submit such statement by such date was unintentional, an extension of time may be granted by the Area office.

(c) The processor shall submit to the Area office a statement as to the option he elects in making hauling allowances to producers during the grinding season. Such information shall be submitted not later than March 3, 1975, except that if the Director of the Area office determines that the failure to submit such statement by such date was unintentional, an extension of time may be granted by the Area office.

§ 877.28 Applicability.

The requirements of this part are applicable to all sugarcane purchased from other producers and processed by a processor who produces sugarcane (a processor-producer is defined in 7 CFR 893.1); and to sugarcane purchased by a cooperative processor from non-members. The requirements are not applicable to sugarcane processed by a cooperative processor for its members.

§ 877.29 Procedures for checking compliance.

The procedures to be followed by the Caribbean Area ASCS Office in checking compliance with the requirements of this part are set forth under the heading Part 8—"Fair Price Determination" in Handbook 5-SU, issued by the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service. Handbook 5-SU may be inspected at and copies obtained from the Caribbean Area ASCS Office, P.O. Box 11188, Santurce, Puerto Rico 00910.

§ 877.30 Subterfuge.

The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this Part through any subterfuge or device whatsoever.

SCHEDULE A

FORMULAE FOR DETERMINING THE "YIELD OF RAW SUGAR" FOR EACH PRODUCER

(A) Where a continuous sample of the first expressed or crusher juice of the deliveries of sugarcane by a producer is used, the formula for determining the yield of raw sugar shall be:

$$R=TI(S-0.3B)F$$

where:

R= Yield of raw sugar, 96° basis;
S= Polarization of the first expressed or crusher juice obtained from the sugarcane of each producer;

B= Brix of the first' expressed or crusher juice obtained from the sugarcane of each producer;

T= Trash correction factor which varies inversely with the amount of trash contained in the sugarcane of each producer from 1.0 for sugarcane which contains an amount of trash not in excess of 5 percent of the gross weight of sugarcane to 0.76075 for sugarcane which contains an amount of trash in excess of 30 percent; *Provided*, That where sugarcane has been subjected to a washing process prior to milling, the amount of trash that is soil shall be excluded in determining the correction factor.

I= Inferior sugarcane correction factor which is applied only to inferior varieties of sugarcane of each producer and is determined as follows:

(a) When the purity, P (where $P=100S \div B$), of the first expressed or crusher juice of sugarcane is equal to 75 or more, the factor, $I=0.9$; or

(b) When the purity, P (where $P=100S \div B$), of the first expressed or crusher juice of such sugarcane is less than 75, the factor, $I=0.9-0.02(75-P)$;

F= Yield factor which is determined as follows:

(a) Determine the "tentative recovery of raw sugar," 96° basis for each producer delivering sugarcane during the settlement period from the product of the formula (S-0.3B), the number of hundredweights of net sugarcane, the applicable trash correction factor, T; and where applicable the inferior sugarcane correction factor, I; and

(b) Divide the pounds of raw sugar, 96° basis, produced at the mill during the applicable settlement period by the sum of the "tentative recoveries of raw sugar" for all producers to obtain the yield factor, F.

If part of the sugarcane delivered by producers is subjected to a washing process prior to milling, the polarization and brix of the resulting dilute first expressed or crusher juice of such sugarcane shall be converted to an undiluted first expressed or crusher juice basis by application of dilution compensation factors (DCF) computed as follows:

$$\text{Brix DCF} = \frac{\text{Brix of undiluted first expressed or crusher juice sample}}{\text{Brix of diluted first expressed or crusher juice sample}}$$

$$\text{Pol DCF} = \frac{\text{Pol of undiluted first expressed or crusher juice sample}}{\text{Pol of diluted first expressed or crusher juice sample}}$$

A written description of procedures and the frequency of sampling sugarcane to be used in determining DCF factors shall be submitted by the processor to the Area office and shall be subject to approval of that office.

(B) Where the "direct cane analysis" method is used the sampling of sugarcane delivered by producers must be by the core sampler method and the formula for determining the yield of raw sugar shall be:

$$R=F[S-0.3(B+0.1f_e)]$$

where:

R=96° Yield % Cane, or yield of raw sugar, 96° basis.

S=Pol % Cane.

B=Brix % Cane.

f_e=Fiber % Cane.

F=Factor calculated using the values obtained during the liquidation period, weighted on the basis of the net weight of cane and substituted at the right side of the following equation:

$$F = \frac{R}{S-0.3(B+0.1f_e)}$$

Whenever the "direct cane analysis" method is used, no adjustments in the cane weight and yield shall be made for purposes of determining the yield of raw sugar.

(C) Where the sugarcane delivered by producers is sampled by hand or machine and the juice is extracted by a laboratory hand mill, the yield of raw sugar may be determined in accordance with the formula provided under (A) above after the sample mill juice Brix and sucrose for each producer has been factored to a first expressed or crusher juice basis.

(D) Where sugarcane is handled in bulk, the procedures for sampling the deliveries of sugarcane by a producer shall be representative of all the deliveries of sugarcane of such producer.

(E) All the sugarcane delivered by a producer during the settlement period shall be considered in determining the yield of raw sugar for the period, including that sugarcane for which a negative yield is obtained when applying the formulae set forth in the preceding paragraphs.

SCHEDULE B

ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES ON RAW SUGAR

Admissible deductions for selling and delivery expenses in connection with the pay-

ment for sugarcane provided in § 877.23 of the 1974-75 price determination are limited to the sum of the following expenses for each mill operated by a processor, net of any receipts which reduce such expenses:

(1) Freight from the mill directly to the bulk raw sugar loading terminal, including the cost of covering cars or trucks where necessary;

(2) The cost of receiving, handling, and loading aboard ship at the bulk terminal at the rates established by the Puerto Rico Public Service Commission and in effect at the time the sugar is delivered to the bulk sugar terminal facility;

(3) Ocean freight;

(4) Unloading at destination;

(5) Freight demurrage resulting from causes beyond the control of the shipper;

(6) Reclaiming, weighing, and loading at mill or where stored;

(7) Shore risk, marine and war risk insurance;

(8) Brokerage or commission and exchange;

(9) Weighing, testing, and sampling at destination;

When any of the necessary services included in items (1), (3), (4), (5) or (6) above are furnished by the processor, costs incurred may include for each of the services rendered:

(1) Direct and immediate supervisory labor;

(2) Maintenance labor and supplies required for the facilities used;

(3) Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pension, bonuses, and vacation expenses properly allocable to such labor;

(4) Direct supplies; and

(5) Depreciation (at rates allowed by the taxing authority), property taxes, and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property

taxes, and property insurance of such facilities properly apportionable to the necessary service shall be allowed.

The Director of the Area office may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the costs incurred by the processor in furnishing the necessary service in the event that the cost incurred therefor cannot be accurately determined.

In determining the f.o.b. mill price of raw sugar sold or processed in Puerto Rico, equivalent selling and delivery expenses as approved by the Director of the Area office shall be computed as follows:

(1) If the processor delivers 20 percent or more of the total quantity of raw sugar produced by the mill to mainland refiners, the allowable per hundredweight selling and delivery expenses to be applied to such total quantity shall be the average of the admissible selling and delivery expenses as approved by the Director of the Area office for that quantity of raw sugar produced by the mill which was delivered to mainland refiners.

(2) If the processor delivers less than 20 percent of the total quantity of raw sugar produced by the mill to mainland refiners, the allowable per hundredweight selling and delivery expenses to be applied to such total quantity shall be an amount equal to the average of the admissible selling and delivery expenses approved by the Director of the Area office for all 1974-75 crop raw sugar produced in Puerto Rico which was delivered to mainland refiners except that such average of all selling and delivery expenses shall be increased (or reduced as appropriate) by an amount representing the difference between the estimated per hundredweight inland transportation costs which would have been incurred by the processor had all such 1974-75 crop raw sugar been delivered to the bulk sugar terminal to which the Area office determines the sugar could have been transported at the lowest inland transportation costs and the average per hundredweight of all admissible inland transportation costs for all 1974-75 crop raw sugar that was delivered to the mainland. The average of the admissible selling and delivery expenses shall, as provided above, be increased when the estimated inland transportation costs are greater than such average, and be reduced when the estimated inland transportation costs are less than such average.

The statement as required by § 877.27 of the determination shall include the following certification:

CERTIFICATION

I, hereby certify that as a result of the audit performed on the books of Central _____ as of _____, the deductions as set forth herein are properly chargeable as selling and delivery expenses for sugar in accordance with the determination of fair and reasonable prices for the 1974-75 crop of Puerto Rican sugarcane.

SCHEDULE C

ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES FOR MOLASSES

Admissible deductions for selling and delivery expenses in connection with the molasses payment provided in § 877.24 of the 1974-75 price determination are limited to the sum of the following expenses actually incurred at each mill operated by a processor, net of any receipts which reduce such expenses:

(1) Operation of pumps to deliver molasses from mill tank to shipside or other delivery point;

(2) Freight incurred or which would have been incurred on direct shipment from tanks located at the mill to shipside, or to a waterfront tank facility, or to local buyers when

such molasses is sold on a delivered price basis;

(3) Operation of tank barges, tugs, or other marine equipment used in delivering molasses to shipside;

(4) Weighing and testing;

(5) Wharfage, including charges arising from utilization of waterfront facilities such as pipelines (including fees paid for right of way privileges), pumps, and tanks (a) to store molasses in anticipation of shipment; and (b) to deliver such molasses within the hold of the ship;

(6) Shore risk insurance (limited in coverage from mill to shipside);

(7) Freight demurrage resulting from causes beyond the control of the shipper;

(8) Brokerage paid to a bona fide broker. When any of the necessary services included in items (1) through (8) above are furnished by the processor, costs incurred may include for each of the services rendered:

(1) Direct and immediate supervisory labor;

(2) Maintenance labor and supplies required for facilities used;

(3) Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pensions, bonuses and vacation expenses properly allocable to such labor;

(4) Fuel, energy or direct supplies; and

(5) Depreciation (at rates allowed by the taxing authorities), property taxes and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities, properly apportionable to the necessary service, shall be allowed.

The Director of the Area office may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the cost incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

The statement as required by § 877.27 of the determination shall include the following certification:

CERTIFICATION

I, hereby certify that, as the result of the audit performed on the books of Central _____ as of _____, the gross proceeds from the sales of molasses as herein stated are true and correct and the deductions set forth herein are properly chargeable as selling and delivery expenses for molasses in accordance with the determination of fair and reasonable prices for the 1974-75 crop of Puerto Rican sugarcane.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1974-75 crop grown by other producers.

Requirements of the act. Section 301 (c) (2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that

may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

1974-75 price determination. This determination has the effect of continuing without change the provisions of the prior determination.

A public hearing was held in San Juan, Puerto Rico, on December 4, 1974, at which interested persons were afforded the opportunity to present testimony and make recommendations with respect to fair and reasonable prices for the 1974-75 crop of sugarcane. Representatives of the Puerto Rico Farm Bureau recommended that the present system of basing selling and delivery expenses for all independent producers on an average of such expenses for all mills be changed to require that all independent producer sugar be considered as marketed within Puerto Rico for the local market and that any amount of raw sugar marketed in the Continental U.S. be considered as processor sugar, making it necessary for the mills shipping raw sugar to the mainland to absorb any and all selling and delivery expenses so incurred. They estimate that such a move would increase income to the independent cane farmers in Puerto Rico by about \$1 million. They further recommended that no basic changes be made in the present payment scale contained in the determination, but that increases be allowed in accordance with any increases authorized in transportation costs; i.e., an escalator clause to allow for increased cane hauling charges resulting from increased fuel costs.

A representative of the Sugar Corporation of Puerto Rico, an agency of the Commonwealth government recommended that the present method of basing deductible selling and delivery expenses for mills shipping 20 percent or more to the mainland is appropriate and equitable and should not be changed. He stated that during the 1973-74 crop season an estimated 80,326 tons of raw sugar was marketed in the Continental U.S. from the Coloso, Guanica, Cambalache, Eureka, and Plata mills. He maintains that the selling and delivery expenses incurred should serve as the basis for determining these expenses for the other ten mills that operated during the 1973-74 season, inasmuch as exclusion of the shipping and delivery expenses would in turn increase the price of refined sugar in the Commonwealth.

Consideration has been given to the recommendations made at the public hearing; to data on the returns, costs and profits or losses of producing and processing sugarcane obtained by field survey for prior crops and recast in terms of price and production conditions likely to prevail for the 1974-75 crop; and to other relevant factors. Sugar production in 1973-74 amounted to 287,000 tons, an increase of 35,000 tons over the all-time low of 252,000 in 1972-73. Sugar recovery per ton of cane was 160 pounds in 1973-74 as compared to 139 pounds in the previous year.

This determination continues the provisions of the 1973-74 determination. The recommendation of the Farm Bureau that all independent producer sugar be considered as marketed locally and, therefore, exempted from deductions for selling and delivery expenses has not been adopted. The Department's responsibility for determining a fair and reasonable price will not permit adoption of the recommendation of the Farm Bureau without a corresponding change in the sharing relationship between the independent growers and the sugar mills.

The recommendation for an escalator clause to allow for increased cane hauling charges resulting from increased fuel costs has not been adopted.

On the basis of an examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.)

Effective date. This determination shall become effective on February 14, 1975, and is applicable to the 1974-75 crop of Puerto Rican sugarcane.

Signed at Washington, D.C. on February 7, 1975.

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

[FR Doc. 75-4172 Filed 2-13-75; 8:45 am]

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

[Lemon Regulation 679]

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 Feb. 16-22, 1975. 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.

§ 910.979 Lemon Regulation 679.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons

grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons opened steady and is expected to continue so most of this week. Average f.o.b. price was \$4.76 per carton the week ended February 8, 1975, compared to \$4.77 per carton the previous week. Track and rolling supplies at 125 cars were down 4 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to ef-

fectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 11, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period February 16, 1975, through February 22, 1975, is hereby fixed at 205,000 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: February 13, 1975.

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 75-4397 Filed 2-13-75; 11:34 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

Third or Sixth Preference Visa Petitions; Evidence of Training or Experience of Beneficiary

Reference is made to the notice of Proposed Rule Making which was published in the FEDERAL REGISTER of November 27, 1974 (39 FR 41378) pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383) and in which there were set forth proposed amendments to § 204.2(e) (1) of Chapter I of Title 8 of the Code of Federal Regulations, pertaining to the requirement that evidence of employment or training of a third or sixth preference visa petition beneficiary shall generally be in affidavit form from the employer or trainer.

The representations which were received concerning the proposed rules of November 27, 1974, have been considered. No change has been made in the proposed rules. The rules, as proposed and as set forth below, are hereby adopted:

In § 204.2, paragraph (e) (1) is amended by revising the existing last two sentences and by adding a new sentence at the end thereof. As amended, § 204.2 (e) (1) reads as follows:

§ 204.2 Documents.

(e) *Evidence of eligibility for third- or sixth-preference classification—*(1) *General.* The documentary evidence which the petitioner must submit to establish the beneficiary's eligibility under section 203(a) (3) or (6) of the Act shall include Form MA 7-50A, or Forms MA 7-50 A and B, as provided in § 204.1(c), and any documents required to be presented with those forms. If the alien's eligibility is

based in whole or in part on higher education, a certified copy of his school record shall be submitted. The record must show the period of attendance, major field of study, and the degrees or diplomas awarded. If the alien has received a license or other official permission to practice his profession, the license or other official permit to practice must also be submitted. If the alien's eligibility is based on a claim of exceptional ability in the sciences or the arts, documentary evidence supporting the claim must be submitted by the petitioner. Such evidence may attest to the universal acclaim and either the national or international recognition accorded to the alien; that he has received a nationally or internationally recognized prize or award or won a nationally or internationally recognized competition for excellence for a specific product or performance or for outstanding achievement; or that he is a member of a national or international association of persons which maintains standards of membership recognizing outstanding achievement as judged by recognized national or international experts in a specific discipline or field of endeavor. An affidavit attesting to an alien's exceptional ability in the sciences or the arts must set forth the name and address of the affiant, state how he has acquired his knowledge of the alien's qualifications, and must describe in detail the facts on which the affiant bases his assessment of the alien's qualifications. If material published by or about the alien is submitted, it must be accompanied by information as to the date, place, and title of the publication. If the alien's eligibility is based on training or experience, affidavits by the trainers or employers attesting to the training or experience which they provided to the alien must be submitted by the petitioner. These affidavits must set forth the name and address of the affiant, state how he acquired his knowledge of the alien's qualifications, state the places where and the dates between which the alien gained the training or experience, and describe in detail the duties performed by the alien, any tools used, and any supervision received or exercised by the alien. If such affidavits cannot be obtained, the petitioner shall submit an affidavit by the alien beneficiary attesting to the reasons therefor, and shall also submit other documentary evidence of the alien's qualifications, such as copies of company records or affidavits by persons other than the alien's trainers or employers having personal knowledge of the facts to which the affiants are attesting, setting forth the information specified in the preceding sentence.

(Sec. 103, 66 Stat. 173; (8 U.S.C. 1103))

The basis and purpose of the above-prescribed regulations are to establish safeguards against the submission of false statements or records in support of third or sixth preference visa petitions in which the beneficiary's eligibility is based on training or experience.

Effective date. The amendments contained in this order shall become effective March 17, 1975.

Dated: February 11, 1975.

L. F. CHAPMAN, Jr.,
Commissioner of

Immigration and Naturalization.

[FR Doc.75-4202 Filed 2-13-75; 8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Release of Areas Quarantined

This amendment releases a portion of Otoe County, a portion of Gage County and a portion Saline County in Nebraska from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded areas, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded areas. No areas in Nebraska remain under quarantine.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

§ 73.1a [Amended].

In § 73.1a, paragraph (b) relating to the State of Nebraska is deleted.

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

Effective date. The foregoing amendment shall become effective on February 11, 1975.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of February, 1975.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-4237 Filed 2-13-75; 8:45 am]

SUBCHAPTER G—ANIMAL BREEDS

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

Recognized Breeds and Books of Record

Statement of considerations. The purpose of this amendment is to include the Morgan horse in the listing of recognized breeds and to the books of record of the Canadian National Live Stock Records contained in 9 CFR § 151.9(b) (1). An examination has been made by the Animal and Plant Health Inspection Service of the microfilm records and the rules of entry for the registration of the Morgan horse in Canada, and it has been determined that these rules and records are complete and adequate to provide a sufficient pedigree certificate to meet the requirements of 9 CFR Part 151.

The amendment also updates the name of the Director of the Canadian National Live Stock Records.

§ 151.9 [Amended]

Accordingly, in § 151.9 in paragraph (b) (1) the name "F. G. Hodgkin" is changed to read "F. G. Clark"; the second proviso is amended by inserting the word "Morgan," before the reference to "Shetland Pony,"; and the chart in paragraph (b) (1) is amended by inserting the following in alphabetical order under the heading "Horses":

Code:	Horses
2236	Morgan

(Sec. 101, 76 Stat. 72, Item 100.01, Title I, Tariff Act of 1930, as amended; (19 U.S.C. 1202, Item 100.01); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective on February 14, 1975.

The effect of the amendment is to provide for duty-free entry of certain purebred animals and, in order to be of maximum benefit to persons desiring to import such animals, the amendment should be made effective promptly to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of February, 1975.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-4238 Filed 2-13-75; 8:45 am]

Title 10—Energy
CHAPTER II—FEDERAL ENERGY
ADMINISTRATION

PART 205—ADMINISTRATIVE
PROCEDURES AND SANCTIONS

Emergency Amendment—Temporary Ad-
justments and Assignments Occasioned
by Certain Energy Curtailments; Can-
cellation of Public Hearing

On January 25, 1975, the Federal Energy Administration issued an emergency amendment 10 CFR Part 205 which added a new § 205.29 and revised § 205.39 covering temporary adjustments and assignments occasioned by certain energy curtailments. A public hearing on the amendment was scheduled for February 19, 1975.

No requests to make oral presentations were received by FEA prior to 4:30 p.m., e.s.t., Tuesday, February 11, 1975. Therefore, FEA hereby gives notice that the public hearing is cancelled.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

FEBRUARY 12, 1975.

[FR Doc.75-4337 Filed 2-12-75;3:58 pm]

PART 211—MANDATORY PETROLEUM
ALLOCATION REGULATIONS

Emergency Amendment Permitting Entitle-
ment Adjustments to Correct Reporting
Errors in Old Oil Allocation Program

On November 29, 1974, FEA issued the final rule for the allocation of old oil (39 FR 42246, December 4, 1974). The initial entitlement notice for the old oil allocation program was issued on January 10, 1975, based on reports filed by refiners and eligible firms for the month of November 1974.

In the preparation of the entitlement notice for the month of December 1974, FEA was notified by numerous refiners and eligible firms of reporting errors for the month of November. These errors were of two basic types: first, refiners reported incorrectly as to volumes of old oil included in their crude oil receipts and refiners and eligible firms made reporting errors as to import volumes of eligible products; secondly, certain eligible firms did not file for volumes of eligible products imported in November due to confusion as to whether their firm qualified as an eligible firm under the definition of this term set forth in § 211.62.

Due to the nature of the reporting information required for the program and the time frame within which such information is required to be filed, FEA has concluded that a significant number of reporting errors are almost unavoidable for firms covered by the program. Due to complexities inherent in the start up phase of the program, a substantial number of good faith reporting errors made in November 1974 reports will have to be corrected by adjusting entitlement issuances for December 1974. Therefore, FEA has determined that an emergency amendment to 10 CFR 211.67 which would be effective immediately is required to permit appropriate corrective adjustments for November reporting

errors to be reflected in the December entitlement issuance, which will take place on the date hereof. Accordingly, FEA is hereby adopting the requisite amendment.

The amendment adopted requires correction of and permits FEA to make adjustments for two types of reporting errors for prior months.

First, refiners and eligible firms are required to correct errors contained in reports filed under paragraphs (h) and (j) of § 211.66 by filing an amended report for the particular month. The basic data that would most likely be corrected in this manner are volumes of old oil included in the crude oil receipts of a refiner and import volumes of eligible products reported in a particular month by a refiner or eligible firm. Based on any reporting errors so corrected, FEA in its discretion may adjust entitlement issuances to a refiner or eligible firm in a month or months subsequent to the month in which the amended report is filed with FEA, by issuing fewer entitlements than the number otherwise issuable or by requiring a refiner or an eligible firm to purchase entitlements in order to correct for excess entitlements issued in a prior month or by issuing entitlements over and above the number otherwise issuable to compensate for too few entitlements having been issued in such prior month. However, the amendment adopted provides a time limitation for filing of amended reports to correct errors which would result in adjustments favorable to a refiner or an eligible firm. Such amended reports shall be filed no later than the 28th day of the second month following the month in which the report being corrected is required to be filed. Any such reporting errors which are not so corrected will not be eligible for any adjustments under the amendment adopted; however, the firm wishing to receive such an adjustment will be able to file with the Office of Exceptions and Appeals for an exception to permit such adjustments to be made. To give effect to variances in the entitlement price for different months, in adjusting entitlement issuances FEA shall take into account any such price differentials. FEA may also in its discretion take into account other factors to the extent it deems them relevant to the adjustment.

The amendment adopted hereby also provides that eligible firms that failed to file the affidavit called for by § 211.66(k) and to report any volumes of eligible products imported for the month of November or December, 1974 may report those volumes of eligible products on or before February 28, 1975. Any volumes so reported to the FEA shall be reflected in the entitlement issuances to those eligible firms either for the month of December 1974 (if the filing has been made by February 3, 1975) or for January, 1975.

PUBLIC HEARING AND WRITTEN
COMMENT PROCEDURES

The public hearing and written comment procedures for this amendment will

be in conjunction with the procedures provided for the emergency amendment to Special Rule No. 3 issued on February 5, 1975, which are set forth below.

Section 7(d)(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. The FEA has determined for the reasons outlined above that strict compliance with the requirements of section 7(d)(1)(B) of the FEAA would thus cause serious harm and injury to the public safety and welfare. Accordingly, these requirements must be waived and this amendment is made effective immediately, prior to opportunity to comment thereon.

The review provisions of section 7(e)(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 this amendment is 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 Tuesday, March 4, 1975, in Room 3000, Federal Building, 12th and Pennsylvania Avenue NW., Washington, 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., Monday, February 24, 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 Friday, February 28, 1975. Each person selected to be heard will be so notified by the FEA before 5:30 p.m., Wednesday, February 26, 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., Monday, March 3, 1975.

The FEA reserves the right to select the persons to be heard at 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 the 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., Friday, February 28, 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 NW., 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 CD, 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—Corrections for Reporting Errors". Fifteen copies should be submitted. All comments received by February 28, 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 211 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective February 14, 1975.

Issued in Washington, D.C., February 11, 1975.

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

Section 211.67(i) is amended by adding subparagraphs (5) and (6) to read as follows:

§ 211.67 Allocation of old oil.

(1) Issuance and transfer of entitlements

(5) Refiners and eligible firms shall correct any errors contained in reports filed pursuant to paragraphs (h) and (j) of § 211.66 by filing an amended report for the particular month. Based on any reporting errors so corrected, FEA in its discretion may adjust entitlement issuances to the refiner or eligible firm in a month or months subsequent to the month in which the amended report is filed with the FEA, by issuing fewer entitlements than the number otherwise issuable or by requiring the refiner or eligible firm to purchase entitlements in order to correct for excess entitlements issued in a prior month or by issuing entitlements over and above the number otherwise issuable to compensate for too few entitlements have been issued in such prior month. Amended reports setting forth corrections which would result in adjustments favorable to a refiner or eligible firm shall be filed no later than the 28th day of the second month following the month in which the report being corrected is required to be filed. Refiners and eligible firms which seek corrections in their favor subsequent to the two month period allowed for filing amended reports may apply to FEA for an exception from the provisions of this subparagraph in accordance with the procedures established in subpart D of part 205 of this chapter. All entitlement issuances or purchase requirements shall give effect to any differential between the entitlement price for the month in which any correction is reflected as compared with the entitlement price for the month as to which the reporting error was made and such other factors as the FEA deems appropriate.

(6) Notwithstanding the provisions of paragraph (i) of § 211.66, eligible firms which failed to report any volumes of eligible products imported for the month

of November or December, 1974 and which were otherwise eligible to receive entitlements in accordance with the provisions of this subpart in effect with respect to those months may report those volumes of eligible products on or before February 28, 1975. Any volumes so reported to the FEA shall be reflected, to the extent determined by FEA after consideration of such factors as it deems appropriate, in the entitlement issuances to those eligible firms either for the month of December 1974 (if the amended report reflecting the correction has been filed with the FEA by February 3, 1975) or for January 1975.

[FR Doc. 75-4255 Filed 2-11-75; 4:31 pm]

[Ruling 1975-1]

TRANSPORTATION COSTS

Facts. Firm X, a reseller of a covered product, purchases the covered product from Refiner W. Carrier A, an independent carrier, transports the covered product from Refiner W to Firm X. Carrier A increases the rates it charges Firm X for transporting the covered product. Firm X sells the covered product to Firm Z, a retailer, and delivers the covered product in its own trucks to Firm Z. Firm X's costs incurred in connection with delivering the covered product to Firm Z increase.

Issue No. 1. May Firm X treat Carrier A's increased transportation charges to it as "increased costs," as defined in § 212.92?

Issue No. 2. May Firm X treat its increased costs incurred in connection with delivering the covered product to Firm Z as "increased costs," as defined in § 212.92?

Ruling. Firm X may treat Carrier A's increased transportation charges as "increased cost" pursuant to § 212.92, but may not treat its increased costs incurred in connection with delivering the covered product to Firm Z as "increased costs."

"Increased costs" are defined in § 212.92 to mean "the difference between the weighted average unit cost of a product in inventory and the weighted average unit cost of that product in inventory on May 15, 1973." "Increased costs" are thus defined to be increased "cost of a product," and such increased costs are permitted to be passed through, on a dollar-for-dollar basis, in the prices charged for the product by resellers, reseller-retailers, and retailers pursuant to § 212.93. Increased non-product costs, on the other hand, are permitted to be reflected in the prices charged by resellers, reseller-retailers, and retailers only to the extent permitted by § 212.93(b).

The "weighted average unit cost of a product in inventory" includes transportation costs incurred in bringing the covered product into the seller's inventory. The cost of product is, in other words, considered to be the "delivered cost" to the buyer. In many instances, the product is purchased at a "delivered

price," and there is no separate transportation cost incurred. Where transportation costs are incurred separately in connection with acquiring product, however, they have historically been treated as a cost of acquiring the product. For example, refiners are expressly allowed to treat increased transportation costs associated with obtaining crude oil or covered products as increased product costs, pursuant to the definitions of "cost of crude petroleum" and "cost of petroleum product" in § 212.83(b). "Cost of petroleum product" is defined in § 212.83(b), for example, to mean:

- (1) For purposes of domestic petroleum products other than crude petroleum the purchase price including transportation costs.
- (2) For purposes of imported petroleum products other than crude petroleum, the landed costs.

The definition of "landed costs" in § 212.93(b) also includes transportation costs. Thus, pursuant to § 212.83(b), refiners have been expressly permitted to treat increased transportation costs incurred in connection with acquiring crude oil and petroleum products as increased product costs.

Although transportation costs are not specifically dealt with under the § 212.92 definition of "increased costs" which is applicable to resellers, reseller-retailers, and retailers, Form CLC-92, Part III, line 12, which was published by the Cost of Living Council and which certain retailers, retailer-resellers, and resellers must file with respect to No. 2 heating oil prices, states that "The total of all charges associated with transporting the No. 2 heating oil to your inventory, historically considered to be part of the costs and not already included in unit costs, should be reflected in [the cost of product]" (Form CLC-92, Instructions for Part III, line 12). Thus, resellers and retailers have been given further reason to believe that increased transportation costs incurred in obtaining covered products may properly be treated as increased product costs. The purpose of this ruling, therefore, is to confirm that such transportation costs are properly included within the meaning of "increased costs," as defined in § 212.92.

Firm X is not, however, permitted to treat increased transportation costs associated with delivering the covered product to its customers as "increased costs" under § 212.92. Such costs are not related to the cost of the product to Firm X, but are, rather, a cost of doing business for Firm X, which must be treated as all other non-product costs, and which may be reflected in Firm X's selling prices only to the extent permitted by § 212.93(b). Again, such treatment is consistent with the express provisions of the refiner price rules, which treat all marketing costs as non-product costs (§ 212.87). Similarly, Form CLC-92 does not provide any basis upon which a reseller, reseller-retailer, or retailer could seek to pass through as an increased product cost any increased transporta-

tion costs associated with delivering No. 2 heating oil to its customers.

It should be noted that in computing the "weighted average unit cost" of a product in inventory pursuant to § 212.92, a firm must be consistent in its accounting procedures. Thus, a firm which includes transportation costs associated with acquiring a covered product as a product cost when calculating its current weighted average unit cost of product in inventory must also include such costs in its calculation of the weighted average unit cost of that product in inventory on May 15, 1973.

Dated: February 6, 1975.

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

[FR Doc. 75-4259 Filed 2-13-75; 8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS

Changes in Rates

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 201 is amended as set forth below:

1. Section 201.51 is amended to read as follows:

§ 201.51 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston.....	6½	Feb. 5, 1975
New York.....	6½	Do.
Philadelphia.....	6½	Do.
Cleveland.....	6½	Do.
Richmond.....	6½	Do.
Atlanta.....	6½	Do.
Chicago.....	6½	Feb. 6, 1975
St. Louis.....	6½	Feb. 7, 1975
Minneapolis.....	6½	Feb. 5, 1975
Kansas City.....	6½	Feb. 7, 1975
Dallas.....	6½	Feb. 5, 1975
San Francisco.....	6½	Do.

2. Section 201.52 is amended to read as follows:

§ 201.52 Advances to member banks under section 10(b).

(a) The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston.....	7¼	Feb. 5, 1975
New York.....	7¼	Do.
Philadelphia.....	7¼	Do.
Cleveland.....	7¼	Do.
Richmond.....	7¼	Do.
Atlanta.....	7¼	Do.
Chicago.....	7¼	Feb. 6, 1975
St. Louis.....	7¼	Feb. 7, 1975
Minneapolis.....	7¼	Feb. 5, 1975
Kansas City.....	7¼	Feb. 7, 1975
Dallas.....	7¼	Feb. 5, 1975
San Francisco.....	7¼	Do.

(b) The rates for advances to member banks for prolonged periods and in significant amounts under section 10(b) of the Federal Reserve Act and § 201.2(e) (2) of Regulation A are:

Federal Reserve Bank of—	Rate	Effective
Boston.....	8½	Feb. 5, 1975
New York.....	8½	Do.
Philadelphia.....	8½	Do.
Cleveland.....	8½	Do.
Richmond.....	8½	Do.
Atlanta.....	8½	Do.
Chicago.....	8½	Feb. 6, 1975
St. Louis.....	8½	Feb. 7, 1975
Minneapolis.....	8½	Feb. 5, 1975
Kansas City.....	8½	Feb. 7, 1975
Dallas.....	8½	Feb. 5, 1975
San Francisco.....	8½	Do.

3. Section 201.53 reads as follows:

§ 201.53 Advances to persons other than member banks.

The rates for advances under the last paragraph of section 13 of the Federal Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

Federal Reserve Bank of—	Rate	Effective
Boston.....	9½	Feb. 5, 1975
New York.....	9½	Do.
Philadelphia.....	9½	Do.
Cleveland.....	9½	Do.
Richmond.....	9½	Do.
Atlanta.....	9½	Do.
Chicago.....	9½	Feb. 6, 1975
St. Louis.....	9½	Feb. 7, 1975
Minneapolis.....	9½	Feb. 5, 1975
Kansas City.....	9½	Feb. 7, 1975
Dallas.....	9½	Feb. 5, 1975
San Francisco.....	9½	Do.

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 357.)

By order of the Board of Governors, February 7, 1975.

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

[FR Doc. 75-4191 Filed 2-13-75; 8:45 am]

Title 13—Business Credit and Assistance
CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 314—EXCESS PROPERTY

Grant and Loan Program

Chapter III of Title 13 of the Code of Federal Regulations is hereby amended.

In that the material contained herein is a matter relating to the grant and loan program of the Economic Development Administration and because a delay in implementing these regulations would be contrary to the public interest, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 533) requiring notice of proposed rulemaking and opportunity for public participation are inapplicable.

The purpose of these regulations is to provide information concerning the availability of excess property to grantees or recipients of cost reimbursement type contracts under programs administered by the Economic Development Administration.

Accordingly, Chapter III of Title 13 is amended by adding a new Part 314 to read as follows:

PART 314—EXCESS PROPERTY

§ 314.1 General requirements.

(a) EDA is authorized to conduct an excess property program subject to all requirements and limitations contained in the GSA Federal Property Management Regulations as published in 31 CFR 43.320. EDA will act as a sponsor in forwarding appropriate requests for excess property to the General Services Administration for approval and processing.

(b) Any recipient of an EDA grant or any recipient of an EDA funded cost reimbursement type contract may submit a request to EDA for the use of excess property. Such requests shall be made on forms provided by EDA.

(c) The use of any excess property made available to the recipient of an EDA grant or the recipient of an EDA funded cost reimbursement type contract pursuant to this part will be governed by a written contract between EDA and the recipient. The contract shall specify the rights and obligations of the parties and actions to be taken by the recipient in regard to the shipment, use, care, maintenance, and redelivery of the property.

(Sec. 701, Pub. L. 89-135, August 26, 1965; (42 U.S.C. 3211); 79 Stat. 570 and Department of Commerce Organization Order 10-4, April 1, 1970 (35 FR 5970))

Effective date. This amendment becomes effective on March 14, 1975.

Dated: February 7, 1975.

D. JEFF CAHILL,
Acting Assistant Secretary
for Economic Development.

[FR Doc. 75-4171 Filed 2-13-75; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION

[Docket No. 75-80-13 Amdt. 39-2095]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Beech, Piper, Navion, and Cessna Airplanes

There have been failures of the Beryl filtrator air oil separator on Beech 35B33, C35, E35, J35, and Cessna 182 airplanes modified in accordance with Beryl Aviation Specialties STC SA2653WE that re-

sulted in oil contamination and/or loss of engine oil. Since this condition is likely to exist or develop in other airplanes incorporating this modification, an airworthiness directive is being issued to require filtrator assembly inspection and modification, filtrator assembly replacement or the removal of STC SA2653WE on the following: Beech Models 35, A35, B35, C35, D35, E35, E33, F35, G35, 35R, 35-33, 35-A33, 35-B33, 35-C33, 35-C33A, E33A, E33C, F33, F33A, F33C, G33, H35, J35, K35, M35, N35, P35, S35, V35, V35A, V35B, 36, A36 series airplanes.

Piper Models PA24, PA24-250, PA24-260 series airplanes.

Navion Model Navion A series airplanes.

Cessna Models 182, 182A, 182B, 182C, 182D, 182E, 182F, 182G, 182H, 182J, 182K, 182L, 182M, 182N, 182P series airplanes.

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

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

BEECH, CESSNA, NAVION AND PIPER. Applies to Beech Models 35, A35, B35, C35, D35, E35, F35, G35, 35R, 35-33, 35-A33, 35-B33, 35-C33, 35-C33A, E33, E33A, E33C, F33, F33A, F33C, G33, H35, J35, K35, M35, N35, P35, S35, V35, V35A, V35B, 36, A36 series airplanes; Piper Models PA24, PA24-250, PA24-260 series airplanes; Navion Model Navion A series airplanes; Cessna Models 182, 182A, 182B, 182C, 182D, 182E, 182F, 182G, 182H, 182J, 182K, 182L, 182M, 182N, 182P series airplanes certified in all categories which have been modified in accordance with STC SA2653WE.

Compliance required as indicated unless already accomplished.

To prevent loss of engine oil, improper engine lubrication, or engine oil contamination, accomplish the following:

(a) Within the next 25 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 25 hours' time in service, unless (b) has been accomplished, remove the Beryl Aviation air oil separator Filtrator Assembly and inspect in accordance with the following procedure.

(1) Add one quart of clear gasoline to the assembly can and plug or cap the ends of all tubes.

(2) Hold the assembly can upright and shake vigorously for about 2 minutes.

(3) Completely drain the gasoline from the 1/8-inch oil return tube through a paint strainer or similar fine mesh strainer and check for the presence of polyester urethane particles that have broken off of the internal screen material.

(4) If screen particles are present, accomplish (b).

(5) If screen particles are not present, install a 1/8-inch rivet in the top center of the assembly can to fasten the inside center cone to the outside can. Seal the rivet with an oil and fuel resistant type sealant if required. After assuring that cleaning agent has evaporated, reinstall the filtrator assembly.

(b) Within the next 100 hours' time in service after the effective date of this AD, unless already accomplished, accomplish (1), (2), or (3).

(1) (i) For Beech Models 35, A35, B35, C35, D35, E35, F35, G35, and 35R Series Airplanes,

remove the Beryl Aviation filtrator assembly P/N B-1119-1 and install either P/N B-1119-M or P/N B-1119-RM.

(ii) For Beech Models S35, V35, V35A, V35B, 35C-33A, E33A, E33C, F33A, F33C, 36, and A36 Series Airplanes, remove the Beryl Aviation filtrator assembly P/N B-1116-1 and install either P/N B-1116-M or P/N B-1116-RM.

(iii) For Beech Models H35, J35, K35, M35, N35, P35, 35-33, 35-A33, 35-B33, 35-C33, E33, F33, and G33 Series Airplanes, remove the Beryl Aviation filtrator assembly P/N B-1114-1 and install either P/N B-1114-M or P/N B-1114-RM.

(iv) For Piper Models PA24, PA24-250, and PA24-260 Series Airplanes, remove the Beryl Aviation filtrator assembly P/N B-1113-1 and install either P/N B-1113-M or P/N B-1113-RM.

(v) For Navion Model A Series Airplanes, remove the Beryl Aviation filtrator assembly P/N B-1112-1 and install either P/N B-1112-M or P/N B-1112-RM.

(vi) For Cessna Models 182, 182A, 182B, 182C, 182D, 182E, 182F, 182G, 182H, 182J, 182K, 182L, 182M, 182N, and 182P Series Airplanes remove the Beryl Aviation filtrator assembly P/N B-1114-1 and install either P/N B-1114-M or P/N B-1114-RM.

(2) Remove the modification incorporated by STC SA2653WE and return airplane to the standard unmodified configuration.

(3) Provide compliance with an equivalent method approved by Chief, Engineering and Manufacturing Branch, Southern Region.

Beryl Aviation Specialties, Route 1, Box 127D, Leesburg, Florida 32748, Services Bulletin B-1-1-75-1 also pertains to this subject.

This amendment becomes effective February 21, 1975.

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

Issued in East Point, Ga., on February 7, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 75-4129 Filed 2-13-75; 8:45 am]

[Docket No. 75-GL-1; Amdt. 39-2093]

PART 39—AIRWORTHINESS DIRECTIVES

Bellanca Model 8GCBC Series Airplanes

A propeller vibration survey of the McCauley 1A200/HFA propeller installation on the Bellanca Model 8GCBC airplane revealed that relatively high blade stresses could be encountered during descending flight between 1,700 and 2,100 RPM. Since this condition could result in decreased propeller blade life, an airworthiness directive is being issued to require placarding and remarking the engine tachometer on the Bellanca Model 8GCBC Airplane.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697 and 14 CFR 11.89) § 39.13 of Part 39 of the Federal aviation regulations is

amended by adding the following new airworthiness directive.

BELLANCA. Applies to Model 8GCBC Airplanes, Serial Numbers 1-74 through 119-74, 120-75 through 153-75 certificated in all categories.

Compliance required within the next 10 hours time in service after the effective date of this airworthiness directive, unless already accomplished.

To prevent possible resonant vibratory conditions with McCauley Model 1A200/HFA fixed pitch propellers installed on Lycoming O-360-C2A, or -C2E type engines, accomplish the following in accordance with Bellanca Service Letter Number 115 and Bellanca Service Kit Number 245.

(a) Remove existing markings on the tachometer instrument glass and affix Mylar decal, Bellanca P/N 1-10443. The decal is properly affixed when: a green arc extends from 500 to 1,700 r.p.m.; a yellow arc from 1,700 to 2,100 r.p.m.; a green arc from 2,100 r.p.m. to 2,700 r.p.m.; and a red radial is positioned at 2,700 r.p.m.

(b) Install Bellanca P/N 1-10437, placard "Avoid 1,700-2,100 During Descent", on the tachometer instrument glass below the hour meter.

(c) Accomplish Revision Number 1 to existing FAA Approved Airplane Flight Manual (AFM) in accordance with AFM revisions page.

This amendment becomes effective February 21, 1975.

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

Issued in Des Plaines, Illinois, on February 7, 1975.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

[FR Doc. 75-4127 Filed 2-13-75; 8:45 am]

[Airworthiness Docket No. 74-WE-52-AD; Amdt. 39-2092]

PART 39—AIRWORTHINESS DIRECTIVES
Certain AiResearch Model TPE331-1, -2, -3, -5 and -6 Series Engines

Amendment 39-2054 (39 FR 44439), AD 74-26-11, requires inspection and modification to the oil supply system for the high speed pinion gear bearing assembly. After issuing Amendment 39-2054, the agency has determined that this AD contains an incomplete list of affected engine serial numbers. Therefore, the AD is being amended to include the previously omitted affected engines.

After issuing Amendment 39-2054, the manufacturer issued Revision 1, dated January 27, 1975, to the AiResearch Service Bulletin TPE331-72-0092. This revision expands the inspection and maintenance to be performed on elements of the high speed pinion (HSP) gear bearing lubrication system. While the work to be accomplished under the original service bulletin, dated December 9, 1974, as required by Amendment 39-2054, is still satisfactory for purposes of meeting AD 74-26-11, the agency is including a note in the AD, as herein amended, to recommend to operators of affected airplanes incorporating the listed engines, that the

additional work be performed. Revision 1 is FAA-approved, and constitutes a basis for compliance with the AD.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal aviation regulations, Amendment 39-2054 (39 FR 44439), AD 74-26-11, is amended to read as follows:

AIRESEARCH MANUFACTURING COMPANY OF ARIZONA. Applies to certain Model TPE331 series engines.

Compliance required as indicated.

To detect, correct, and prevent loosening of the high speed pinion (HSP) gear carrier bolts and to detect fatigue failures of the HSP gear oil transfer and supply tubes, accomplish the following:

(1) TPE331-1-101B, S/N 93058 through 93061; TPE331-1-151A, S/N 92249 and 92336 through 92354; TPE331-1-151K, S/N 26001 through 26014; TPE331-1-151G, S/N 91193 through 91198; TPE331-2-201A, S/N 90218 through 90278, TPE331-3U-303G or TPE331-3UW-303G, S/N 03108, 03109, and 03112 through 03180 and 05031 through 05042; TPE 331-3U-307G, S/N 03001 and 03009; TPE331-5-251C, S/N 22006 through 22057; TPE331-5-251K, S/N 06113, 06190 through 06442 and 06444 through 06454; TPE331-6-251M or TPE331-6-252M, S/N 20144 and 20182 through 20467 and 20469 through 20533; TPE331-6-252B, S/N 27001 and 27002. In addition to the above serial number engines, also affected by this AD are any Model TPE331-1, -2, -3, -5, or -6 engines which have been modified in accordance with AiResearch Service Bulletin TPE331-72-0064 dated February 1, 1974 or subsequent revisions.

Within the next 100 hours time in service after the effective date of this AD, unless previously accomplished, replace the two high speed pinion gear carrier bolts, P/N MS21279-07, with two bolts, P/N MS9489-07, and lockplate, P/N 3101483-1, and inspect to insure proper torque on bolt, P/N MS21297-07, securing lube adapter, P/N 3101210, and bolt, P/N MS21279-10, securing lube nozzle, P/N 3101209, as described in paragraph 2.D. of AiResearch Service Bulletin TPE331-72-0092, dated December 9, 1974, or later FAA-approved revisions.

(2) Engines listed in (1), above, as well as the following: TPE331-1-101B, S/N 93062 and subsequent; TPE331-1-151A, S/N 92355 and subsequent; TPE331-1-151K, S/N 26015 and subsequent; TPE331-1-151G, S/N 91199 and subsequent; TPE331-2-201A, S/N 90279 and subsequent; TPE331-3U-303G or TPE-331-3UW-303G, S/N 03181 series and subsequent, S/N 05043 and subsequent; TPE331-5-251C, S/N 22058 and subsequent; TPE331-5-251K, S/N 06443 and 06455 and subsequent; TPE 331-6-251M, S/N 20534 and subsequent; and TPE331-6-252B, S/N 27003 and subsequent. Within the next 100 hours time in service, unless accomplished within the last 100 hours time in service prior to the effective date of this AD, as amended, and thereafter, at intervals not to exceed 200 hours time in service, inspect the integral support bracket associated with the oil transfer tube, P/N 3101187-1, or clamp P/N 3101484-1 used with the tube assembly described in (b) below, per the instructions in paragraph 2.C. of the above referenced AiResearch TPE331-72-0092 Service Bulletin. If the oil transfer tube

bracket or clamp is cracked or separated, either:

(a) Replace with a serviceable P/N 3101187-1; or

(b) Accomplish the installation of a tube, P/N 3101187-2, clamp, P/N 3101484-1, and washer, P/N AN960C416L, using the existing clamp bolt, per the instructions of paragraph 2.E. of the service bulletin.

Note: Revision 1, to AiResearch Service Bulletin TPE331-72-0092, dated January 27, 1975, contains instructions for expanded inspection and maintenance of the high speed pinion (HSP) gear bearing lubrication system. Revision 1 is FAA-approved, and, if accomplished, constitutes compliance with the AD. Accomplishment of Revision 1 is recommended.

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

(4) Aircraft may be flown to a base for performance of inspections as required by paragraph 2.C. and the maintenance required by 2.D. of the above referenced AiResearch TPE331-72-0092 Service Bulletin, per FAR's 21.197 and 21.199.

This amendment becomes effective February 20, 1975.

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

Issued in Los Angeles, Calif., on February 6, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc. 75-4126 Filed 2-13-75; 8:45 am]

[Airworthiness Docket No. 75-WE-8-AD; Amdt. 39-2094]

PART 39—AIRWORTHINESS DIRECTIVES
Certain McDonnell Douglas DC-10 Series Airplanes

The agency has received reports of fan blade damage to the No. 2 engine on certain DC-10 Series airplanes, due to ice ingestion after the airplanes were parked for several hours or overnight during severe weather conditions. Secondary damage to airplane structures has also been experienced. Although the manufacturer has issued maintenance inspection instructions to operators; and the agency has previously accepted various provisions in continuous maintenance programs for large aircraft under Parts 43, 91, and 121 of the Federal aviation regulations (FAR) relating to ice and snow inspections, additional action is required.

The National Transportation Safety Board has urged the agency, in a safety recommendation addressed to the Administrator, to adopt an airworthiness directive which would require a modification of the tail engine inlet duct (No. 2 engine) to prevent ice accumulation and a preflight inspection, until the duct is modified, after precipitation in cold weather.

At this time, the agency believes that an airworthiness directive to require continuing inspections for ice and snow accumulation by all operators of DC-10 airplanes should be adopted. A modification of the inlet duct, consisting of an expansion of the drain hole, is being incorporated by various operators. The modification, while a design improvement, is not, in the agency's judgment, sufficient, standing alone, to adequately insure against ice and snow accumulation with possible resulting foreign object damage (FOD) to the No. 2 engine.

The Air Transport Association, on behalf of its members, has expressed its objection to the issuance of the AD, based on procedures already implemented by operators and the language of the rule as to the conditions which require the AD inspection. Also, ATA advised that one operator indicates that the Douglas All Operators Letter, dated August 7, 1974 is not an acceptable procedure, based on the time required for the AOL inspection. Finally, the ATA believes that if the AD is issued, there is no need for separate maintenance entries. It is unnecessary and would not further insure compliance. If carried to extreme (it) could lead to separate entry and signature for each item of maintenance release.

The agency disagrees. To insure an adequate level of safety, the agency believes that a specific program of required inspections constitutes the greatest assurance of substantially minimizing exposure to the hazards of ice and snow accumulation. The required maintenance entries apply to the specific inspection required by this rule. The manufacturer's service documents furnish an acceptable, but not necessarily exclusive, means for accomplishing the inspection and removal of ice and snow. The rule is written to provide maximum flexibility to the operators of affected airplanes in the accomplishment of the AD, while providing a maximum level of assurance to the public.

The agency has also considered the adoption of an airworthiness directive applicable to other three engine jet airplanes, incorporating identical inspections and a duct inlet modification, as recommended by the National Transportation Safety Board. While there have been incidents of ice ingestion to the No. 2 engine on other airplanes, the service experience does not at this time, in the agency's judgment, warrant adoption of an airworthiness directive requiring special inspections, over and above those required by existing regulations.

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

McDONNELL DOUGLAS. Applies to Douglas DC-10 Series -10, -10F, -30, and -30F airplanes, certificated in all categories.

To prevent possible damage to the No. 2 engine due to ingestion of ice and snow, accomplish the following.

(a) After the effective date of this airworthiness directive, when airplanes have been parked during icing conditions (freezing rain, snow, sleet) for any period of time which will enable ice or snow to accumulate on the airplane in the area of the No. 2 engine, inspect the top of the fuselage and the No. 2 engine inlet for the presence of ice and snow accumulation prior to starting engines. If found to exist, remove accumulated ice and snow prior to further flight.

NOTE: Guidelines for inspection and safeguarding the aircraft are contained in these documents:

Douglas AOL 10-546, dated January 11, 1974.

Douglas AOL 10-673, dated August 7, 1974.
DC-10 Maintenance Manual, Chapter 12-31-01.

(b) Make appropriate maintenance record entries to show compliance with this AD.

This amendment becomes effective February 21, 1975.

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

Issued in Los Angeles, Calif., on February 6, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75-4128 Filed 2-13-75;8:45 am]

[Airspace Docket No. 75-80-11]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal aviation regulations is to alter the Covington, Ky., control zone.

The Covington control zone is described in § 71.171 (40 FR 354). In the description, an extension is predicated on Runway 18 ILS localizer north course which was designated to provide controlled airspace protection for IFR aircraft executing ILS Runway 18 Instrument Approach Procedure. The altitude over the final approach fix (FAF) will be raised, effective February 27, 1975, which will negate the requirement for this extension. It is necessary to alter the description to revoke this extension. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

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

In § 71.171 (40 FR 354), the Covington, Ky., control zone is amended as follows:

“ * * * extending from the 5-mile radius zone to the LOM; within 1.5 miles each side of Runway 18 ILS localizer north course, extending from the 5-mile radius zone to Addyston LOM * * * is deleted and “ * * * extending from the 5-mile radius zone to the LOM * * * ” 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 February 3, 1975.

PHILIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-4130 Filed 2-13-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS-64; Amdt. 43]

PART 399—STATEMENTS OF GENERAL POLICY

Economic Regulations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., February 11, 1975.

On December 16, 1974, Pan American World Airways, Inc. (Pan American) filed a document described as a petition for reconsideration and motion for stay of the Board's statement of general policy, minimum charter rate levels, Regulation PS-57, adopted and effective October 18, 1974 (Statement), Docket 25875. That statement sets forth guidelines which the Board stated it will consider in evaluating tariffs for North Atlantic charters pursuant to section 1002 (j) of the Federal Aviation Act of 1958 (the Act).¹ An answer in support of Pan American's petition has been filed by British Caledonian Airways Limited (BCAL), Capitol International Airways, Inc. (Capitol) and World Airways, Inc. (World) have filed answers in opposition to Pan American although they question the legality of the Board's action in issuing the Statement. In addition, on January 27, 1975, Trans World Airlines, Inc. (TWA) filed a petition for rulemaking to amend the Board's Policy Statement. World has filed an answer in opposition to TWA's petition. Since the Board's rules do not provide for petitions for reconsideration of final rules and statements of policy, Pan American's request will be considered as a petition for rulemaking.

¹ The following table sets forth the minimum rates per seat-mile, based on the season of the year and aircraft seating capacity.

Season	Aircraft with less than 230 seats (cents)	Aircraft with more than 229 seats (cents)
Low.....	3.1	2.4
Shoulder.....	3.4	2.7
Peak.....	4.1	3.4

The seasons are:

Eastbound	
Low:	January 1 to March 14, November 16 to December 31.
Shoulder:	March 15 to May 23, August 1 to November 15.
Peak:	May 24 to July 31.
Westbound	
Low:	January 1 to March 14, November 16 to December 31.
Shoulder:	March 15 to June 30, September 1 to November 15.
Peak:	July 1 to September 10.

Pan American, TWA, and BCAL all attack the Board's action in PS-57 of adopting a differential of 0.7 cents per seat-mile in each season between the minimum guideline charter rates for aircraft with less than 230 seats (conventional aircraft) and those with more than 229 seats (stretched and wide-bodied aircraft). Pan American contends that as a matter of law the Board cannot require pricing differentials based on equipment type, and joins TWA in asserting that the differentials of PS-57 would have the effect of driving these carriers out of the transatlantic charter market. All three carriers also attack the data and calculations on the basis of which the Board arrived at the differentials. Pan American and TWA contending that the cost data for stretched aircraft are understated, while BCAL contends that the costs posited for conventional aircraft are too high. Capitol and World, on the other hand, defend the equipment differentials of PS-57.

Based on the pleadings and on other surrounding circumstances, the Board has determined to vacate the minimum-charter-rate guidelines. With regard to the specific matter of equipment-type differentials, the Board has concluded that a number of Pan American's allegations, which challenge the basic overall reliability of the data submitted by the carriers for stretched equipment, cannot be satisfactorily resolved in this proceeding. Moreover, BCAL calls into question the completeness of the record on conventional equipment costs. And, of course, there are other issues which might surface if further proceedings in this docket were pursued.

Moreover, the Board's objective of implementing guidelines to apply during the 1975 charter season has already been effectively negated. Most contracts for the 1975 peak period have undoubtedly already been concluded and sales to the public are well in progress, particularly insofar as those charters involving any advance-purchase requirement are concerned. It seems apparent from the nature of the charter market that any program to improve the economics of the carriers' operations by a more managed approach to rate levels must be in place sufficiently in advance of the selling season so that all operators can plan accordingly. That situation has not materialized in the present instance, and we do not believe that the disruptive consequences of such an effort at this late date would be in the public interest.

In addition, a revised 1975 IATA North Atlantic agreement on scheduled fares has now been filed. The new agreement, unlike the "Montreux agreement," does not rest on a complementary resolution of minimum charter rate levels. Accordingly, to the extent that there may have been a tie-in between the establishment of minimum-charter-rate guidelines and an agreement on North Atlantic scheduled fares, the former no longer represents a critical factor for this year.

With all these considerations in mind, the Board has decided that the matter cannot be effectively concluded in the

present rulemaking proceeding, and PS-57 will therefore be vacated. However, we believe the matter warrants further consideration and we invite carriers and interested persons to submit their views on what, if any, further steps the Board might appropriately take in this regard. Such comments shall be filed in Docket 25875 on or before February 26, 1975, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

Accordingly, the Board hereby amends Part 399 of the economic regulations (14 CFR Part 399) effective February 11, 1975, as follows:²

§ 399.45 [Reserved]

Part 399 is amended by deleting and reserving § 399.45.

(Secs. 102, 204(a), 403(a), 404(a)(2), 416(a) and 1002(j), Federal Aviation Act of 1958, as amended; 72 Stat. 740, 743, 758, 760, 771 and 788; (49 U.S.C. 1302, 1324, 1373, 1374, 1386 and 1482); secs. 3 and 4, Administrative Procedure Act, 81 Stat. 54, 80 Stat. 383; (5 U.S.C. 552 and 553).)

Effective: February 11, 1975.

Adopted: February 11, 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 75-4212 Filed 2-13-75; 8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2589]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

American Ideal Homes, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements*; § 13.73-92 *Truth in Lending Act*; § 13.155 *Prices*; § 13.155-95 *Terms and conditions*; § 13.155-95(a) *Truth in Lending Act*. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions*; § 13.1823-20 *Truth in Lending Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*; § 13.1852-75 *Truth in Lending Act*; § 13.1905 *Terms and conditions*; § 13.1905-60 *Truth in Lending Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, American Ideal

²In view of our decision to vacate the Policy Statement, Pan American's Motion for Stay of PS-57 pending judicial review is moot. We note further that while all of the various pleadings have been accompanied by Motions for Leave to File Unauthorized Documents, our decision to treat the filings as a petition for rule making and answers thereto (Rule 38 of the Rules of Practice permits the filing of answers to petitions for rule making at any time prior to institution of a proceeding thereon or to denial thereof) obviates need for consideration of these motions.

Homes, Inc., et al. Great Falls, Mont., Docket C-2589, Oct. 23, 1974]

In the Matter of American Ideal Homes, Inc., a Corporation, and John E. Boles and Arnold F. Kruse, Individually and as Officers of Said Corporation, and George H. Boomer, Individually and as Sales Manager of Said Corporation

Consent order requiring a Great Falls, Mont., retailer of new and used mobile homes and travel trailers, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:¹

It is ordered, That respondents American Ideal Homes, Inc., a corporation, and its officers, and John E. Boles and Arnold F. Kruse, individually and as officers of said corporation, and George H. Boomer, individually and as sales manager of said corporation, and respondents' successors, assigns, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with any extension or arrangement for the extension of consumer credit, or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "advertisement" and "consumer credit" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321 (15 U.S.C. 1601 et seq.)), do forthwith cease and desist from:

1. Representing in any such advertisement, directly or by implication, the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are stated in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z:

- a. The cash price;
- b. The amount of the downpayment required or that no downpayment is required, as applicable;
- c. The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;
- d. The amount of the finance charge expressed as an annual percentage rate; and
- e. The deferred payment price.

2. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and

¹Copies of the complaint and decision and order filed with the original document.

desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of the preparation, creation or placing of advertising, to all persons engaged in reviewing the legal sufficiency of advertising, and to all present and future agencies engaged in preparation, creation or placing of advertising on behalf of respondents, and that respondents secure from each such person and agency a signed statement acknowledging receipt of said order.

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

It is further ordered. That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged, as well as a description of their duties and responsibilities.

It is further ordered. That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission October 23, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-4192 Filed 2-13-75; 8:45 am]

[Docket C-2578]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Jack La Lanne Management Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly*; § 13.10-1 *Availability of merchandise and/or facilities*; § 13.15 *Business status, advantages or connections*; § 13.15-225 *Personnel or staff*; § 13.15-250 *Qualifications and abilities*; § 13.15-280 *Unique or special status or advantages*; § 13.70 *Fictitious or misleading guarantees*; § 13.125 *Limited offers or supply*; § 13.155 *Prices*; § 13.155-70 *Percentage savings*; § 13.155-95 *Terms and conditions*; § 13.155-100 *Usual as reduced, special, etc.*; § 13.170 *Qualities or properties of product or service*; § 13.190 *Results*; § 13.205 *Scientific or other relevant facts*; § 13.240 *Special or limited offers*; § 13.280 *Unique nature or advantages*. Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements*; § 13.533-45 *Maintain records*; § 13.533-45(k) *Rec-*

ords, in, general. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed*. Subpart—Disparaging products, merchandise, services, etc.: § 13.1042 *Disparaging products, merchandise, services, etc.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections and arrangements with others*; § 13.1520 *Personnel or staff*; § 13.1535 *Qualifications*; § 13.1570 *Unique status or advantages*—Goods: § 13.1572 *Availability of advertised merchandise and/or facilities*; § 13.1647 *Guarantees*; § 13.1710 *Qualities or properties*; § 13.1730 *Results*; § 13.1740 *Scientific or other relevant facts*; § 13.1747 *Special or limited offers*; § 13.1760 *Terms and conditions*; § 13.1760-50 *Sales contract*; § 13.1770 *Unique nature or advantages*—Prices: § 13.1823 *Terms and conditions*; § 13.1825 *Usual as reduced or to be increased*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1855 *Identity*; § 13.1882 *Prices*; § 13.1885 *Qualities or properties*; § 13.1892 *Sales contract, right-to-cancel provision*; § 13.1892-10 *Recording liens or executing on same*; § 13.1895 *Scientific or other relevant facts*; § 13.1905 *Terms and conditions*; 13.1905-50 *Sales contract*. Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising*.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 6, 38 Stat. 719, as amended; (15 U.S.C. 45) [Cease and desist order, Jack La Lanne Management Corp., et al., New York, N.Y., Docket C-2578, Oct. 17, 1974])

In the Matter of Jack La Lanne Management Corp., Jack La Lanne Health Enterprises, Inc., Canadian International Health Spa, Inc., Jack La Lanne Madison Health Spa, Inc., Jack La Lanne Executive Health Spa, Inc., Jack La Lanne Lefrak City, Inc., Jack La Lanne Kings Highway, Inc., Jack La Lanne 5 Towns Health Club, Inc., Jacqueline Health Spa, Inc., Jack La Lanne Biltmore Health Spa, Inc., Jack La Lanne Fort Lee Health Spa, Inc., Jack La Lanne 86th St. Health Spa, Inc., Jack La Lanne Fifth Avenue Health Spa, Inc., and Churchill Collection Service, Inc., corporations, and Harry Schwartz, Individually and as an Officer of Said Corporations

Consent order requiring a chain of Jack La Lanne health spas in the New York City area, among other things to cease misrepresenting the price of memberships and the benefits and facilities available to members, and using deceptive collection methods. The order contains a provision to insure that customers sued by the spas receive adequate notice of the suits.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:¹

¹ Copies of the complaint and decision and order filed with the original document.

It is ordered. That Jack La Lanne Management Corp., Jack La Lanne Health Enterprises, Inc., Canadian International Health Spa, Inc., Jack La Lanne Madison Health Spa, Inc., Jack La Lanne Executive Health Spa, Inc., Jack La Lanne Lefrak City, Inc., Jack La Lanne Kings Highway, Inc., Jack La Lanne 5 Towns Health Club, Inc., Jacqueline Health Spa, Inc., Jack La Lanne Biltmore Health Spa, Inc., Jack La Lanne Fort Lee Health Spa, Inc., Jack La Lanne 86th St. Health Spa, Inc., Jack La Lanne Fifth Avenue Health Spa, Inc., Churchill Collection Service, Inc., corporations, their successors and assigns, and their officers, and Harry Schwartz, individually and as an officer of said corporations, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division, franchise, or other device, in connection with the advertising, offering for sale, or sale of health spa services or memberships, hereinafter sometimes referred to as "membership services", in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, orally or in writing, directly or by implication:

(a) That any price advertised or charged for membership services is reduced from a previous price or the usual and customary price unless such price represents a reduction from the price at which similar membership services were offered for sale for a reasonable substantial period of time in the recent, regular course of business;

(b) That any savings are afforded in the purchase of membership services from respondents' regular price unless the price at which the membership services are offered constitutes a reduction of not less than five percent from the price at which such membership services have been usually and customarily offered by respondents in the recent, regular course of their business; or misrepresenting, in any manner, the price at which membership services are offered.

2. Representing, orally or in writing, directly or by implication, that an increase in price will occur, unless:

(a) The amount and the effective date of said increase have been determined by respondents;

(b) The effective date of said increase is disclosed in close proximity or in immediate conjunction with any representation to each person to whom such representation is made or in each advertisement, brochure or other promotional literature where such representation appears;

(c) The increase takes effect on the previously determined date in the previously determined amount and prevails for all sales of the membership services to which it applies for a period of not less than thirty days.

This paragraph shall apply to representations made in connection with the advertising, offering for sale or sale of membership services for health spa facilities which have not yet begun operations

as well as to other such representations made by respondents.

3. Representing, orally or in writing, directly or by implication, that any membership service is available at a certain amount or for a certain period of time unless the membership service is actually available at that amount or for that period of time.

4. Failing to post in each room or office or other place where membership services are sold or offered for sale, a price list, being of sufficient size and posted in such a manner that it can be easily observed and read by potential purchasers of membership services, clearly and conspicuously disclosing:

(a) Each type of membership service offered for sale;

(b) The duration of each type membership service;

(c) Any limitations in respect of any offer of membership service;

(d) The regular price, any sale price, any special offer or inducement such as "one month free" or "entire summer free" which in effect decreases the price charged for membership services, and any price intended to take effect in the future pursuant to Paragraph 2, when such price increase has been advertised or any representation has been made in respect thereof.

5. Representing, orally or in writing, directly or by implication, that there is any limitation on the number of memberships available for sale at any health spa facility or any limit on the number of members who may use the facilities, unless a reasonable limit has been determined by respondents, or in any way misrepresenting the number of memberships for sale or the number of people who will be using the facilities.

6. Representing, orally or in writing, directly or by implication, that any offer of sale of membership services or any other offer or inducement is limited to a specific time period unless such is the fact and the expiration date of said offer is disclosed along with the information required by Paragraph 2 of this order, if applicable, or that the offer expires on the same day as it is made unless such offer is made on the last day of a period previously disclosed under this Paragraph or Paragraph 2 to expire on that day.

7. Falsely disparaging, in any manner, any offer or advertisement of membership services.

8. Representing, orally or in writing, directly or by implication, that exercise programs, instruction, or equipment are unique or exclusive unless such is the fact.

9. Representing, orally or in writing, directly or by implication, that any exercise program or program of nutritional guidance is designed personally for the purchaser of membership services unless such program has been or will be developed or prepared for that particular purchaser.

10. Representing, orally or in writing, directly or by implication, that services, programs, equipment, or instruction are available at respondents' locations if

such services, programs, equipment, or instruction are not available at all of respondents' locations unless:

(a) When the representation is made in a television or radio advertisement, it is disclosed in the advertisement that some services, programs, equipment, or instruction are not available at all locations;

(b) When the representation is made in a newspaper, magazine, or other print advertisement, the locations at which such services, programs, equipment, or instruction are or are not available are disclosed;

(c) When the representation is made at one location, the services, programs, equipment, or instruction available at that location are disclosed; or representing that any facilities or membership services are available to both men and women at all times a health spa is open, unless such is the fact, and failing to disclose before the consummation of any contract any restrictions on use of the facilities or membership services by men or women.

11. Representing orally or in writing, directly or by implication, that any change in body size, configuration, or weight is guaranteed, unless:

(a) Any results guaranteed are conditioned solely upon reasonably regular attendance at the health spa facilities, and adherence to a diet, if one is suggested or required;

(b) The nature and extent of such guarantee, any conditions thereto, the manner in which the guarantor will perform, and the identity of the guarantor are clearly and conspicuously disclosed; and

(c) The results to be guaranteed are clearly and conspicuously disclosed in writing either in contract or along with the guarantee.

12. Representing, orally or in writing, directly or by implication, that respondents' programs are effective in reducing or changing body weight or size unless respondents disclose, in immediate conjunction with any such claim, that said programs include and require for effectiveness a diet or program or nutritional guidance.

13. Representing, orally or in writing, directly or by implication, that all members or prospective members will in fact obtain specific reductions or changes in weight or body size, or other changes in body configuration, in a specific period of time.

14. Misrepresenting, in any manner, orally or in writing, directly or by implication, the qualifications, education or training of instructors.

15. Use of "success" statements comparison photographs, "before and after" photographs or similar depictions, statements or representations (all of which are referred to in this paragraph by the term "representations") unless:

(a) The person or persons shown actually used respondents' facilities and obtained the represented results at respondents' facilities;

(b) The "after" representation was created while the subject or subjects were

actually participating in a program or course of treatments at respondents' facilities, or accurately reflects the person's appearance at that time;

(c) The "before and after" representations are as nearly the same as possible in pose, style of clothing, facial expression, camera angle, lighting and all other conditions;

(d) A disclosure is made in conjunction with any such representation that not every purchaser of respondents' membership services can or will achieve the results represented or implied by the representation.

16. Failing, in connection with the sale or offering for sale of health spa membership services, to:

(a) Furnish the buyer with a fully completed copy of the contract pertaining to the sale at the time of its execution which shows the date of the transaction, the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer and in bold face type of a minimum size of ten points, the following statement:

Notice to the buyer: Do not sign this contract before reading the provisions under the caption "Cancellation and Refunds".

(b) Disclose, on the same page as the customer's signature line in the contract pertaining to the sale, under the caption "Cancellation and Refunds," which caption shall be printed in bold face type of a minimum size of ten points, the following cancellation and refund provisions:

You are permitted to visit and use the facilities of Jack La Lanne within three business days after the date of this contract, on a trial basis. If, within those three days, and regardless of whether you make any visits, you decide that you want to cancel this contract, you may do so by notifying Jack La Lanne on the form provided you, or by any other writing mailed or delivered to Jack La Lanne at the address shown on the contract. If you so cancel, any payments made by you under the contract will be refunded, and any evidence of indebtedness executed by you will be cancelled by Jack La Lanne or other arrangements will be made to relieve you of any further obligation to pay the same, except that Jack La Lanne may retain as compensation a sum not in excess of \$5.00 for each day on which you visited and used its facilities.

(c) Provide the buyer with a copy of a note or any other instrument of indebtedness executed by him or on his behalf.

(d) Furnish each buyer, at the time he signs the contract, a completed form in duplicate, captioned "Notice of Cancellation," which shall set forth the date and identification of the transaction, the name and address of the seller, language sufficient to give notice of the buyer's intention to cancel the transaction, and a space for the buyer's signature.

(e) Inform each buyer orally, immediately prior to the time he signs the contract, of his cancellation rights as set forth in (b).

(f) Honor any notice of cancellation received or mailed within three (3) business days after the date of the contract, and within 10 business days after the

receipt of such notice, (1) refund any payments due the buyer, and (2) cancel and return any evidence of indebtedness executed by the buyer, or take any action necessary or appropriate to terminate the buyer's obligation to pay any sum in excess of that due under the applicable cancellation and refund provision in (b).

17. Misrepresenting in any manner, directly or by implication:

(a) That any of respondents or their successors or assigns are holders in due course of any notes, contracts or other documents executed by respondents' customers.

(b) That a member's account has been turned over to an attorney or an independent organization engaged in the business of collecting past-due accounts.

18. Failing to print in 18 point bold face type at the top of any paper which includes a contract a title which includes the word "Contract".

19. Obtaining from the customer release of, or agreement to language which purports to release, respondent from liability for causes of action arising out of customer's use of respondents' services, facilities, or exercise equipment, when said release or purported release would not be legally operative in the state of contracting.

20. Representing that a health spa facility will open on a specific date, unless such representation is also made in writing in each and every contract signed by a customer to whom such representation is made; failing to disclose, clearly and conspicuously, to all such customers that if the health spa facility does not open on the specified date, the customer may choose between (1) extension of the contract so that the full time period for which the customer contracted does not begin to run until the health spa facility is open, and the right to use any of respondents' health spa facilities in the meantime, or (2) cancellation of the contract with a refund in the amount to which the customer would be entitled if he or she cancelled pursuant to Paragraph 16 of this order; and failing to extend the contract, or refund the appropriate amount of money, within 10 business days of receipt of written notification of the customer's choice.

21. Commencing any legal action in any court to collect any amount alleged to be due to respondents unless:

(a) The suit or action is commenced in the county in which the defendant resides or in which the contract was executed; and

(b) A summons and/or complaint are served pursuant to the applicable provisions of State law and a copy is sent, by registered or certified mail, return receipt requested, to the last known address of the defendant; *Provided*, That, if the summons and/or complaint are returned as undeliverable or if the defendant has moved, respondents shall request the United States Postal Service to provide the forwarding address of the defendant, and if the Postal Service provides same, shall send said summons and/or complaint to that address by

registered or certified mail, return receipt requested.

22. In connection with any default judgment:

(a) Levying on or otherwise attempting to enforce any default judgment unless the defendant is sent within ten days of the entry of judgment a letter setting forth his rights under applicable State law and this order;

(b) Levying on or otherwise attempting to enforce any default judgment unless sixty days have passed from the date of entry of judgment;

(c) Levying on or otherwise attempting to enforce any default judgment unless each defendant against whom a default judgment is entered, is notified that he may have the default set aside at his request by stipulation by the respondents and receive a trial on the suit brought by respondents, if, within forty days after the entry of a default judgment and after receipt of the notification provided for in subparagraph (a) above, he notifies respondents by certified or registered mail that he desires to enter into a stipulation with respondents to reopen the default;

(d) Failing to consent and stipulate to the reopening of any default judgment obtained by respondents within sixty days after the entry of judgment, upon receipt by respondents of a request by a defendant to reopen such judgment pursuant to this paragraph or State law;

(e) Failing to send the notice required by this paragraph by certified or registered mail, return receipt requested, to the last known address of the defendant; *Provided*, That, if the notice is returned as undeliverable, or if the defendant has moved, respondents shall request the United States Postal Service to provide the forwarding address of the defendant, and if the Postal Service provides same, shall send said notice to that address, by certified or registered mail, return receipt requested.

Nothing in this paragraph shall require respondents to stipulate to reopen any default judgment more than once in each case.

23. Including in any contract any confession of judgment or any waiver of any rights to which the buyer is entitled under this order, or misrepresenting, orally or in writing, directly or by implication, the buyer's right to cancel the contract pursuant to this order.

It is further ordered, That respondents maintain at all times, complete records relative to the manner and form of their compliance with the terms and provisions of this Order, such records to include:

(1) All advertising copy, films, voice and video tapes, and correspondence with advertising agencies;

(2) All brochures, forms, notices, booklets, disclosures, and promotional material used in respondents' business;

(3) All contracts, notes, agreements, and forms offered for execution by or actually executed by members;

(4) All correspondence, including notices of cancellations and complaints, received from or sent to consumers;

(5) All correspondence, notes, or evidence of indebtedness sent to or received from banks or other extenders or arrangers of consumer credit;

(6) All correspondence and copies of agreements with any franchisor, franchisee, successor, lessee, lessor, person or firm with whom respondents maintain such a business relationship relative to the conduct of their health spa business;

(7) Records of each member's attendance, weight and measurements, if relevant to a guarantee or representation of results to be attained;

(8) Any records required to be maintained under other provisions of this Order.

After entry of this Order, all such records shall be retained for a period of not less than three years from the date of their creation or last use, whichever is longer.

It is further ordered, That respondents shall forthwith deliver a copy of this order to cease and desist to each operating division, to all present and future franchisees and licensees, and to all personnel of respondents now or hereafter engaged in the offering for sale or sale of respondents' services, or in the collection of patron's accounts, in the consummation of any extension of consumer credit, or in any aspect of preparation, creation or placing of advertising; and that respondents secure from each such person a signed statement acknowledging receipt of said order.

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

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

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and order was issued by the Commission, October 17, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-4193 Filed 2-13-75; 8:45 am]

[Docket C-2583]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Norlic Import Company, Inc., et al.

Subpart—Corrective Actions and/or requirements: § 13.533 *Corrective actions and/or requirements*; § 13.533-20 *Disclosures*. Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties*; § 13.1053-90 *Wool Products Labeling Act*. Subpart—Importing, manufacturing, selling and/or transporting flammable wear or other merchandise: § 13.1060 *Importing, manufacturing, selling and/or transporting flammable wear or other merchandise*. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*; § 13.1185-90 *Wool Products Labeling Act*; § 13.1212 *Formal regulatory and statutory requirements*; § 13.1212-90 *Wool Products Labeling Act*; § 13.1230 *Identity*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition*; § 13.1590-90 *Wool Products Labeling Act*.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130 (15 U.S.C. 45, 68)) [Cease and desist order, Norlic Import Company, Inc., et al., New York, N.Y., Docket C-2583, Oct. 22, 1974]

In the Matter of Norlic Import Company, Inc., a Corporation, and Norman Lichtenstein, Individually and as an Officer of Said Corporation

Consent order requiring a New York City importer and seller of wool fabrics, among other things to cease misbranding and falsely guaranteeing its wool products and misrepresenting the fiber content of its goods. Further, respondent is required to bond its imported wool products for twice their value, with the bond subject to forfeiture should applicable legal requirements not be complied with.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:¹

It is ordered, That respondents Norlic Import Company, Inc., a corporation, its successors and assigns, and its officers, and Norman Lichtenstein, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the importation for introduction, into commerce or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

¹ Copies of the complaint and decision and order filed with the original document.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(a) (2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Norlic Import Company, Inc., a corporation, its successors and assigns, and its officers, and Norman Lichtenstein, individually and as an officer of Norlic Import Company, Inc., and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from:

1. Furnishing a false guarantee that any wool product is not misbranded under the provisions of the Wool Products Labeling Act of 1939.

2. Importing or participating in the importation of wool products into the United States except upon filing bond with the Secretary of the Treasury in a sum double the value of said wool products and any duty thereon, conditioned upon compliance with the provisions of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Norlic Import Company, Inc., a corporation, and its officers, and Norman Lichtenstein, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporation or other device, in connection with the advertising, offering for sale, sale or distribution of fabrics or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the amount of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

It is further ordered, That respondents notify, by delivery of a copy of this order by registered mail, each of their customers that purchased the wool products which gave rise to this complaint of the fact that such products were misbranded.

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

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondents' current business and address, the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

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

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Decision and order issued by the Commission October 22, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-4194 Filed 2-13-75; 8:45 am]

[Docket C-2573]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Recreational Vehicle Institute, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly*; § 13.170 *Qualities or properties of product or service*; § 13.170-34 *Economizing or saving*; § 13.180 *Quantity*. Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements*; § 13.533-20 *Disclosures*; § 13.533-45 *Maintain records*; § 13.533-45(k) *Records, in general*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 *Qualities or properties*.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45)) [Cease and desist order, Recreational Vehicle Institute, Inc., et al., Des Plaines, Ill., Docket C-2573, Oct. 8, 1974]

In the Matter of Recreational Vehicle Institute, Inc., a Corporation, and F. Michael Radigan, Individually and as National Director of Said Corporation

Consent order requiring a Des Plaines, Ill., trade association representing manufacturers, component suppliers, and dealers of mobile homes and recreational vehicles, among other things to cease making representations as to energy use or energy-saving characteristics of their recreational vehicles or as to the supply or availability of gasoline without having a reasonable basis for such claim.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:¹

It is ordered, That respondent Recreational Vehicle Institute, Inc., a corporation, its successors and assigns, and its officers, and F. Michael Radigan, individually and as national director of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, promotion, offering for sale, sale or distribution of recreational vehicles, including but not limited to travel trailers, motor homes, truck campers and camping trailers, in commerce, as "commerce" is defined in the

¹ Copies of the complaint and decision and order filed with the original document.

Federal Trade Commission Act, do forthwith cease and desist from:

1. Making any representation, directly or by implication, as to energy use or energy saving characteristics of ownership or operation of any recreational vehicle or vehicles, or as to the supply or availability of gasoline or any other form of energy; unless, at the time the representation is made, respondents have a reasonable basis for such representation, consisting of tests or surveys;

a. Based on reliable data and adhering to generally accepted statistical principles,

b. Which shall fully and completely substantiate the representation, and

c. The results and methodology of which, together with the original data collected, are available for public inspection in comprehensive written form, in terms understandable to the average consumer, at each of respondents' offices.

2. Making any representation, directly or by implication, as to energy use or energy saving characteristics of ownership or operation of any recreational vehicle or vehicles; unless respondents clearly and conspicuously disclose, in immediate conjunction with the representation:

a. The specific forms of energy referred to, unless the representation applies to total consumption of all forms of energy by the consumer or family.

b. The particular type and size of recreational vehicle to which the representation applies, and the nature and extent of accessory equipment, unless it applies to all types and sizes of such vehicles regardless of accessory equipment installed.

c. The particular locations and conditions of use, including but not limited to the season, duration, and number of miles traveled, to which the representation applies, unless it applies to all conditions of use and to all locations and regions in the United States.

d. The specific manner of operation of the recreational vehicle, home, automobiles, and other energy-consuming possessions to which the representation applies, unless it applies to the customary or usual manner of operation of all such possessions by the average consumer or family.

It is further ordered, That respondents forthwith deliver, to all persons and firms which respondents know or have reason to know may engage in dissemination of representations originated or distributed by respondents since May 1, 1973, as to energy use or energy saving characteristics of ownership or operation of recreational vehicles, or as to the supply or availability of gasoline or any other form of energy, a notice containing the following information, without mitigation:

1. At the time these energy-related representations were made, Recreational Vehicle Institute, Inc. did not have adequate substantiation to support such representations.

2. Recreational Vehicle Institute, Inc. has been ordered by the Federal Trade

Commission to cease and desist from making energy claims related to recreational vehicles unless Recreational Vehicle Institute, Inc. can support such claims with reliable and statistically valid tests or surveys.

3. None of the energy-related representations originated or distributed by Recreational Vehicle Institute, Inc. since May 1, 1973, and no materials containing such representations, are to be further disseminated to the public or others until such time as respondents certify in writing to such person or firm that Recreational Vehicle Institute, Inc., is in possession of the substantiation required by this order.

4. Further dissemination by the person or firm of such representations without the certification required above may constitute a violation of the Federal Trade Commission Act by the person or firm itself.

It is further ordered, That respondents shall maintain complete records relative to the manner and form of their compliance with this order, and shall retain each record for three years after such record is made. Such records shall include all advertising, promotional material, the basis for all applicable advertising claims, correspondence with persons who formulate or place advertising, and other pertinent documents.

It is further ordered, That respondents promptly distribute a copy of this order to each operating division, to all present and future personnel of respondents engaged in the preparation, creation or placing of advertising, and to all present and future agencies engaged in the preparation, creation or placing of advertising on behalf of respondents; and that respondents secure from each such person and agency a signed statement acknowledging receipt of said order.

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

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment, and of his affiliation with a new business or employment, in the event of such discontinuance or affiliation. Such notice shall include his current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further ordered, That respondents shall, within sixty days after service upon them of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

Decision and order issued by the Commission October 8, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-4195 Filed 2-13-75; 8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 442—CEPHA ANTIBIOTIC DRUGS CEPHACETRILE SODIUM; CORRECTION

In FR Doc. 74-29490, appearing at page 44011 in the FEDERAL REGISTER of December 20, 1974, § 442.219 *Cephacetrile sodium for injection* is corrected in the first sentence of paragraph (b) (1) (ii) by changing the reference "§ 435.205 of this chapter" to read "§ 436.205 of this chapter."

Dated: February 10, 1975.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 75-4161 Filed 2-13-75; 8:45 am]

SUBCHAPTER F—BIOLOGICS

Part 630—Additional Standards for Viral Vaccines Measles-Smallpox Vaccine, Live

A notice of proposed rule making was published in the FEDERAL REGISTER of October 31, 1974 (39 FR 38388), in which the Commissioner of Food and Drugs proposed to amend the additional standards for licensed Measles-Smallpox Vaccine, Live (21 CFR 630.80 through 630.87) by discontinuing the recommended use for revaccination against smallpox and by reducing the recommended dose volume of the vaccine from 0.5 milliliter to 0.3 milliliter consistent with a request in an amended product license application received from the only licensed manufacturer of Measles-Smallpox Vaccine, Live. In conjunction with this action, the Commissioner also proposed certain revisions of the additional standards concerning Measles-Smallpox Vaccine, Live, to reflect current technology and testing methods.

Interested persons were given until December 2, 1974 to file written comments regarding the proposal. No written comments were received. Accordingly, the Commissioner concludes that the proposed amendment of the additional standards for Measles-Smallpox Vaccine, Live, should be adopted without change.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262) and under authority delegated to the Commissioner (21 CFR 2.120), Part 630 is amended as follows:

1. By revising § 630.81 to read as follows:

§ 630.81 Clinical trials to qualify for license.

In addition to demonstrating that the measles component meets the requirements of § 630.31, the measles and smallpox antigenicity of the final product shall be determined by clinical trials of adequate statistical design conducted with three consecutive lots of final vaccine manufactured by the same methods and administered as recommended by the manufacturer. A major skin reaction to the smallpox component of the vaccine shall result in at least 95 percent of smallpox susceptible recipients, and a protective antibody response demonstrating the immunogenic effect of measles shall result in at least 90 percent of the measles susceptible recipients. Based upon data submitted by each manufacturer requesting licensure and comparative testing by the Food and Drug Administration, the Commissioner will establish the type of test and the requisite antibody levels indicating seroconversion which must be met by the manufacturer. There also shall be a demonstration of safety of the product, when administered as recommended by the manufacturer, under circumstances wherein adequate clinical and epidemiologic surveillance of illness has been maintained.

2. By revising § 630.83 to read as follows:

§ 630.83 Reference preparations.

Reference Measles Virus and Reference Smallpox Vaccine and reconstitution fluid shall be obtained from the Bureau of Biologics. The Reference Measles Virus shall be used as a control for correlation of virus titers for the measles component of the product. The Reference Smallpox Vaccine shall be used to determine the potency of the smallpox component of the product.

3. By revising § 630.84(b) to read as follows:

§ 630.84 Potency tests.

(b) *Smallpox.* Each lot of the product shall be tested for potency as prescribed in § 630.73. The product is satisfactory if the vaccinia virus contained in one human dose is at least equivalent to that contained in 0.3 milliliter of the Reference Smallpox Vaccine diluted 1:100.

4. By revising § 630.86 (d) and (e) (2), deleting (e) (4), and revising (e) (5) and redesignating it as (e) (4) as follows:

§ 630.86 General requirements.

(d) *Labeling.* In addition to the items required by other applicable labeling provisions of this chapter, labeling shall contain a statement that the product is intended for primary immunization only, for administration only by jet injector, and a description of the method of administration.

(e) * * *
(2) A total of no less than two 25-milliliter volumes, in a frozen state

(-60° C), of the bulk measles component prior to clarification and containing no preservative or adjuvant, and no less than one 10-milliliter volume in a frozen state (-60° C), of the bulk measles component after clarification and containing stabilizer but no preservative or adjuvant, taken prior to filling into the final containers.

(3) * * *

(4) A sample consisting of no less than sixteen 10-dose vials, or twelve 25-dose vials, or ten 50-dose vials of vaccine in final labeled containers plus sufficient diluent in final labeled containers to reconstitute the vaccine.

(5) [Deleted].

Effective date. This order shall be effective February 14, 1975.

(Sec. 351, 58 Stat. 702 (42 U.S.C. 262))

Dated: February 10, 1975.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 75-4162 Filed 2-13-75; 8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1304—RECORDS AND REPORTS OF REGISTRANTS

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Concentrate of Poppy Straw, Addition to Schedule II and Authorizing Its Importation

A notice was published in the FEDERAL REGISTER on Friday, December 20, 1974 (39 FR 44033-4), authorizing the importation of concentrate of poppy straw and proposing amendments to Title 21 of the Code of Federal Regulations which place this substance in Schedule II and require reporting of such importation by manufacturers. All interested persons were given until January 22, 1975, to submit their comments and objections.

The single comment received, that of the Bell Pharmacal Corp., did not object to the proposed rulemaking. Therefore, based upon consideration of the factors set forth in 39 FR 44033-4, the Administrator of the Drug Enforcement Administration, under authority vested in the Attorney General by sections 201(d), 301, and 1002 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(d), 821, and 952, respectively) and delegated to the Administrator by § 0.100 of Title 28 of the Code of Federal Regulations, hereby orders 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 there 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.

This order is effective February 14, 1975.

Dated: February 11, 1975.

JOHN R. BARTELS, JR.,
Administrator,
Drug Enforcement Administration.
[FR Doc.75-4235 Filed 2-13-75;8:45 am]

Title 34—Government Management
CHAPTER II—OFFICE OF FEDERAL MANAGEMENT POLICY, GENERAL SERVICES ADMINISTRATION

SUBCHAPTER D—PROPERTY MANAGEMENT
[FMC 75-1]

PART 234—ENSURING CONSIDERATION OF USERS' EXPERIENCE WITH FEDERAL AGENCY SUPPLY SUPPORT SYSTEMS

Policies and Procedures

This document is issued pursuant to Executive Order 11717 dated May 9, 1973, subject: Transferring Certain Functions from the Office of Management and Budget to the General Services Administration and the Department of Com-

merce; and under authority vested in the Administrator of General Services by the Federal Property and Administrative Services Act of 1949, as amended.

FMC 75-1, dated February 7, 1975, provides policies and procedures to ensure that supply support systems provide a positive means for the communication and consideration of users' experience.

Effective date. This regulation is effective February 7, 1975.

Dated: February 7, 1975.

DWIGHT A. INK,
Acting Administrator of
General Services.

Part 234 of 34 CFR is added to read as follows:

- Sec.
234.1 Purpose.
234.2 Background.
234.3 Policy intent.
234.4 Applicability and scope.
234.5 Policies and procedures.
234.6 Responsibility.
234.7 Reporting requirement.
234.8 Inquiries.

AUTHORITY: The adoption by the executive branch of Recommendation D-2 of The Commission on Government Procurement report to Congress dated December 31, 1972.

§ 234.1 Purpose.

This part establishes policies and procedures to ensure that supply support systems provide a positive means for the communication and consideration of users' experience.

§ 234.2 Background.

(a) The Commission on Government Procurement in its report to the Congress dated December 31, 1972, provides in Chapter 3, Part D, compelling examples of the need to consider users' satisfaction with their supply support systems. Because of its findings, the Commission issued Recommendation D-2 calling for the executive branch to "Provide a positive means for users to communicate satisfaction with their (supply) support system as a method of evaluating its effectiveness and ensuring user confidence."

(b) Under the procedures established by the executive branch for dealing with the recommendations of the Commission, an interagency task group was assigned to consider the merits of Recommendation D-2. The task group found that executive agencies are aware of the need to consider user satisfaction in the operation of centralized supply systems. This awareness is evidenced by techniques currently in use to discover and deal with users' complaints. However, the task group concluded that a higher priority should be given to the practice of communication with user activities as a tool for evaluating the performance of supply support systems. The decision to adopt the Commission's recommendation is based on the task group's findings.

§ 234.3 Policy intent.

This part is intended to ensure that the supply support systems of all Federal agencies provide a positive means for communication with users and consideration of their experience with those systems.

§ 234.4 Applicability and scope.

The provisions of this part apply to all supply support systems of executive departments and establishments with regard to intra-agency supply support systems and to the interagency supply support systems managed by the Department of Defense, the General Services Administration, and the Veterans Administration.

§ 234.5 Policies and procedures.

(a) It is the policy of the executive branch that needed goods and services be acquired and provided to the user in an economic, efficient, and effective manner.

(b) Government acquisition systems must consider such factors as agency resources, statutory sources, and social and economic programs while meeting end product users' needs. An end product user's satisfaction is directly related to the action taken on his ideas and problems by those on whom he must depend for support.

(c) Each agency operating one or more supply support systems shall establish procedures to provide for periodic reviews of existing methods of expressing end product user's satisfaction with the support system(s). In evaluating the effectiveness of the support system, the procedures shall provide for (1) evaluating the effectiveness of those methods; (2) determining whether end product user's satisfaction is a factor in evaluating the performance of the support system; and (3) taking actions to ensure that procedures provide a positive means of obtaining and considering the end product user's satisfaction. If improvements are warranted, consideration shall be given to establishing supply liaison programs using publications to assist the users, coordinating proposed procedures with the end product users before they are implemented, and conducting meetings and seminars with users to obtain direct information regarding the supply system.

§ 234.6 Responsibility.

Heads of executive departments and agencies are responsible for implementing this part.

§ 234.7 Reporting requirement.

Within 180 calendar days each agency shall inform the Office of Federal Management Policy (AMP), GSA, of the steps taken to implement the provisions of this part.

§ 234.8 Inquiries.

Further information concerning this part may be obtained by contacting:

General Services Administration (AMP),
Washington, D.C. 20405.
Telephone: IDS 183-7528, FTS 202-343-7528

[FR Doc.75-4196 Filed 2-13-75;8:45 am]

Title 24—Housing and Urban Development
 CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
 SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM
 [Docket No. FI-467]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Florida	Lake	Mount Dora, city of	Feb. 3, 1975, Emergency	June 28, 1974		
Illinois	Champaign	Urbana, city of	do	May 8, 1974		
Do	Lake	Long Grove, village of	do	Apr. 5, 1974		
Maine	Aroostook	Fort Fairfield, town of	do	Aug. 23, 1974		
Minnesota	Wright	Delano, city of	do	May 24, 1974		
Mississippi	Perry	Beaumont, town of	do	June 28, 1974		
New York	Suffolk	Nissequoque, village of	do	Nov. 22, 1974		
Do	Cortland	Cortland, city of	do	Mar. 29, 1974		
Do	Herkimer	Newport, village of	do	Mar. 29, 1974		
North Dakota	Walsh	Park River, city of	do	May 24, 1974		
Texas	Travis	Rollingwood, city of	do	Feb. 7, 1975		
Utah	Salt Lake	Sandy, city of	do	July 26, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974

Issued: January 27, 1975.

J. ROBERT HUNTER,
 Acting Federal Insurance Administrator.

[FR Doc.75-4079 Filed 2-13-75;8:45 am]

[Docket No. FI-468]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arizona	Yavapai	Unincorporated areas	Jan. 31, 1975, Emergency			
Colorado	Montrose	Montrose, city of	do	Feb. 15, 1974		
Florida	Taylor	Unincorporated areas	do			
Do	Brevard	West Melbourne, city of	do	Mar. 8, 1974		
Georgia	Douglas	Unincorporated areas	do			
Indiana	Lake	Crown Point, city of	do	Nov. 23, 1973		
Do	do	Lowell, town of	do	Dec. 28, 1973		
Do	Posey	Mount Vernon, city of	do	Feb. 1, 1974		
Missouri	Boone	Centrais, city of	do	June 7, 1974		
Ohio	Delaware	Delaware, city of	do	May 17, 1974		
Do	Holmes	Millersburg, village of	do	Feb. 1, 1974		
South Carolina	Barnwell	Barnwell, city of	do	May 31, 1974		
Texas	El Paso	Unincorporated areas	do	Sept. 13, 1974		
Utah	Sampete	Ephraim, city of	do	June 28, 1974		
Vermont	Windham	Rockingham, town of (including Saxton's River Village Corporation)	do	June 21, 1974		
Wisconsin	Eau Claire	Altoona, city of	do	Jan. 9, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974

Issued: January 24, 1975.

J. ROBERT HUNTER,
 Acting Federal Insurance Administrator.

[FR Doc.75-4080 Filed 2-13-75;8:45 am]

[Docket No. FI-469]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arizona	Pinal	Coolidge, city of	Feb. 5, 1975, Emergency	Apr. 5, 1974		
Arkansas	Franklin	Ozark, city of	do			
Minnesota	Hennepin	Rockford, city of	do	Nov. 9, 1973		
Mississippi	Calhoun	Bruce, city of	do	June 7, 1974		
Missouri	St. Louis	Ellisville, city of	do	May 10, 1974		
Do	Mississippi	Wilson City, city of	do	Feb. 7, 1975		
Ohio	Tus Carwas	Newcomertown, village of	do			
Oregon	Washington	Tigard, city of	do			
Pennsylvania	Allegheny	East Deer, township of	do	Sept. 20, 1974		
Do	Armstrong	Kittanning, borough of	do	May 31, 1974		
Do	Montour	Limestone, township of	do			
Do	Perry	Liverpool, township of	do			
Do	do	New Buffalo, borough of	do	Aug. 16, 1974		
Do	Bucks	Newton, borough of	do	Mar. 22, 1974		
South Dakota	Moody	Egan, city of	do	Mar. 1, 1974		
Tennessee	Overton	Livingston, city of	do	May 24, 1974		
Do	Smith	Unincorporated areas	do			
Texas	Kerr	Kerrville, city of	do	June 28, 1974		
Do	Uvalde	Uvalde, city of	do	May 1, 1974		
Virginia	Powhatan	Unincorporated areas	do	Sept. 13, 1974		
Wisconsin	Rock	Evansville, city of	do	June 14, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: January 29, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-4081 Filed 2-13-75;8:45 am]

[Docket No. FI-470]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Florida	Volusia	Edgewater, city of	Feb. 5, 1975, Emergency	Aug. 23, 1974		
Kansas	Nemaha	Seneca, city of	do	Feb. 8, 1974		
Kentucky	Floyd	Prestonsburg, city of	do	May 10, 1974		
Louisiana	Calcasieu Parish	Vinton, town of	do	May 24, 1974		
Michigan	Iron	Iron River, city of	do	do		
Mississippi	Marion	Columbia, city of	do	May 31, 1974		
New Hampshire	Hillsborough	Nashua, city of	do	Aug. 23, 1974		
New York	Franklin	Saranac Lake, village of	do	May 31, 1974		
Oklahoma	Canadian	Mustang, city of	do	do		
Do	Tulsa	Glenpool, town of	do	June 28, 1974		
Oregon	Umatilla	Umatilla, city of	do	Nov. 9, 1973		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: January 31, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-4082 Filed 2-13-75;8:45 am]

[Docket No. FI-472]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Connecticut	Hartford	Marborough, town of	Feb. 5, 1975. Emergency	July 19, 1974		
Idaho	Nez Perce	Lapwai, city of	do	Aug. 9, 1974		
Kentucky	Harlan	Benham, city of	do	May 17, 1974		
Michigan	Ontonagon	Ontonagon, village of	do	May 24, 1974		
Minnesota	Norman	Halstad, city of	do	Dec. 13, 1974		
Nebraska	Lincoln	Sutherland, village of	do	May 24, 1974		
New York	Herkimer	Herkimer, town of	do	Dec. 13, 1974		
Pennsylvania	Lancaster	Penn. township of	do	May 17, 1974		
Do	Chester	London-Britain, township of	do	Mar. 8, 1974		
Texas	Brewster	Alpine, city of	do	May 31, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: January 29, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-4083 Filed 2-13-75;8:45 am]

[Docket No. FI-473]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
California	Temama	Temama, city of	Feb. 10, 1975. Emergency	Dec. 24, 1974		
Connecticut	Middlesex	East Haddam, town of	do	Aug. 23, 1974		
Illinois	McHenry	Spring Grove, village of	do	Mar. 8, 1974		
Massachusetts	Bristol	North Attleborough, town of	do	Mar. 15, 1974		
Montana	Pondera	Conrad, city of (I)	do	June 7, 1974		
Ohio	Logan	Lakeview, village of	do	May 3, 1974		
Pennsylvania	Payette	Luzerne, township of	do	Dec. 27, 1974		
Do	Chester	West Bradford, township of	do	Oct. 8, 1974		
Do	Allegheny	Rankin, borough of	do	Mar. 15, 1974		
Oklahoma	Pottawatom	Tecumseh, city of	do	July 10, 1974		
Oregon	Lane	Lewell, city of	do	Mar. 29, 1974		
Washington	Thurston	Bucoda, town of	do	Nov. 13, 1974		
West Virginia	McDowell	Inger, city of	do			
Wisconsin	Portage	Unincorporated areas	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969) (42 U.S.C. 4001-4127); and Secretary's delegation of authority Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: February 4, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-4084 Filed 2-13-75;8:45 am]

[Docket No. FI-474]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Colorado	Garfield	Carbondale, town of	Feb. 7, 1975. Emergency			
Idaho	Gooding	Gooding, city of	do	May 31, 1974		
Indiana	Tipton	Lafayette, city of	do	Dec. 7, 1973		
Kansas	Atchison	Atchison, city of	do	Feb. 8, 1974		
Maryland	Talbot	St. Michaels, town of	do	Aug. 30, 1974		
Massachusetts	Essex	Merrimac, town of	do	Oct. 18, 1974		
New Jersey	Burlington	Beverly, city of	do	June 21, 1974		
Oklahoma	Custer	Weatherford, city of	do	Mar. 29, 1974		
Pennsylvania	Allegheny	Dravosburg, borough of	do	Dec. 28, 1973		
Do	do	Rosslyn Farms, borough of	do	Jan. 16, 1974		
Do	Delaware	Tinicum, township of	do	Dec. 6, 1974		
Texas	Howard	Big Springs, city of	do	June 28, 1974		
Do	Wichita	Burkburnett, city of	do	June 7, 1974		
Wisconsin	Ozaukee	Fredonia, village of	do	Jan. 9, 1974		
Do	Trempealeau	Whitshall, city of	do	Dec. 17, 1973		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: January 31, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-4085 Filed 2-13-75; 8:45 am]

[Docket No. FI-475]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arkansas	Union	Strong, city of	Feb. 11, 1975. Emergency	June 28, 1974		
California	Sonoma	Robnert Park, city of	do	Nov. 29, 1974		
Idaho	Boise	Horseshoe Bend, city of	do			
Mississippi	DeSoto	Olive Branch, town of	do			
Nevada	Elko	Carlin, city of	do	May 3, 1974		
New York	Delaware	Delhi, village of	do	May 31, 1974		
Pennsylvania	do	East Landsdowne, borough of	do			
Do	Mercer	Jefferson, township of	do			
Do	Centre	Rush, township of	do	Dec. 20, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: February 5, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-4086 Filed 2-13-75; 8:45 am]

[Docket No. FI-476]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arizona	Pima	Oro Valley, town of	Feb. 12, 1975. Emergency			
Florida	Hamilton	Unincorporated areas	do			
New Jersey	Bergen	Glen Rock, borough of	do	June 28, 1974		
Do	Monmouth	Roosevelt, borough of	do	Feb. 1, 1974		
Do	Somerset	South Bound Brook, borough of	do			
New York	Westchester	North Pelham, village of	do	Nov. 22, 1974		
Do	Livingston	Nunda, village of	do	May 24, 1974		
Do	Dutchess	Wappinger, town of	do	Nov. 29, 1974		
Pennsylvania	Beaver	Rochester, borough of	do	Feb. 1, 1974		
Do	Chester	West Nantmeal, township of	do	Dec. 13, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: February 5, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc. 75-4067 Filed 2-13-75; 8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE,
DEPARTMENT OF THE TREASURY

SUBCHAPTER A—BUREAU OF GOVERNMENT
FINANCIAL OPERATIONS

PART 235—SETTLEMENTS BY THE COMMISSIONER OF THE BUREAU OF GOVERNMENT FINANCIAL OPERATIONS, IN ADVANCE OF RECLAMATION, WITH PAYEES OR SPECIAL INDORSEES OF LOST OR STOLEN CHECKS, WHICH HAVE BEEN PAID ON FORGED INDORSEMENTS

Revision To Include Depositary Checks

In view of the enactment on December 22, 1974, of Pub. L. 93-539, "To grant relief to payees and special indorsees of fraudulently negotiated checks drawn on designated depositories of the United States by extending the availability of the check forgery insurance fund, and for other purposes," the Department of the Treasury finds it necessary to revise its regulations at 31 CFR Part 235 (also appearing as Treasury Department Circular 678). In accord with the 1941 check forgery insurance fund law, the existing regulations cover only the issuance by the Commissioner of the Treasury Bureau of Government Financial Operations of settlement checks for forged checks drawn on and paid by the Treasury, Pub. L. 93-539 amends the 1941 Act to provide for the first time authority for the issuance by accountable officers of the United States of settlement checks for forged checks drawn on and paid by designated depository banks in the United States and in foreign countries. The revision of the regulations implements the Pub. L.

In accord with 5 U.S.C. 553(b) (3), the Department of the Treasury also finds that notice and public procedure are un-

necessary because the revision constitutes a rule of agency procedure.

Accordingly, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations is amended by revising Part 235 to read as follows:

PART 235—ISSUANCE OF SETTLEMENT CHECKS FOR FORGED CHECKS DRAWN ON TREASURY AND DESIGNATED DEPOSITARIES

- Sec.
- 235.1 Scope of regulations.
- 235.2 Definition.
- 235.3 Settlement of claims.
- 235.4 Check Forgery Insurance Fund
- 235.5 Reclamation amounts.
- 235.6 Implementing instructions.

AUTHORITY: This part is issued pursuant to 5 U.S.C. 301 and section 5, 55 Stat. 778 (31 U.S.C. 564), as amended by Pub. L. 93-539.

§ 235.1 Scope of regulations.

This part governs the issuance of settlement checks for checks drawn on the United States Treasury and drawn on designated depositories of the United States by accountable officers of the United States, that have been negotiated and paid on a forged or unauthorized indorsement.

§ 235.2 Definition.

"Accountable Officers of the United States", as used in these regulations, means disbursing officers authorized by the Secretary of the Treasury to maintain official accounts of the United States in depository banks located in the United States, its territories, and foreign countries, and to draw checks thereon in dollars or in foreign currencies.

§ 235.3 Settlement of claims.

Upon receipt of a claim by a payee or special indorsee on a check determined to have been paid on a forged indorse-

ment under conditions satisfying the provisions set forth in 31 U.S.C. 562, the Commissioner, Bureau of Government Financial Operations, with respect to a check drawn on the United States Treasury, or accountable officers of the United States, with respect to a check drawn on designated depositories of the United States, in dollars or in foreign currency, shall cause to be issued a settlement check in the appropriate currency to the payee or special indorsee.

§ 235.4 Check Forgery Insurance Fund.

The Check Forgery Insurance Fund, established pursuant to 31 U.S.C. 561, shall be available for use by the Commissioner, Bureau of Government Financial Operations, and accountable officers of the United States for the purpose of providing funding for settlements made to a payee or special indorsee pursuant to these regulations.

§ 235.5 Reclamation amounts.

Amounts received by way of reclamation on forged checks shall be deposited to the credit of the Check Forgery Insurance Fund or to the appropriate foreign currency fund or other account charged for the settlement payment.

§ 235.6 Implementing instructions.

Procedural instructions implementing these regulations will be issued by the Commissioner, Bureau of Government Financial Operations, in Part IV of the *Treasury Fiscal Requirements Manual for the guidance of Departments and Agencies*.

Dated: February 10, 1975.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc. 75-4219 Filed 2-13-75; 8:45 am]

proposed rules

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

DEPARTMENT OF COMMERCE

National Marine Fisheries Service

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 401]

ANADROMOUS FISHERIES CONSERVATION DEVELOPMENT AND ENHANCEMENT

Proposed Revision of Administrative Procedures

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior and the Secretary of Commerce by the Anadromous Fish Conservation Act (64 Stat. 93), as amended (16 U.S.C. 757a-757f), it is proposed to revise Part 401 of Title 50, Code of Federal Regulations, as set forth below. The proposed changes will improve administrative procedures, and will incorporate the provisions of recent amendments to the Act as well as Office of Management and Budget directives.

It is the policy of the Departments of the Interior and Commerce whenever practicable to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Director, U.S. Fish and Wildlife Service, Washington, D.C. 20240, or to the Director, National Marine Fisheries Service, Washington, D.C. 20235, on or before March 31, 1975.

LYNN A. GREENWALT,

Director,

U.S. Fish and Wildlife Service.

ROBERT W. SCHONING,

Director,

National Marine Fisheries Service.

Part 401 of Title 50 is revised to read as follows:

PART 401—ANADROMOUS FISHERIES CONSERVATION, DEVELOPMENT AND ENHANCEMENT

Sec.	
401.1	Administration.
401.2	Definitions.
401.3	Submission of documents.
401.4	Activities prohibited.
401.5	Coordination with States.
401.6	Prosecution of work.
401.7	General information for the Secretary.
401.8	Availability of funds.
401.9	Payments to cooperators.
401.10	Request for payment.
401.11	Property as matching funds.
401.12	Ownership of property.
401.13	Personnel.

Sec.	
401.14	Inspection.
401.15	Record retention.
401.16	Records and reporting.
401.17	Safety and accident prevention.
401.18	Contracts.
401.19	Statements and payrolls.
401.20	Officials not to benefit.
401.21	Patents and inventions.
401.22	Civil rights.

AUTHORITY: The provisions of this Part 401 are issued under Anadromous Fish Conservation Act (64 Stat. 93), 116 U.S.C. 757a-757f).

§ 401.1 Administration.

The Director of the U.S. Fish and Wildlife Service and the Director of the National Marine Fisheries Service shall jointly administer the Anadromous Fish Conservation Act for the Secretaries.

§ 401.2 Definitions.

As used in this part, terms shall have the meanings ascribed in this section.

(a) *Secretary.* The Secretary of Commerce, the Secretary of the Interior, or their authorized representatives.

(b) *Act.* The Anadromous Fish Conservation Act (64 Stat. 93), as amended (16 U.S.C. 757a-757f).

(c) *Eligible states.* Any coastal State of the United States, the State of Vermont, and the States bordering the Great Lakes. The area within the Columbia River basin is excluded.

(d) *State fishery agency.* Any department(s), division(s), commission(s), or official(s) of a State empowered under its laws to regulate a commercial or sport fishery.

(e) *Non-Federal interest.* Any organization, association, institution, business, school, individual, or group of individuals, municipality and others outside the Federal Government in addition to State fishery agencies which desire to cooperate within the terms of the Act.

(f) *Cooperator.* One or more States acting jointly or severally or other non-Federal interests, participating in a project agreement or grant-in-aid award with the Secretary.

(g) *Anadromous fish.* Aquatic, gill breathing, vertebrate animals bearing paired fins which migrate to and spawn in fresh water, but which spend part of their life in an oceanic environment; also fish in the Great Lakes that ascend streams to spawn.

(h) *Application for Federal assistance.* A description of work to be accomplished including objectives and needs, expected results and benefits, approach, cost, location and time required for completion.

(i) *Project agreement.* The formal document executed between the Secretary of the Interior and the Cooperator,

committing the Cooperator to the performance of described activities and the Federal Government to participation in the financing of those activities.

(j) *Grant-in-Aid award.* The formal document executed between the Secretary of Commerce and the Cooperator, committing the Cooperator to the performance of described activities and the Federal Government to participation in the financing of those activities.

§ 401.3 Submission of documents.

Applications for Federal assistance and other documents for projects relating generally to recreational fisheries shall be submitted to the concerned Regional Office of the U.S. Fish and Wildlife Service, or for projects relating generally to commercial fisheries of the concerned Regional Office of the National Marine Fisheries Service.

§ 401.4 Activities prohibited.

Law enforcement, public relations, harvesting, marketing and processing activities, construction of fisherman use facilities, and activities concerned with landlocked anadromous fish populations (except fish in the Great Lakes that ascend streams to spawn) may not be financed under the Act.

§ 401.5 Coordination with States.

The Secretary will approve an Application for Federal Assistance only after he has coordinated the application with those State or other non-Federal entities which have management authority over the resource to be affected.

§ 401.6 Prosecution of work.

(a) Project work shall be carried through to state of completion acceptable to the Secretary with reasonable promptness. Failure to render satisfactory performance reports or failure to complete the project to the satisfaction of the Secretary's authorized representatives shall be cause for suspension of Federal assistance for the project until the project provisions are satisfactorily met. Federal assistance may be terminated upon determination by the Secretary's representative that satisfactory progress has not been maintained. The Secretary's representatives shall have the right to inspect and review work at any time.

(b) Research and development work shall be continuously coordinated by the Cooperator with studies conducted by others to avoid unnecessary duplication.

(c) All work shall be performed in accordance with applicable local laws, except when in conflict with Federal laws or regulations, in which case Federal laws or regulations shall prevail.

§ 401.7 General information for the Secretary.

Before any Federal funds may be obligated for any project an applicant shall furnish to the Secretary, upon his request, information regarding the laws affecting anadromous fish and the authority of the applicant to participate in the benefits of the Act.

(a) *Document signature.* Individuals authorized to sign project documents under the Commercial Fisheries Research and Development Act of 1964 (78 Stat. 197), as amended, (16 U.S.C. 779-779f) or the Federal Aid in Sport Fish Restoration Act (64 Stat. 430), as amended, (16 U.S.C. 777-777f) may likewise sign project documents contemplated in this Part.

(b) *Program information.* The Secretary may, from time to time, request, and the Cooperators shall furnish, information relating to the administration and maintenance of any project established under the Act.

§ 401.8 Availability of funds.

The period of availability of funds to the States or other non-Federal interests for obligation shall be established by the administering Federal agency.

§ 401.9 Payments to cooperators.

Payments shall be made to Cooperators in accordance with provisions of grant-in-aid awards or project agreements.

§ 401.10 Request for payment.

Request for payment shall be on forms provided by the Secretary, certified as therein prescribed, and submitted to the Regional Director by the Cooperator.

§ 401.11 Property as matching funds.

The non-Federal share of the cost of projects may be in the form of real or personal property. Specific procedures to be used by grantees in placing the value on real or personal property for matching funds are set forth in Attachment F of Federal Management Circular 74-7.

§ 401.12 Ownership of property.

When real property is acquired pursuant to the provisions of the Act, title to such property or interest therein shall be vested in the United States, and the conveying instrument shall recite the United States of America as the grantee. However, if the Secretary or his authorized representative determines that under the terms of the application for Federal assistance and grant-in-aid award or project agreement, the intent and purpose of the Act may be better served by other ownership of such property, an appropriate transfer may be made. When real or personal property is utilized as matching funds, title to such property shall be in the Cooperator unless otherwise specified in the grant-in-aid award or project agreement.

§ 401.13 Personnel.

The Cooperator shall maintain an adequate and competent force of employees to initiate and carry approved work to satisfactory completion.

§ 401.14 Inspection.

Cooperator supervision of each project shall include adequate and continuous inspection. The project will be subject at all times to Federal inspection.

§ 401.15 Record retention.

All records of accounts and reports, with supporting documentation thereto, will be retained by the Cooperator for a period of 3 years after submission of the final expenditure report on the project.

§ 401.16 Records and reporting.

Performance reports and other reports shall be furnished as requested by the Secretary. Cost records shall be maintained separately for each project. The accounts and records maintained by the Cooperator, together with all supporting documents, shall be open at all times to the inspection of authorized representatives of the United States, and copies thereof shall be furnished when requested.

§ 401.17 Safety and accident prevention.

In the performance of each project, the Cooperator shall comply with all applicable Federal, State, and local laws governing safety, health and sanitation.

§ 401.18 Contracts.

A Cooperator may use its own regulations or guidelines in obtaining services by contract or otherwise, provided that they adhere to applicable Federal laws, regulations, policies, guidelines, and requirements. However, the Cooperator is the responsible authority, without recourse to the Federal agency, regarding the settlement of such contractual issues.

§ 401.19 Statements and payrolls.

The regulations of the Secretary of Labor applicable to contractors and subcontractors (29 CFR Part 3), made pursuant to the Copeland "Anti-Kickback" Act (18 U.S.C. 874), as amended, are made a part of the regulations in this part by reference. The Cooperator will comply with the regulations in this part and any amendments or modifications thereof and the Cooperator's prime contractor will be responsible for the submission of statements required of subcontractors thereunder. The foregoing shall apply except as the Secretary of Labor may specifically provide for reasonable limitation, variations, tolerances, and exemptions.

§ 401.20 Officials not to benefit.

No Member of, or Delegate to, Congress, or resident Commissioner, shall be admitted to any share or any part of any project agreement made under the Act, or to any benefit that may arise therefrom. This provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

§ 401.21 Patents and inventions.

Determination of the patent rights in any inventions or discoveries resulting from work under project agreements entered into pursuant to the Act shall be

consistent with the "Government Patent Policy" (President's memorandum to Heads of Executive Departments and Agencies, August 23, 1971, and State of Government Patent Policy as printed in 36 FR 16889).

§ 401.22 Civil rights.

Each application for Federal assistance, grant-in-aid award, or project agreement shall be supported by a statement of assurances executed by the Cooperator providing that the project will be carried out in accordance with Title VI, Nondiscrimination in Federally Assisted Programs of the Civil Rights Act of 1964 and with the Secretary's regulations promulgated thereunder.

[FR Doc. 75-4198 Filed 2-13-75; 8:45 am]

**FEDERAL ENERGY
ADMINISTRATION**

[10 CFR Part 215]

POWER GENERATOR FUEL REGULATION

Petroleum Sulfur Content; Public Hearing

The Federal Energy Administration (FEA) hereby gives notice of a proposal to revise Part 215 of Chapter II, Title 10, Code of Federal Regulations to eliminate the prohibition therein against the use of a petroleum product or a blend of petroleum products with a sulfur content lower than that in use on December 7, 1973.

Part 215 was issued on April 29, 1974 to replace Energy Policy Office Regulation No. 2 (32A CFR Ch. XIII), which was due to terminate with the expiration on April 30, 1974, of the Economic Stabilization Act of 1970. Both regulations have had as their purpose the allocation of petroleum products, especially low sulfur petroleum products, to minimize the adverse impacts of shortages.

The proposed amendment to Part 215 is based on current reports that the shortages of low sulfur petroleum products are no more critical than is the case for petroleum products generally, and there has been no demonstration that disproportionate shortages of low sulfur petroleum products will recur in the foreseeable future. As a result, it appears that there is no need at this time or in the foreseeable future to distinguish among petroleum products on the basis of sulfur content for the purposes of allocation. Similarly, it appears that there is no need at this time or in the foreseeable future to preclude conversions from one type of petroleum product to another on the basis of sulfur content.

The purpose of this proposed revision of Part 215 is to reflect this changed circumstance. Power generators subject to the provisions of Part 215 will no longer be subject to a prohibition on conversions to petroleum products with lower sulfur content and on increases in the direct or indirect use of middle distillate or residual fuel. The use of petroleum products, of course, will continue to be subject to other FEA regulations relating to the mandatory allocation and pricing of petroleum products. Initial

conversion to petroleum products with sulfur content lower than that in use in a power generator during November, 1973, and each subsequent conversion to petroleum products having sulfur content lower than that resulting from the initial conversion may be undertaken only after notice of such action to FEA. Similarly, notification is required prior to an increase in the direct or indirect use of middle distillate or residual fuel oils over that consumed in the corresponding month of 1972 or in July 1973, as well as prior to any subsequent increase in the direct or indirect use of middle distillate or residual fuel oils over that resulting from the initial increase in direct or indirect use.

Power generators subject to the provisions of Part 215 will continue to be precluded from converting from nonpetroleum fuels to petroleum fuels except where such actions are certified by the appropriate state agency to be essential to meet primary ambient air quality standards and suitable non-petroleum fuels are not available; where conversion is necessary to avoid special hardship, inequity, or unfair distribution of burdens; where fuels necessary for compliance are not available; or where the conversion is from natural gas and alternative fuels cannot practically be utilized. The retention of that portion of Part 215, as part of FEA's allocation program, is necessary to address general petroleum product supply difficulties.

Specifically, § 215.3, which addresses the use of nonpetroleum products as fuel for power generators, seeks to reduce the demand for petroleum products by prohibiting the allocation or sale of such products to power generators which were not burning petroleum products on December 7, 1973, except under specified circumstances. Similarly, § 215.4(a)(2) of the current regulation precludes a disproportionate increase in the use of petroleum products over coal in power generators which burn both. These allocation restrictions on the use of petroleum products vis-a-vis nonpetroleum products will remain as part of FEA's effort to minimize the effects of shortages of petroleum products.

It is FEA's present intention to deal with the contingency of future low sulfur petroleum product shortages by revising § 211.22(c) of FEA's mandatory petroleum allocation regulations to permit the imposition of end-user restrictions on the use of low-sulfur petroleum products whenever FEA determines such restrictions to be necessary. Currently, § 211.22(c) allows FEA to specify quality characteristics, including sulfur content, of crude oil and other allocated products, but it does not contain procedures to implement that section. It is intended that FEA would invoke § 211.22(c) to prohibit a conversion only upon an express finding, at a minimum, that the conversion is not necessary to meet national primary ambient air quality standards and that the petroleum product to which the conversion is being made is in short supply, either nationally or locally. FEA, therefore, requests comments on

(1) whether § 211.22(c) or some other section of the regulations should be revised to allow FEA at some time in the future, when and if a national or regional shortage of lower sulfur fuels develops, to take affirmative action to prevent switches from relatively high to relatively low sulfur petroleum products upon receiving notice, pursuant to proposed § 215.7 or otherwise, that such a switch is about to occur, and (2) the procedures by which such affirmative action should be taken. These comments shall also take into account the need to insure that such revision would complement, rather than hinder, the activities of the various state agencies concerned with the use of petroleum products, especially low sulfur petroleum products.

FEA also requests comments and data on the premises underlying this proposed rule change—namely, that there is not currently a relative shortage of low sulfur petroleum products and there is not likely to be such a shortage in the foreseeable future.

Section 215.1 has been modified to reflect that it pertains to shortages of petroleum products without regard to sulfur content.

Section 215.3 has been amended to prohibit a power generator capable of burning both petroleum and nonpetroleum products on December 7, 1973, from increasing its use of petroleum products, by incorporating § 215.4(a)(2) as § 215.3(b).

Section 215.4, in addition to the deletion of § 215.4(a)(2), has been amended to allow conversion from high sulfur to low sulfur petroleum products after notification to the FEA. Similarly, increased direct or indirect use of middle distillate and residual fuel oils is permitted, after notification. All prohibitory language has been deleted. Reference to plant or firm inventories has been deleted as unnecessary and the automatic exception provisions have been deleted as no longer applicable.

Section 215.5, new power generators, has also been made permissive subject to notice requirements to FEA.

Section 215.6 and § 215.7 relating to exceptions from the provisions of Part 215 have been combined. The language of the § 215.7(a) exception based on economic hardship has been amended to conform with the language of section 7(i)(1)(D) of the Federal Energy Administration Act of 1974, (Pub. L. 93-275).

A new § 215.7 has been added to specify the procedures and content of notification required by this revision of Part 215.

A public hearing on this proposed rule-making will be held beginning at 9:30 a.m., on March 6, 1975, in Room 3000, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., to receive oral presentation of data, views and arguments 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 e.s.t., February 25, 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 March 3, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., March 3, 1975, and must submit 100 copies of the statement to Executive Communications, FEA, Room 3315 Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, before 9 a.m., e.s.t., March 5, 1975.

The FEA reserves the right to select the persons to be heard at 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 the 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., March 4, 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 NW., Washington, D.C., between

the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Interested persons are invited to submit data, views, or arguments with respect to the proposed regulations to Executive Communications, Federal Energy Administration, Box CG, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to Executive Communications, FEA, with the designation "Revision of Part 215." Fifteen copies should be submitted. All comments received by March 3, 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.

As required by section 7(c) (2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments to offer in this regard.

(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, it is proposed to revise Part 215 of Chapter II, Title 10 of the Code of Federal Regulations as set forth below.

Issued in Washington, D.C., February 10, 1975.

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

PART 215—POWER GENERATOR FUEL REGULATION

Sec.

- 215.1 Purpose and intent.
- 215.2 Definitions.
- 215.3 Power generators burning non-petroleum products.
- 215.4 Power generators currently burning petroleum products.
- 215.5 New power generators.
- 215.6 Exceptions.
- 215.7 Notification to FEA.

AUTHORITY: 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).

§ 215.1 Purpose and intent.

The purpose of this part is to assure the optimum use of limited supplies of petroleum products in a manner consistent with the provisions of the Clean Air Act, as amended, and the Clean Fuels Policy of the EPA. This part is not intended to affect or preempt the development of individual source compliance schedules or other actions associated with implementation of the Clean Air Act, except with regard to the timing

of actual shifts to burning petroleum products during the period this part is in effect.

§ 215.2 Definitions.

"Clean Air Act" means the Clean Air Act as amended (42 U.S.C. 1857 et seq. (1970)), as amended by Pub. L. 93-319, 88 Stat. 246.

"EPA" means Environmental Protection Agency.

"FEA" means Federal Energy Administration.

"Power generator" means any boiler, burner, or other combustor of fuel or any combination of boilers at a single site in any electric power generating plant or industrial or commercial plant having a total firing rate of 50 million Btu/hour or greater in commercial operation on or prior to December 7, 1973, and includes combustion turbines used in the generation of electrical energy.

"Petroleum product" means crude oil, residual fuel oil, and refined petroleum products as defined in Part 211 of this chapter.

"Primary ambient air quality standards" means the national primary ambient air quality standards provided for in the Clean Air Act.

§ 215.3 Power generators burning non-petroleum products.

(a) No petroleum product shall be sold or otherwise provided to or accepted by any firm for burning under power generators that were not using a petroleum product on December 7, 1973.

(b) A firm using petroleum products in power generators on December 7, 1973, shall not utilize for burning under power generators an aggregate quantity of such products in any month subsequent to April, 1974, in any power generator that was burning petroleum products on December 7, 1973, and that is capable of burning coal and petroleum products which quantity exceeds the larger of the aggregate quantity of petroleum products consumed in the corresponding month of 1972 or in July 1973, except that the quantity of petroleum products burned may be increased in proportion to the increased output of energy or increased need for startups.

(c) Automatic exception is granted for power generators subject to this section converting from natural gas, provided that alternative fuels, such as coal, cannot practically be utilized.

§ 215.4 Power generators currently burning petroleum products.

Petroleum products may continue to be purchased and utilized by firms using them in power generators burning petroleum products on December 7, 1973, except that 30 days prior notice pursuant to § 215.7 shall be provided the FEA where:

(a) There is conversion to petroleum products having a lower specified sulfur content, by weight, than the average content of the petroleum products in use in such a power generator during November, 1973, or during the last month in which the power generator consumed such products. Notification required by

this section is applicable to initial conversion referred to by this paragraph and to any subsequent conversion to petroleum products of lower sulfur content than that resulting from the initial conversion.

(b) The quantity of middle distillate fuel oil utilized by such firm in any month subsequent to April 1974, in any such power generator exceeds the larger of the quantity of middle distillate fuel oil consumed in the corresponding month of 1972 or in July 1973. Such notification is not required where the quantity of middle distillate fuel oil burned is increased in proportion to the increased output of energy, or increased need for startups. Notification required by this section is applicable to initial increases referred to by this paragraph and to any subsequent increase in the use of middle distillate fuels above that resulting from the initial conversion.

(c) Increased indirect use of middle distillate and residual fuel oils occurs due to:

(1) The blending of more middle distillate fuel oils into residual fuel oil than the greater of the quantities blended in the corresponding month of 1972, or in July 1973.

(2) The use under a power generator of a blended fuel containing a greater proportion of middle distillate fuels from the larger of:

(i) The proportion included in the corresponding month of 1972, or

(ii) The proportion included in July 1973.

(3) Notification required by this section is applicable to initial increases referred to by this paragraph and to any subsequent increase in the indirect use of middle distillate and residual fuel oils above that resulting from the initial conversion.

§ 215.5 New power generators.

Any firm with power generators which commenced commercial operations after December 7, 1973, shall not utilize any petroleum products with sulfur content by weight lower than that needed to meet Primary Ambient Air Quality Standards or to comply with EPA new source performance standards or for startup until 30 days prior notice of such intended use has been provided the FEA pursuant to § 215.7.

§ 215.6 Exceptions.

(a) The FEA shall automatically grant exceptions to the provisions of § 215.3 in accordance with the procedures stated in Subpart D of Part 205 of this chapter when the use of petroleum products is properly certified by the appropriate State air pollution control agency to be essential to meeting the Primary Ambient Air Quality Standard of the air quality region in which the power generator is located. Such exception shall be granted, however, only where suitable alternative nonpetroleum product fuels are not available.

(b) The FEA may also grant exceptions from the provisions of § 215.3 in accordance with the procedures stated in Subpart D of Part 205 of this chapter if:

PROPOSED RULES

(1) Any firm subject to this part can demonstrate that compliance would cause special hardship, inequity, or unfair distribution of burdens; or

(2) Fuels necessary for compliance with this part are not available.

§ 215.7 Notification to FEA.

(a) Notification required by this part shall be filed with the FEA National Office and shall be addressed as follows:

Federal Energy Administration,
Box 90,
Washington, D.C. 20461.

(b) Such notification shall contain:

- (1) Description of petroleum product, including sulfur content, currently used.
- (2) Description of petroleum product, including sulfur content, to which conversion is intended, or description of increase in use of middle distillate fuel oil or the increase in indirect use of middle

distillate and residual fuel oils that is intended.

(3) Quantity used in base period and quantity proposed for each month of the forthcoming 12 months.

(4) Reason for conversion or increased use for direct fuel or blending.

(5) Location of power generator.

(6) Source of supply including geographical location and the supplier.

[FR Doc.75-4174 Filed 2-11-75;12:18 pm]

notices

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

DEPARTMENT OF DEFENSE

Office of the Secretary

NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE

Open Meeting

Pursuant to the provisions of section 10, Pub. L. 92-463, effective January 5, 1973, notice is hereby given that a meeting of the National Committee for Employer Support of the Guard and Reserve Executive Committee will be held on March 7, 1975, in the Office of the Secretary of Defense Conference Area, 1E801, Room No. 5, The Pentagon, Washington, D.C.

The purpose of the meeting is to develop greater activity by members of the National Advisory Council in the solicitation of employer support of the Guard and Reserve.

A transcript of the meeting will be available to anyone desiring information about the meeting.

Additional information concerning these meetings may be obtained by contacting the Assistant to the National Chairman, National Committee for Employer Support of the Guard and Reserve, Room 3A29, 400 Army Navy Drive, Arlington, Virginia 22202, 202-697-6902.

Dated: February 11, 1975.

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

[FR Doc.75-4139 Filed 2-13-75;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

DAIRY PRODUCTS FROM EUROPEAN COMMUNITIES

Preliminary Countervailing Duty Determination

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718). The notice stated that petitions had been received, including, among others, a petition alleging that payments, bestowals, rebates or refunds, granted by the European Communities (consisting of France, the United Kingdom, West Germany, Luxembourg, Ireland, the Netherlands, Denmark, Italy and Belgium), upon the manufacture, production, or exportation of dairy products constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

On February 7, 1975, the Commission of the European Communities announced the re-institution of export restitution

payments on certain dairy products destined for the United States, which payments had been suspended since July 12, 1974. The amounts of such payments and the products to which they apply are as set forth from time to time in the *Official Journal of the European Communities*. Accordingly, it has been determined tentatively that payments are being made, directly or indirectly, by the European Communities (consisting of France, the United Kingdom, West Germany, Luxembourg, Ireland, the Netherlands, Denmark, Italy and Belgium), upon the manufacture, production, or exportation of dairy products, which constitute a bounty or grant within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303). The amounts of the payments have not been ascertained.

Interested persons are invited to submit any relevant data, views, or arguments with respect to this preliminary determination in writing to the Commissioner of Customs, 2100 K Street, NW., Washington, D.C. 20229, in time to be received by his office not later than March 3, 1975.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Approved: February 12, 1975.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary
of the Treasury.

VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.75-4354 Filed 2-13-75;8:45 am]

Monetary Offices

[Gen. Exemption No. 1]

FOREIGN PORTFOLIO INVESTMENT STUDY

Equity Interest in Mutual Insurance Companies

Paragraph IIB.2.a. of the General Instructions for the Foreign Portfolio Survey provides that equity interests in mutual insurance companies arising from insurance policies are to be excluded from Forms FPI-1 and FPI-2. The term "equity" interests as used in this instruction was intended by the Project to encompass any right of ownership or membership, right to vote for the board of directors, or other right stemming from ownership of an insurance policy that would be analogous to an equity interest in a business corporation or association engaged in noninsurance enterprises. The Project has determined that neither policyholders nor fixed

annuity holders of a mutual insurance company are "owners" of such a company in any sense that is deemed relevant to the Survey. The Project understands, however, that such companies occasionally may have outstanding debt obligations.

Accordingly, to alleviate the burden on mutual insurance companies that would be entailed by a routine filing of Form FPI-1 when such companies would have few, if any, issues to report that would be relevant to the Survey, such companies are hereby exempted from the reporting category "Routine large issuer reporters" described in Paragraph IIA.1.a. of the General Instructions. Instead, a mutual insurance company is required to file Form FPI-1 only if it meets the criteria in Paragraph IIA.1.b. of the General Instructions, namely, that it has evidence of foreign ownership of, for example, its indebtedness in the form of a bank loan or other financing having an original maturity of more than one year, or if it has foreign-resident variable annuity contract holders. Furthermore, if it manages foreign-origin funds, such as pension plans with foreign employers, Form FPI-2 should be filed. In the case a report is required, the reporter should file Form FPI-1 or FPI-2 except for data required on pages 2 and 4, and on Schedule A of Form FPI-1. These pages should be marked "not applicable".

[SEAL] FREDERICK CUTLER,
Project Manager.

[FR Doc.75-4220 Filed 2-13-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

CONTROLLED SUBSTANCES

1975 Proposed Aggregate Production Quotas for Schedule I and II Controlled Substances; Establishment of an Interim 1975 Aggregate Production Quota for Methylphenidate

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedule I and II each year. This responsibility has been delegated to the administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On December 13, 1974, a notice of the proposed aggregate production quotas for 1975 was published in the FEDERAL REGISTER (39 FR 43411). All interested parties were invited to file comments or objections to the proposed aggregate

production quotas to the Drug Enforcement Administration on or before January 13, 1975. Comments were received by DEA relative to the proposed aggregate production quotas for methylphenidate, that portion of the desoxyephedrine quota assigned for the production of levo-desoxyephedrine for use in the manufacture of a noncontrolled product, alprazolam, phenmetrazine, amobarbital and secobarbital. Only the comments filed by Ciba-Geigy Corporation of Summit, New Jersey, relative to the proposed aggregate production quota for methylphenidate, requested that the Administrator hold a hearing pursuant to 21 CFR 1303.11(c). As a result of this request, the proposed aggregate production quota for methylphenidate was not made final at the time that final quotas were established for the other Schedule I and II controlled substances, in the FEDERAL REGISTER Notice of Monday, January 20, 1975, 40 F.R. 3225.

Ciba-Geigy Corporation filed comments advising that the aggregate production quota of 1,000 kilograms for methylphenidate represents a 33% decrease from the 1974 aggregate production quota and that this 1,000 kilograms, as proposed, is insufficient to meet legitimate scientific and medical needs of the United States as evidenced by prescription purchases since January 1, 1974.

Due to the fact that a hearing has been requested with reference to the aggregate production quota for methylphenidate proposed by the Drug Enforcement Administration, the Administrator has decided to postpone the publication of a final aggregate production quota for methylphenidate.

In order to provide for legitimate medical needs pending the outcome of the hearing, the Drug Enforcement Administration has established an interim 1975 production quota. The interim quota expressed in terms of grams of anhydrous base, is as follows:

Basic class	Interim granted—1975
Methylphenidate	1,000,000

Richardson-Merrell Inc. of Wilton, Connecticut filed comments relative to that portion of the desoxyephedrine quota assigned for the production of levo-desoxyephedrine for use in the manufacture of a noncontrolled product. Richardson-Merrell Inc. stated that since it is the principal, if not the only, commercial user of levo-desoxyephedrine in the United States, it had calculated that the proposed quota did not represent a quantity sufficient to meet manufacturing requirements of their product, Vicks Inhalers.

Eli Lilly and Company of Indianapolis, Indiana commented relative to the proposed aggregate production quotas for amobarbital and secobarbital. Eli Lilly and Company stated that, in the firm's opinion, the proposed quotas for these substances do not appear to be adequate to meet the estimated medical and lawful export requirements of the United States or to provide for sufficient reserve stocks.

Hoffman-LaRoche, Inc. of Nutley, New Jersey commented relative to the proposed aggregate production quota for alprazolam indicating that the proposed quota does not provide sufficient material for the firm to meet its 1975 needs.

Western Pher Laboratories of Ponce, Puerto Rico commented relative to the proposed aggregate production quota for phenmetrazine, indicating that the proposed quota is inadequate to provide for the estimated medical needs of the United States in 1975 or to provide for the establishment and maintenance of reserve stocks.

The Administrator has evaluated the comments which have been submitted. As stated in the FEDERAL REGISTER announcement of January 20, 1975, 40 FR 3225, the Administrator will, in early 1975, review individual manufacturing quotas allocated for 1975 based upon 1974 end of year inventory figures submitted by applicants and estimates of medical and scientific requirements provided by the Food and Drug Administration.

Dated: February 11, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.
[FR Doc.75-4234 Filed 2-13-75;8:46 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Tentative Sale #40]

MID-ATLANTIC OUTER CONTINENTAL SHELF

Call for Nominations of and Comments on Areas for Oil and Gas Leasing

WITHDRAWAL AND REVOCATION

The call for nominations of and comments on areas for oil and gas leasing in the Mid-Atlantic OCS, Tentative Sale #40, in FEDERAL REGISTER Doc. 75-3834, appearing at 40 FEDERAL REGISTER 6379, in the issue for Tuesday, February 11, 1975, is hereby withdrawn and revoked in its entirety.

Dated: February 13, 1975.

ROYSTON C. HUGHES,
Assistant Secretary
of the Interior.
[FR Doc.75-4370 Filed 2-13-75;9:48 am]

Geological Survey

[GRO Order Nos. 1, 2, and 3]

CENTRAL AND WESTERN REGIONS Well Guidelines

Notice is hereby given that pursuant to 30 CFR 270.2, the Chief, Conservation Division, U.S. Geological Survey, has approved the GRO Order Nos. 1, 2, and 3 for the Central and Western Regions.

The purpose of GRO Order Nos. 1, 2, and 3 is to provide specific guidelines for (1) Exploratory Operations; (2) Drilling, Completion and Spacing of Geothermal Wells; and, (3) Plugging and Abandon-

ment of Wells, respectively, in the Central and Western Regions.

The proposed Orders were published in the FEDERAL REGISTER on September 30, 1974, (Vol. 39, No. 190, pages 35190-35194), with a solicitation for comments. Comments on the proposed Orders have all been considered in preparing the final version of GRO Order Nos. 1, 2, and 3. In addition, the Geological Survey, on its own motion, has revised some sections of the proposed Orders to strengthen and clarify them.

Significant modifications made in the draft Orders and the rationale for them are as follows:

GEOTHERMAL RESOURCES OPERATIONAL ORDER NO. 1 (EXPLORATORY OPERATIONS)

1. *Casual use*, has been modified so that a Notice of Intent is not required to conduct Geothermal Resources Exploration Operations since by definition Casual Use operations are nondisturbing uses of the surface.

2. *Geophysical exploration*, has been modified with respect to airborne geophysical surveys. Such surveys will cover a larger area than that encompassed by a single lease, making it impossible for the Supervisor to effectively control such surveys. Therefore, a Notice of Intent will not be required to conduct such surveys.

3A to I. *Drilling of shallow holes*, has been modified to clarify the provisions of some subparagraphs and to require effective monitoring of the conditions involved in the drilling of shallow holes.

5. *General*, has been modified to require the fencing of all unattended sumps. The modification provides more protection for the public, domestic animals, and wildlife in geothermal resources areas.

GEOTHERMAL RESOURCES OPERATIONAL ORDER NO. 2 (DRILLING, COMPLETION AND SPACING OF GEOTHERMAL WELLS)

I. *Well casing*, has been modified to permit the attachment of wellhead completion equipment to the surface casing only where necessary to meet special well conditions such as high volume downhole pumping.

1A. *Conductor casing*, has been modified to permit the conductor casing to be set at a minimum depth of 15 metres (50 feet) instead of 27 metres (90 feet). The minimum casing point for setting the conductor casing was modified due to the difficulties encountered in reaching a depth of 27 metres (90 feet) in certain operating areas.

1D. *Production casing*, has been modified to incorporate provisions for the use of a tapered production casing which is considered normal field operating practice and to permit the use of the surface casing as an integral part of the production casing only where necessary to meet special well conditions such as high volume downhole pumping.

1F. *Pressure testing*, has been modified to provide more effective pressure testing methods for casing strings in geothermal wells.

1G. *Directional surveys*, has been revised and expanded to clarify, define, and differentiate the provisions between vertical and directional wells.

The intent of the revised section is to require deviation surveys (inclination from vertical or single shot) on all wells during the normal course of drilling. However, the Supervisor may require directional surveys giving both inclination and azimuth on any well. Normally, directional surveys will be required on directional wells.

2. *Blowout prevention equipment*, has been modified and expanded to provide more effective well control requirements for geothermal resources drilling such as specifically requiring the use of manually-operated gates on the blowout prevention equipment. The pressure rating for certain auxiliary fittings and lines has also been modified to better conform with accepted operating practices.

2C. *Testing and maintenance*, has been revised and expanded to provide additional requirements and specific guidelines for the testing of the blowout prevention system to ensure that the system is functioning properly.

2D. *Related well control equipment*, has been modified to provide for mandatory installation of a Kelly cock valve between the Kelly and the swivel to provide additional safety during the drilling of geothermal wells.

4B. *Lithologic logs*, has been expanded to provide that daily mud logs be submitted to the Supervisor upon his request to ensure that this information is received on a timely basis for effective management of geothermal resources.

5A. *Completions*, has been modified to provide that the wellhead will be pressure tested to its API or ASA working pressure rating which is normal field operating practice.

5B. *Wellhead equipment*, has been modified to include the provisions that wellhead equipment must meet minimum ASA standards or minimum API Standard 6A Specifications.

6. *Well spacing*, has been modified to permit the drilling of geothermal wells as close as 30 metres (100 feet) to the outer boundaries of leased lands. This requirement was revised since drainage of adjacent lands is not considered critical in geothermal operations.

GEOTHERMAL RESOURCES OPERATIONAL ORDER NO. 3 (PLUGGING AND ABANDONMENT OF WELLS)

1G. (formerly 1H) *Testing of plugs*, has been modified to permit the testing of abandonment plugs with less than 6,803 kilograms (15,000 pounds). This is to permit the testing of shallow plugs with the drill pipe in the hole.

W. A. RADLINSKI,
Acting Director,

[FR Dec.75-4176 Filed 2-13-75; 9:45 am]

DRILLING, COMPLETION AND SPACING OF GEOTHERMAL WELLS

Geothermal Resources Operational Order No. 2

This Order is established pursuant to the authority prescribed in 30 CFR 270.11 and in accordance with 30 CFR 270.14, 270.15, and 270.40. All wells shall be drilled in such a manner as to minimize damage to the environment and to protect life, health, property, usable ground waters and geothermal resources.

All exploratory wells drilled for geothermal resources shall be drilled in accordance with the provisions of this Order. Initial development wells drilled for geothermal resources shall be drilled in accordance with the provisions of this Order, and these provisions shall continue in effect until field rules are issued. After field rules have been established by the Area Geothermal Supervisor (Supervisor), development wells in the individual fields shall be drilled in accordance with such rules.

Where sufficient geologic and engineering information is obtained through exploratory drilling, lessees may make application or the Supervisor may request the lessee to submit an application for the establishment of field rules. The Supervisor may issue field rules at any time he deems appropriate upon failure of the lessee to timely file for such field rules.

All wells drilled under the provisions of this Order shall have been included in an exploratory or development Plan of Operations as required under 30 CFR 270.34. Each Application for Permit to Drill (Form 9-331C) shall include all information required under 30 CFR 270.71, and shall include a notation of any proposed variances from the requirements of this Order. All variances from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 270.48. References in this Order to approvals, determinations, and requirements for submitting of information or applications for approval are to those granted, made or required by the Supervisor or his delegated representative. The lessee shall comply with the following requirements:

1. *Well Casing*. All wells shall be cased and cemented in accordance with the requirements of 30 CFR 270.15, and the application for permit to drill shall include the casing design safety factors for collapse, tension and burst. The permanent wellhead completion equipment shall be attached to the production casing or to the intermediate casing if the production casing does not reach to the surface except as otherwise authorized by the Supervisor to meet special well conditions. All casing strings reaching the surface shall be cemented at a sufficient depth to provide adequate anchorage and support for the casing and any blowout prevention equipment required thereon. For the purpose of this Order, the several casing strings in order of normal installation are (1) conductor, (2) surface, (3) intermediate and (4)

production strings. The following casing setting depth requirements are general in nature and subject to variations to permit the casing to be set and cemented in a competent formation. The Supervisor's determination of adequate casing setting depths shall be based upon all geologic and engineering factors including apparent geothermal gradients, depths and pressures of the various formations to be penetrated and all other pertinent information about the area. All depths in this Order refer to true vertical depth (TVD) below ground level, unless otherwise specified.

A. *Conductor Casing*. This casing shall be set at a minimum depth of 15 metres (50 feet) and a maximum depth of 60 metres (200 feet) before drilling into shallow formations suspected or known to contain geothermal resources, non-condensable gases, or other mineral resources or upon encountering such formations.

B. *Surface Casing*. This casing shall be set at a depth equivalent to or in excess of ten percent of the proposed total depth of the well provided, however, that such setting depth shall be not less than 60 metres (200 feet) nor more than 400 metres (1,300 feet).

C. *Intermediate Casing*. This casing shall be set at any time when required by well conditions encountered in drilling below the surface casing such as anomalous pressure zones, uncased fresh water aquifers, cave-ins, washouts, lost circulation zones, rapidly increasing thermal gradients or other drilling hazards. If a liner is used as an intermediate string, the lap shall be tested by a fluid entry or pressure test to determine whether a seal between the liner top and the next larger casing string has been achieved. The liner overlap shall be a minimum of 30 metres (100 feet). The test shall be recorded on the driller's log and may be witnessed by the Supervisor. In the event of lap or casing failure during the test, the lap or casing must be repaired or recemented and successfully retested as required by the Supervisor.

D. *Production Casing*. This casing may be set at the top of or through the potential producing zone and shall be set before completing the well for production. Production casing shall be run to the surface or lapped into the next larger casing string. The liner overlap, if utilized, shall be at least 30 metres (100 feet) and shall be tested, witnessed and recorded as in the case of intermediate casing hereinabove. In the event of lap or casing failure during the test, the lap or casing must be repaired or recemented and successfully retested as required by the Supervisor. Production casing shall normally be of consistent nominal outside diameter from the surface or from the top of the lap to the casing shoe. The surface casing shall not be used as production casing, unless otherwise authorized by the Supervisor to meet special well conditions.

E. *Cementing of Casing*. The conductor and surface casing strings shall be cemented with a quantity of cement sufficient to fill the annular space back to

the surface. The intermediate casing string shall likewise be cemented back to the surface or to the top of the lap if a liner is used as an intermediate string. Production casing shall be cemented with a high temperature resistant admix, unless waived by the Supervisor and shall be cemented in a manner necessary to exclude, isolate or segregate overlying formation fluids from the geothermal resources zone and to prevent the movement of fluids into possible fresh water zones. Production casing shall be cemented back to the surface or, if lapped, to the top of the lap. A temperature or cement bond log may be required by the Supervisor after setting and cementing the production casing and after all primary cementing operations if an unsatisfactory cementing job is indicated. Proposed well cementing techniques differing from the requirements of this paragraph will be considered by the Supervisor on an individual well basis.

F. Pressure Testing. Prior to drilling out the casing shoe after cementing, all casing strings set to a depth of 152 metres (500 feet) or greater, except for conductor casing, shall be pressure tested to a minimum pressure of 69 bars (1,000 psi) or 0.045 bars/metre (0.2 psi/ft) whichever is greater. All casing strings set at a depth less than 152 metres (500 feet), except for conductor casing, shall be pressure tested to a minimum pressure of 35 bars (500 psi). Such test shall not exceed the rated working pressure of the casing or the blowout preventer stack assembly, whichever is lesser.

In the event of casing failure during the test, the casing must be repaired or recemented until a satisfactory test is obtained. A pressure decline of 10 percent or less in 30 minutes shall be considered satisfactory.

Casing test results shall be recorded on the driller's log and reported to the Supervisor within 30 days after the completion of such test. Advance notice of all casing and lap tests shall be given in sufficient time to enable the Supervisor to be present to witness such tests. The casing and lap test reports shall give a detailed description of the test, including mud and cement volumes, lapse of time between running and cementing casing and testing, method of testing and test results.

G. Directional Surveys.

(1) General. Deviation surveys (inclination from vertical or single shot) shall be taken on all wells during the normal course of drilling at intervals not to exceed 152 metres (500 feet). The Supervisor may require a directional survey giving both inclination and azimuth or a dipmeter to be obtained on all wells. In calculating all surveys, a correction from true north to Lambert-Grid north shall be made after making the magnetic to true north correction. All surveys shall be filed with the Supervisor. Where directional surveys are required, composite surveys shall be filed with the Supervisor showing the interval from the bottom of the conductor casing to total depth.

(2) Vertical Wells. Wells are considered vertical if inclination does not exceed an average of five degrees from the vertical. The Supervisor may require a directional survey giving both inclination and azimuth at intervals not exceeding 30 metres (100 feet) between stations prior to, or upon, setting any casing string or liner (except conductor casing) and at total depth on any vertical well drilled in close proximity to lease boundaries or areas with an unstable land surface, highly faulted or steeply dipping beds, or in areas of suspected abnormal formation pressures.

(3) Directional Wells. Wells are considered directional if inclination exceeds an average of five degrees from the vertical. Directional surveys giving both inclination and azimuth shall be obtained at intervals not to exceed 30 metres (100 feet) between stations prior to, or upon, setting any casing string or liner (except conductor casing) and at total depth.

2. Blowout Prevention Equipment and Procedures. All necessary precautions shall be taken to keep all wells under control at all times, utilize trained and competent personnel, and utilize properly maintained equipment and materials. Blowout preventers and related well control equipment shall be installed, tested immediately thereafter and maintained ready for use until drilling operations are completed. Certain components, such as packing elements and ram rubbers, shall be of high temperature resistant material as necessary. All kill lines, blowdown lines, manifolds and fittings shall be steel and shall have a temperature derated minimum working pressure rating equivalent to the maximum anticipated wellhead surface pressure. Subject to subparagraphs (A) and (B) hereinbelow blowout prevention equipment shall have manually operated gates and hydraulic actuating systems and accumulators of sufficient capacity to close all of the hydraulically-operated equipment and have a minimum pressure of 69 bars (1,000 psi) remaining on the accumulator. Dual control stations shall be installed with a high pressure backup system. One control panel shall be located at the driller's station and one control panel shall be located on the ground at least 15 metres (50 feet) away from the wellhead or rotary table. Air or other gaseous fluid drilling systems shall have blowout prevention assemblies. Such assemblies may include, but are not limited to, a rotating head, a double ram blowout preventer or equivalent, a banjo-box or an approved substitute therefor and a blind ram blowout preventer or gate valve, respectively. Exceptions to the requirements of this paragraph will be considered by the Supervisor only for certain geologic and well conditions such as stable surface areas with known low subsurface formation pressures and temperatures.

A proposed blowout prevention program and a blowout contingency plan including proposed containment, public health and safety and clean-up meas-

ures shall be submitted with the Application for Permit to Drill (Form 9-331C).

A. Conductor Casing. Before drilling below this string, at least one remotely controlled hydraulically-operated expansion-type preventer or an acceptable alternative, approved by the Supervisor, including a drilling spool with side outlets or equivalent, shall be installed. A kill line and blowdown line with appropriate fittings shall be connected to the drilling spool.

B. Surface, Intermediate and Production Casing. Before drilling below any of these strings, the blowout prevention equipment shall include a minimum of:

- (1) One expansion-type preventer and accumulator or a rotating head;
- (2) A manual and remotely controlled hydraulically-operated double ram blowout preventer or equivalent having a temperature derated minimum working pressure rating which exceeds the maximum anticipated surface pressure at the anticipated reservoir fluid temperature;
- (3) A drilling spool with side outlets or equivalent;
- (4) A fillup line;
- (5) A kill line equipped with at least one valve; and
- (6) A blowdown line equipped with at least two valves and securely anchored at all bends and at the end.

C. Testing and Maintenance. Ram-type blowout preventers and auxiliary equipment shall be tested to a minimum of 69 bars (1,000 psi) or to the working pressure of the casing or assembly, whichever is the lesser. Expansion-type blowout preventers shall be tested to 70 percent of the above pressure testing requirements.

The blowout prevention equipment shall be pressure tested:

- (1) When installed;
- (2) Prior to drilling out plugs and/or casing shoes;
- (3) Not less than once each week, alternating the control stations; and
- (4) Following repairs that require disconnecting a pressure seal in the assembly.

During drilling operations blowout prevention equipment shall be actuated to test proper functioning as follows:

- (1) Once each trip for blind and pipe rams but not less than once each day for pipe rams; and
- (2) At least once each week on the drill pipe for expansion-type preventers.

All flange bolts shall be inspected at least weekly and re-tightened as necessary during drilling operations. The auxiliary control systems shall be inspected daily to check the mechanical condition and effectiveness and to ensure personnel acquaintance with the method of operation. Blowout prevention and auxiliary control equipment shall be cleaned, inspected and repaired, if necessary, prior to installation to assure proper functioning. Blowout prevention controls shall be plainly labeled, and all crew members shall be instructed on the function and operation of such equipment. A blowout prevention drill shall be conducted weekly for each drilling crew. All

blowout prevention tests and crew drills shall be recorded on the driller's log.

D. *Related Well Control Equipment.* A full opening drill string safety valve in the open position shall be maintained on the rig floor at all times while drilling operations are being conducted. A kelly cock shall be installed between the kelly and the swivel.

3. *Drilling Fluid.* The properties, use and testing of drilling fluids and the conduct of related drilling procedures shall be such as are necessary to prevent the blowout of any well. Sufficient drilling fluid materials to ensure well control shall be maintained in the field area readily accessible for use at all times.

A. *Drilling Fluid Control.* Before pulling drill pipe, the drilling fluid shall be properly conditioned or displaced. The hole shall be kept reasonably full at all times, however, in no event shall the annular mud level be deeper than 30 metres (100 feet) from the rotary table when coming out of the hole with drill pipe. Mud cooling techniques shall be utilized when necessary to maintain mud characteristics for proper well control and hole conditioning.

B. *Drilling Fluid Testing.* Mud testing and treatment consistent with good operating practice shall be performed daily or more frequently as conditions warrant. Mud testing equipment shall be maintained on the drilling rig at all times.

The following drilling fluid system monitoring or recording devices shall be installed and operated continuously during drilling operations, with mud, occurring below the shoe of the conductor casing. No exceptions to these requirements will be allowed without the specific prior permission of the Supervisor:

(1) High-low level mud pit indicator including a visual and audio-warning device;

(2) Degassers, desilters and desanders;

(3) A mechanical, electrical or manual surface drilling fluid temperature monitoring device. The temperature of the drilling fluid going into and coming out of the hole shall be monitored, read and recorded on the driller's or mud log for a minimum of every 9 metres (30 feet) of hole drilled below the conductor casing; and

(4) A hydrogen sulfide indicator and alarm shall be installed in areas suspected or known to contain hydrogen sulfide gas which may reach levels considered to be dangerous to the health and safety of personnel in the area.

C. *Monitoring.* From the time drilling operations are initiated and until the well is completed or abandoned, a member of the drilling crew or the toolpusher shall monitor the rig floor at all times for surveillance purposes, unless the well is secured with blowout preventers or cement plugs.

4. *Well Logging.* All wells shall be logged with an induction electric log or equivalent from total depth to the shoe

of the conductor casing. The Supervisor may grant an exception to this requirement when well conditions make it impractical or impossible to meet the above requirements.

A. *Electric Logs.* The lessee shall furnish to the Supervisor two legible exact copies of all logs run, within 30 days after completion of drilling operations on each well. Two copies of field prints of such logs shall be made immediately available to the Supervisor upon his request. Two copies of chemical analyses of geothermal fluids or other similar services performed shall be submitted to the Supervisor within 30 days after such services are completed.

B. *Lithologic Logs.* Two legible exact copies of core analysis reports and lithologic (mud) logs shall be submitted to the Supervisor within 30 days after the completion of such reports or logs, when such services are used. However, daily logs shall be made available to the Supervisor immediately upon the completion of such daily logs upon his request.

5. *Wellhead Equipment and Testing.*

A. *Completions.* All wellhead connections shall be fluid pressure tested to the API or ASA working pressure rating. Cold water is recommended as the testing fluid. Welding of wellhead connections shall be performed by a certified welder using materials in conformance with ASTM specifications.

B. *Wellhead Equipment.* All completed wells shall be equipped with a minimum of one casinghead with side outlets, one master valve and one production valve, unless otherwise authorized by the Supervisor. All casingheads, Christmas trees, fittings and connections shall have a temperature derated working pressure equal to or greater than the surface shut-in pressure of the well at reservoir temperature. Packing, sealing mediums and lubricants shall consist of materials or substances that function effectively at, and are resistant to, high temperatures. Wellhead equipment, valves, flanges and fittings shall meet minimum ASA standards or minimum API Standard 6A specifications. Casinghead connections shall be made such that fluid can be pumped between casing strings.

C. *Testing.* Any well showing sustained casinghead pressure or leaking of geothermal fluids between casing strings shall be tested to determine the origin of the failure, when such failure point is not otherwise determinable, and corrective measures shall be taken.

6. *Well Spacing.* No producing interval of any well shall be located within 30 metres (100 feet) of the outer boundaries of the leased lands, except where approved by the Supervisor. No surface location of a well shall be located within 15 metres (50 feet) of the boundary of any legal subdivision unless otherwise authorized by the Supervisor. The Supervisor may approve or prescribe such well spacing as he determines to be necessary for the proper development of the

geothermal resources in accordance with the provisions of 30 CFR 270.15.

Effective date: February 1, 1975.

REID T. STONE,
Area Geothermal Supervisor.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc. 75-4200 Filed 2-13-75; 8:45 am]

EXPLORATORY OPERATIONS

Geothermal Resources Operational Order No. 1

This Order is established pursuant to the authority prescribed in 30 CFR 270.11 and in accordance with 30 CFR 270.78. All exploratory operations other than drilling of exploratory and development wells will be conducted in accordance with the provisions of this Order. All plans for exploratory operations to be conducted shall include provisions for appropriate environmental protection and reclamation of disturbed lands. A cultural resources investigation approved by the Area Geothermal Supervisor (Supervisor) shall be performed prior to any surface disturbance other than Casual Use.

All variances from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 270.48. Each Notice of Intent to Conduct Geothermal Resources Exploration Operations shall include a notation of any proposed variances from the requirements of this Order. References in this Order to approvals, determinations, or requirements are to those given or made by the Supervisor or his delegated representative.

The following exploratory operations and reasonable expenditures therefor will qualify as diligent exploration if approved by the Supervisor prior to the initiation of such operations.

1. *Casual Use.* Casual Use shall include any entrance on the leased lands for geological reconnaissance or surveying purposes. Sampling of springs and water wells on the lease for geochemical analysis shall be construed as casual use. Such non-disturbing surveys and reconnaissance operations will not require a Notice of Intent to Conduct Geothermal Resources Exploration Operations. The lessee shall notify the Supervisor prior to commencing such casual use operations. Casual Use operations proposed or completed shall be included in any subsequent Plan of Operations.

2. *Geophysical Exploration.* Geophysical exploration shall include, but is not limited to, surface electrical resistivity surveys, seismic ground noise surveys, passive micro-earthquake monitoring surveys, magneto-telluric surveys and all other geophysical surveys, including airborne techniques.

Geophysical surveys other than airborne techniques will require a Notice of

Intent to Conduct Geothermal Resources Exploration Operations (Form 3200-9). All such anticipated surveys should be included in the Plan of Operations and must be approved by the Supervisor before the work is begun.

The lessee shall furnish the Supervisor two copies of the records of such surveys within 30 days after the completion of such operations.

3. *Drilling of Shallow Holes.* Drilling of shallow holes for the measurement of temperature gradients or heat flow will be considered as an exploration operation and will require approval of a Notice of Intent to Conduct Geothermal Resources Exploration Operations (Form 3200-9) by the Supervisor. The following stipulations shall apply to the drilling of such shallow holes:

A. Holes for measuring temperature gradients shall be limited to a depth of 152 metres (500 feet), unless otherwise authorized by the Supervisor.

B. Return-line temperatures shall be taken at no less than 9-metre (30-foot) intervals during drilling operations on shallow holes drilled with mud. If return-line mud temperature should reach 52° C. (125° F.), drilling ahead shall cease immediately and the hole will be either:

(1) Completed as an observation hole by running steel tubing as deep as possible, filling the annulus with drilling mud from total depth to 3 metres (10 feet) below the surface and with cement from 3 metres (10 feet) to the surface;

(2) Abandoned by filling the hole with drilling mud from total depth to 3 metres (10 feet) below the surface and cement to the surface thereafter; or

(3) Equipped with mud cooling and wellhead control devices to maintain well control and mud returns temperature at or below 52° C. (125° F.).

C. If flowing steam or hot water at 65° C. (150° F.) or greater is encountered, further drilling shall stop immediately and the hole will be either:

(1) Completed as an observation hole using steel tubing cemented from total depth to surface; or

(2) Abandoned by plugging with cement from total depth to surface.

D. If cold flowing artesian water is encountered, the hole will be completed as in (C) hereinabove, except that plastic tubing may be used.

If the conditions outlined in (B), (C) or (D) are encountered, the Supervisor shall be notified immediately.

No exceptions to the stipulations of (B), (C) or (D) will be allowed without the specific prior permission of the Supervisor.

E. The lessee shall submit the following information with the Notice of Intent to Conduct Geothermal Resources Exploration Operations (Form 3200-9):

(1) The approximate location (to the nearest 30 metres (100 feet) from some identifiable marker or object within the smallest legal subdivision) and hole number or designation of each proposed hole and probable order of drilling;

(2) The type and size of drilling rig;

(3) The proposed drilling program in-

cluding the drilling system (type of bit and circulating medium), approximate depths and casing (conductor) program for each such hole;

(4) The type of drilling sump and proposed method of sump abandonment at each location;

(5) The approximate time that each hole will be used for observation; and

(6) The proposed method of abandonment for each hole. Additionally, the lessee shall notify and receive the approval of the Supervisor prior to any change in the location of an approved hole or for any additional holes which the lessee desires to drill.

F. Locations proposed in natural thermal areas within a 300-metre (1,000-foot) radius of hot springs, fumaroles, or other surface geothermal indicia, or in areas of known artesian water flow, will require a detailed drilling program for each hole, approved by the Supervisor. The Supervisor may require special drilling and completion techniques for such holes (such as cemented surface casing and simple expansion-type blowout preventers) to safely control formations containing geothermal or other resources which may be penetrated.

G. A supply of mud and lost circulation material shall be kept on hand while drilling to control abnormal pressure if rotary equipment is used.

H. Holes shall be completed for observation purposes in a manner which will allow satisfactory subsequent abandonment. As a minimum, the annular space shall be filled with mud (cuttings and dirt if drilled with air or auger) to 3 metres (10 feet) below the surface and with cement from 3 metres (10 feet) to the surface, and the tubing shall be capped when not in use.

I. Holes shall be abandoned in a manner that will prevent subsurface interzonal migration of fluids and surface leakage. As a minimum, the top 3 metres (10 feet) of tubing below the surface shall be filled with cement. Tubing shall be cut off at ground level or as directed by the Supervisor.

4. *Reporting Completion of Exploration Operations.* The Notice of Completion of Geothermal Resources Exploration Operations (Form 3200-10) shall be submitted in triplicate, and shall include the following information for each hole drilled:

A. Final hole designation and location;

B. A driller's log noting water table and water aquifers encountered (if determined), and salt, coal beds or other mineral deposits, if present;

C. Method of completion, cementing, and casing and/or tubing used;

D. Complete details of the abandonment procedures;

E. Any information on drilling difficulties or unusual circumstances encountered which would be helpful in assuring future safety of operations or protection of the environment in the area concerned; and

F. Temperature data and logs for each hole surveyed.

5. *General.* Drilling fluids or cuttings shall not be discharged onto the surface where such discharge might contaminate lakes and perennial or intermittent streams. Excavated pits or sumps used in drilling shall be backfilled as soon as drilling is completed and restored to conform with the original topography. Unattended sumps shall be completely fenced for the protection of the public, domestic animals and wildlife.

6. *Notice of Entry.* Applicant shall contact the appropriate U.S. Geological Survey Geothermal District Office prior to entry on the land to conduct exploration operations.

Effective date. February 1, 1975.

REID T. STONE,
Area Geothermal Supervisor.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc. 75-4199 Filed 2-13-75; 8:45 am]

PLUGGING AND ABANDONMENT OF WELLS

Geothermal Resources Operational Order No. 3

This Order is established pursuant to the authority prescribed in 30 CFR 270.11 and in accordance with 30 CFR 270.14 and 270.45. The lessee shall comply with the following minimum plugging and abandonment procedures for all geothermal resources wells. Oral approvals shall be in accordance with 30 CFR 270.11. All variances from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 270.48. Each Sundry Notice (Form 9-331) shall include a notation of any proposed variances from the requirements of this Order. References in this Order to approvals, determinations or requirements are to those given or made by the Area Geothermal Supervisor (Supervisor) or his delegated representative.

The lessee shall promptly plug and abandon any well on the leased land that is not in use or demonstrated to be potentially useful. No well shall be abandoned until its lack of capacity for further profitable production of geothermal resources has been demonstrated to the satisfaction of the Supervisor. No well shall be plugged and abandoned until the manner and method of plugging have been approved or prescribed by the Supervisor.

*Cement used to plug any geothermal resources well, except that cement or concrete used for surface plugging, shall be placed in the hole by pumping through drill pipe or tubing. Such cement shall consist of a high temperature resistant admix, unless this requirement is waived by the Supervisor in accordance with the particular circumstances existing in that well or area.

Prior to commencing abandonment operations, the Supervisor shall be notified of all such proposed operations.

Each Sundry Notice (Form 9-331) shall include all information required under 30 CFR 270.45 and 270.72. Any bond or rider thereto, covering a lease or an individual well thereon, shall remain in full force and effect until the lease or individual well is properly abandoned and the surface properly restored. Written approval of the abandonment must be obtained from the Supervisor before release of any bonds will be recommended.

1. *Permanent Abandonment.*

A. *Uncased Hole.* In uncased portions of wells, cement plugs shall be placed to protect all subsurface mineral resources, including fresh water aquifers. Such plugs shall extend a minimum of 30 metres (100 feet) below, if possible, and 30 metres (100 feet) above such aforementioned zones. Cement plugs shall be placed in a manner necessary to isolate formations and to protect the fluids in such formations from interzonal migration or contamination.

B. *Open Hole.* Where there is open hole (uncased and open into the casing string above), a cement plug shall be placed in the deepest casing string by either (1) or (2) below. In the event lost circulation conditions exist or are anticipated, or if the well has been drilled with air or other gaseous substance, the plug shall be placed in accordance with (3) below.

(1) A cement plug shall be placed across the shoe extending a minimum of 30 metres (100 feet) above and 30 metres (100 feet) below; or

(2) A cement retainer with effective back pressure control set approximately 30 metres (100 feet) above the casing shoe with at least 61 metres (200 feet) of cement below the retainer and 30 metres (100 feet) of cement above.

(3) A permanent bridge plug set at the casing shoe and capped with a minimum of 61 metres (200 feet) of cement.

C. *Perforations, Junk, Fish and Collapsed Pipe.* A cement plug shall be placed across production perforations, extending 30 metres (100 feet) below (where possible) and 30 metres (100 feet) above the perforated interval. When a cement retainer is used to squeeze cement the perforated interval, the retainer shall be set a minimum of 30 metres (100 feet) above the perforations. Where the casing contains perforations at or below fish, junk or collapsed casing, thereby preventing cleanout operations, a cement retainer shall be set at least 30 metres (100 feet) above such point, and the interval below the retainer shall be squeeze cemented.

D. *Casing Shoes, Stubs, Laps, and Liners.* No casing shall be cut and recovered without first obtaining the written approval of the Supervisor. A cement plug shall be placed across all casing stubs, laps, liner tops and all casing shoes not protected by an inner casing string. Such plug shall extend a minimum of 15 metres (50 feet) below and 15 metres (50 feet) above any such shoe, stub, lap or liner top.

E. *Plugging of Annular Space.* All open annuli extending to the surface shall be plugged with cement.

F. *Surface Plug.* The innermost casing string which reaches ground level shall be cemented or concreted to a minimum depth of 15 metres (50 feet) measured from 2 metres (6 feet) below ground level.

G. *Testing of Plugs.* The hardness and location of cement plugs placed across perforated intervals and at the top of uncased or open hole shall be verified by setting down with tubing or drill pipe a minimum of 6,803 kilograms (15,000 pounds) weight on the plug or the maximum weight of the available tubing or drill pipe string, if less than 6,803 kilograms (15,000 pounds).

H. *Mud.* The intervals of the hole not filled with cement shall be filled with good quality heavy mud.

1. *Surface Restoration.* All casing strings shall be cut off at least 2 metres (6 feet) below ground level and capped by welding a steel plate on the casing stub. Cellars, pads, structures and other facilities shall be removed. The surface area shall be restored as specified by the Supervisor in consultation with the appropriate surface management agency.

2. *Temporary Abandonment.* An uncompleted drilling well that is to be temporarily abandoned shall be mudded and cemented as required hereinabove for permanent abandonment except for the provisions of subparagraphs E, F, and I.

3. *Suspended Wells.* The drilling equipment shall not be removed on any geothermal resources well where drilling operations have been suspended, either temporarily or indefinitely, without prior approval of the Supervisor and after approved measures have been taken to close the well and to protect all subsurface resources, including fresh water aquifers.

Effective date. February 1, 1975.

REID T. STONE,
Area Geothermal Supervisor.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.75-4201 Filed 2-13-75; 8:45 am]

National Park Service

BIGHORN CANYON NATIONAL RECREATION AREA, MONTANA AND WYOMING
Designation of Area Open to Snowmobiles

In accordance with requirements of paragraph (c) of § 2.34 of Title 36 of the Code of Federal Regulations, notice is hereby given of the area to be open to snowmobiling in Bighorn Canyon National Recreation Area.

In determining the area to be designated, we have been guided by the criteria in sections 3 and 4 of Executive Order 11644 (37 FR 2877) and have considered such factors as other visitor uses, safety, wildlife management, noise, geography, weather and resource protection.

An environmental assessment has been prepared and is available for public review in the office of the Superintendent. A map of the area is also available.

Designated Snowmobile Area:

The frozen surface of Bighorn Lake in the vicinity of Horseshoe Bend from the so-called "Narrows" on the south to the "Narrows" on the north as delineated by signs posted on the ice.

It is the policy of the Department to afford the public an opportunity to participate in the decision making process. As required by 36 CFR § 2.34(c), prior to making a final decision on this designated area the public shall be provided a 30 day period to comment. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to the area designated to the Superintendent, Bighorn Canyon National Recreation Area, Post Office Box 458, Fort Smith, Montana 59035 on or before March 17, 1975.

ARTHUR L. SULLIVAN,
Superintendent, Bighorn Canyon
National Recreation Area.

[FR Doc.75-4215 Filed 2-13-75; 8:45 am]

ROCKY MOUNTAIN NATIONAL PARK AND
SHADOW MOUNTAIN NATIONAL RECREATION AREA, COLORADO

Designation of Snowmobile Areas and
Routes

Notice is hereby given that pursuant to the authority contained in 36 CFR 2.34, which provides that use of snowmobiles in National Park Service areas is prohibited except in areas and on routes designated by the Superintendent, it is proposed to designate the following areas and routes for snowmobile use within the Rocky Mountain National Park and the Shadow Mountain National Recreation Area.

A. *Green Ridge Snowmobile Trail.* This route departs from the plowed road at a point 500 feet north of the pumping plant maintained by the Bureau of Reclamation on the north shore of Lake Granby. Route proceeds east 200 feet to the shoreline, and continues in an easterly direction over the frozen lake surface for approximately ¼ mile, passing around the north end of Rainbow Island, where the route turns south toward Shelter Island, paralleling the shoreline of Green Ridge. Approximately ½ mile from the north end of Rainbow Island, the route turns east across a point of land, crosses the ice across Hidden Cove and up onto the peninsula of Green Ridge.

The trail splits into a two-loop system. The northern loop, proceeding clockwise, runs generally north for a mile, east for ½ mile toward the summit of Green Ridge—reaching its highest elevation at approximately 8,900 feet, before turning south and following an intermittent drainage back to the frozen lake surface of 8,280 feet elevation, normal pool level.

The southern trail loop, proceeds clockwise (easterly) up the same intermittent drainage for approximately ½ mile, continues east to the 8,700 foot elevation of Green Ridge, turns south to

follow a meadow and the Granby shoreline for approximately one mile to Hidden Cove.

Approximately two miles of this route is in lodgepole pine forest on Green Ridge, following former logging roads. Another two miles of trail crosses meadows and clearings. The initial 1½ miles is over the frozen lake surface. The National Park Service regulates the opening and closing dates for public use of this trail by snowmobiles, as dictated by a sufficient thickness of ice for safe use. Elsewhere on the Federal lands of Shadow Mountain National Recreation Area, snowmobile operation is permitted in the draw-down zone of the reservoirs, below the high water mark. Operation of snowmobiles on the adjacent frozen lake surface is permitted after the ice is of sufficient thickness to assure safe operation, which date shall be established by the National Park Service and may be obtained by telephoning 627-3471.

B. Summerland Park Snowmobile Trail. This route lies in Sections 32 and 33, Township 4 North, Range 75 West. This route is a continuation of the public road maintained by the town of Grand Lake, as a service road to the town's water system. Snowmobiles proceeding up that road reach the boundary of Rocky Mountain National Park approximately 1,000 feet off route 278 and ½ mile from the center of the town of Grand Lake.

The route enters the National Park, turns east across Tonahutu Creek, generally following the boundary between Park and private land for approximately ¾ mile, before turning northeasterly into the Park for another ½ mile. The snowmobile route terminates near the end of the motor vehicle road serving a summer residence on a privately owned inholding.

C. Supply Creek Access Snowmobile Trail. This route provides snowmobile users the opportunity to proceed from the town of Grand Lake (and other points on private land adjacent to Rocky Mountain National Park), and by crossing the corner of the Park for 1.5 miles in Section 31, Township 4 North, Range 76 West, to gain access to a system of logging roads in Arapaho National Forest—particularly the "Supply Creek Trail".

The proposed snowmobile trail enters the Park northwest of the town of Grand Lake, follows an abandoned road for approximately .3 mile through lodgepole pine forest and crosses Trail Ridge Road (Route 34) at the Park boundary. The proposed trail turns northwest across a meadow on the west side of Route 34, enters a forest of lodgepole pine and crosses the county-maintained road to Winding River Ranch, at a point approximately 300 feet inside the Park boundary. From that point, the trail runs north, following an abandoned powerline right-of-way, for .6 mile to a point of intersection with another county road along the Park boundary.

D. Trail Ridge Road. The 7.7 mile portion of Trail Ridge Road, between

Timber Creek Campground and the Lake Irene picnic area, is designated as a snowmobile trail. This road above Timber Creek Campground is not plowed during the winter months. The snowmobile route terminates short of Poudre Lakes and Milner Pass, to prevent disturbance to the bighorn sheep wintering in that area.

The criteria contained in sections 3 and 4 of Executive Order 11644 (37 FR 2877) have been carefully considered as have factors such as other visitor uses, safety, wildlife management, noise, erosion, geography, weather, vegetation, resource protection, and other management considerations. A map detailing the areas and routes described above is available at the office of the Superintendent. An environmental assessment has also been prepared and is available at the same location.

Interested persons may submit written comments and suggestions on the proposed areas and routes to the Superintendent, Rocky Mountain National Park, Estes Park, Colorado 80517, on or before March 17, 1975.

Dated: December 17, 1974.

ROGER J. CONTOR,
Superintendent, Rocky Mountain National Park and Shadow Mountain National Recreation Area.

[FR Doc.75-4214 Filed 2-13-75; 8:45 am]

SOUTHWEST REGIONAL ADVISORY COMMITTEE Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Southwest Regional Advisory Committee will be held at 8:30 a.m., m.s.t., March 3, 1975, at the Meeting Room at the Holiday Inn, 3700 National Parks Highway, Carlsbad, New Mexico.

The Southwest Regional Advisory Committee was established pursuant to Pub. L. 91-383 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Southwest Region of the National Park Service.

The members of the Southwest Regional Advisory Committee are:

Mr. Bob Burleson, Temple, Texas (Chairman)
Mr. Leslie Bowling, New Orleans, Louisiana
Dr. Nell Compton, Bentonville, Arkansas
Dr. Bertha P. Dutton, Santa Fe, New Mexico
Mr. Sam R. Powell, Tulsa, Oklahoma
Mr. J. R. Singleton, Austin, Texas
Mr. David R. Strickland, Muskogee, Oklahoma

Designated Federal Officer to attend the meeting is Joseph C. Rumburg, Jr., Regional Director, Southwest Region, National Park Service, or his designee.

The matters to be discussed at this meeting include:

1. The Big Thicket National Preserve.
2. Arkansas Sites Management Considerations.
3. Big Bend National Park Management Considerations.
4. Other items of special interest in management of the Southwest Region.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may appear before the Committee or file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Frank Mentzer, Assistant to the Regional Director, P.O. Box 728, National Park Service, Southwest Regional Office, Santa Fe, New Mexico 87501, telephone Area Code 505-988-6375. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Southwest Region.

Dated: January 31, 1975.

JOSEPH C. RUMBURG, Jr.,
Regional Director, Southwest Region, National Park Service.

[FR Doc.75-4274 Filed 2-13-75; 8:45 am]

UPPER ST. CROIX NATIONAL SCENIC RIVERWAY

Boundaries Description

Whereas the Act of October 2, 1968 (82 Stat. 906), provides for institution of a national wild and scenic rivers system; and

Whereas, section 2(b) of said act requires that a river area to be included in the national wild and scenic rivers system shall be classified as a wild river area, a scenic river area, or a recreational river area; and

Whereas section 3(a) of said act designates a segment of the St. Croix River between the dam near Taylors Falls, Minn., and the dam near Gordon, Wis., and its tributary, the Namekagon, from Lake Namekagon downstream to its confluence with the St. Croix as a component of said system to be administered by the Secretary of the Interior; and

Whereas section 3(b) of said act requires the agency charged with administration of each component of said system designated by section 3(a) to establish detailed boundaries therefor, determine which of the classes outlined in section 2, subsection (b), of this act best fit the river or its various segments; and prepare a plan for necessary developments in connection with its administration in accordance with such classification, and further requires that said boundaries, classification, and development plan shall be published in the FEDERAL REGISTER; and

Whereas, said boundary description for the St. Croix National Scenic Riverways

was duly published in the FEDERAL REGISTER in Vol. 34, No. 180, on Wednesday, October 1, 1969, in conformance with legislative directive.

Now, therefore, in order to correct certain omissions and errors, a revised boundary description is hereby published for the St. Croix National Scenic Riverway.

ROBERT L. GILES,
Acting Regional Director.

The boundaries of the St. Croix National Scenic Riverway are particularly described as follows:

SAINT CROIX NATIONAL SCENIC RIVERWAY
4TH PRINCIPAL MERIDIAN

The St. Croix National Scenic Riverway in Chicago and Pine Counties, Minn., and in Bayfield, Burnett, Douglas, Polk, Sawyer, and Washburn Counties, Wis. is hereby described as follows:

- T. 43 N., R. 6 W.,
Sec. 6, $W\frac{1}{2}W\frac{1}{2}$, $W\frac{1}{2}E\frac{1}{2}W\frac{1}{2}$, $E\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, and $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 7, $E\frac{1}{2}NE\frac{1}{4}$, and $E\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}$;
Sec. 8, $SW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, and $NW\frac{1}{4}SE\frac{1}{4}$;
T. 43 N., R. 7 W.,
Sec. 1, $N\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}$, and $NW\frac{1}{4}$;
Sec. 2, $NE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$, and $NW\frac{1}{4}SE\frac{1}{4}$;
Sec. 3, $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 10, $E\frac{1}{2}E\frac{1}{2}$, and $SW\frac{1}{4}SE\frac{1}{4}$;
Sec. 11, $W\frac{1}{2}NW\frac{1}{4}$, and $NW\frac{1}{4}SW\frac{1}{4}$;
Sec. 15, $NE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, that portion of $N\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$ lying south of the center line of Town Road 45-1, $S\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$, and $N\frac{1}{2}SE\frac{1}{4}$;
Sec. 16, $S\frac{1}{2}S\frac{1}{2}S\frac{1}{2}$;
Sec. 17, $S\frac{1}{2}S\frac{1}{2}S\frac{1}{2}$;
Sec. 18, $S\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}$;
Sec. 19, that portion of the $N\frac{1}{2}NE\frac{1}{4}$ lying north of the center line of Town Roads 32-11 and 32-12, that portion of $W\frac{1}{2}W\frac{1}{2}E\frac{1}{2}$ lying south of the center line of Town Road 32-11, $E\frac{1}{2}W\frac{1}{2}$, and $W\frac{1}{2}SW\frac{1}{4}$;
Sec. 20, $N\frac{1}{2}N\frac{1}{2}$, $NE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$, and $N\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$;
Sec. 21, $N\frac{1}{2}N\frac{1}{2}$, and $N\frac{1}{2}S\frac{1}{2}N\frac{1}{2}$;
Sec. 22, $N\frac{1}{2}NW\frac{1}{4}$, and $N\frac{1}{2}S\frac{1}{2}NW\frac{1}{4}$;
T. 41 N., R. 8 W.,
Sec. 6, that portion of $NW\frac{1}{4}NE\frac{1}{4}$ lying west of the west right-of-way line of the Chicago and North Western Railroad, $N\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$, and that portion of $S\frac{1}{2}SW\frac{1}{4}$ lying west of the west right-of-way line of Chicago and North Western Railroad;
Sec. 7, that portion of $NW\frac{1}{4}NW\frac{1}{4}$ lying west of the west right-of-way line of Chicago and North Western railroad.
T. 42 N., R. 8 W.,
Sec. 2, lots 1, 2, and 5 and those portions of lots 3 and 4 and $W\frac{1}{2}E\frac{1}{2}$ lying west and north of the center line of U.S. Highway 63;
Sec. 3, lots 1, 2, and 3, $SW\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$, and $W\frac{1}{2}SE\frac{1}{4}$;
Sec. 4, $E\frac{1}{2}SE\frac{1}{4}$;
Sec. 9, $E\frac{1}{2}E\frac{1}{2}$;
Sec. 15, that portion of $NW\frac{1}{4}SW\frac{1}{4}$ lying north of the center line of U.S. Highway 63 bounded by a line 200 feet east of and parallel to the east bank of Namekagon River, and that portion of $W\frac{1}{2}NW\frac{1}{4}$ bounded by a line 200 feet east of and parallel to the east bank of Namekagon River;

- Sec. 16, that portion of $E\frac{1}{2}E\frac{1}{2}$ lying north of the center line of U.S. Highway 63, $S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$ and that portion of $SW\frac{1}{4}SE\frac{1}{4}$ lying west of the center line of U.S. Highway 63, and $SE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$;
Sec. 20, $SE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, and $SW\frac{1}{4}SE\frac{1}{4}$;
Sec. 21, that portion of $NE\frac{1}{4}$ lying north of the center line of U.S. Highway 63, that portion of $E\frac{1}{2}NW\frac{1}{4}$ lying north of the center line of U.S. Highway 63, $E\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, and $W\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$;
Sec. 29, $E\frac{1}{2}NW\frac{1}{4}$, and $W\frac{1}{2}W\frac{1}{2}$;
Sec. 30, $E\frac{1}{2}E\frac{1}{2}$;
Sec. 31, that portion of $E\frac{1}{2}E\frac{1}{2}$ lying north of the center line of U.S. Highway 63, $W\frac{1}{2}E\frac{1}{2}$, $S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$, and $E\frac{1}{2}SW\frac{1}{4}$;
Sec. 32, that portion of $NW\frac{1}{4}NW\frac{1}{4}$ lying north of the center line of U.S. Highway 63.
T. 43 N., R. 8 W.,
Sec. 23, that portion of $S\frac{1}{2}SE\frac{1}{4}$ lying east and south of the center line of Town Road 4-1;
Sec. 24, that portion of $N\frac{1}{2}SW\frac{1}{4}$ lying southeast of the southeast right-of-way line of U.S. Highway 63, $S\frac{1}{2}SW\frac{1}{4}$, and $SE\frac{1}{4}$;
Sec. 25, that portion of $N\frac{1}{2}NW\frac{1}{4}$ lying west of the west right-of-way line of the Chicago and North Western Railroad;
Sec. 26, $E\frac{1}{2}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$, and $W\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 35, that portion of $W\frac{1}{2}E\frac{1}{2}E\frac{1}{2}$ lying north of the center line of U.S. Highway 63, that portion of $W\frac{1}{2}E\frac{1}{2}$ lying north of the center line of U.S. Highway 63, and $E\frac{1}{2}E\frac{1}{2}W\frac{1}{2}$;
T. 40 N., R. 9 W.,
Sec. 5, $W\frac{1}{2}$;
Sec. 6, $E\frac{1}{2}E\frac{1}{2}$, $SW\frac{1}{4}SE\frac{1}{4}$, and $S\frac{1}{2}SW\frac{1}{4}$;
Sec. 7, $N\frac{1}{2}N\frac{1}{2}$, $S\frac{1}{2}NE\frac{1}{4}$, and $SE\frac{1}{4}NW\frac{1}{4}$;
T. 41 N., R. 9 W.,
Sec. 1, $E\frac{1}{2}E\frac{1}{2}$, and the north 49.5 feet of the east 49.5 feet of $SW\frac{1}{4}NE\frac{1}{4}$;
Sec. 12, that portion of $E\frac{1}{2}E\frac{1}{2}$ lying north of the west right-of-way line of the Chicago and North Western Railroad, $E\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}$, that portion of $W\frac{1}{2}SE\frac{1}{4}$ lying west of the west right-of-way line of Chicago and North Western Railroad, $NE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, and that portion of $SE\frac{1}{4}SW\frac{1}{4}$ lying west of the west right-of-way line of Chicago and North Western Railroad;
Sec. 13, $W\frac{1}{2}W\frac{1}{2}$, and $W\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}$;
Sec. 14, that portion of $E\frac{1}{2}E\frac{1}{2}$ lying south of the east right-of-way line of the Chicago and North Western Railroad;
Sec. 22, that portion of $S\frac{1}{2}$ lying south of the east right-of-way line of the Chicago and North Western Railroad and south of the center line of State Highway 77;
Sec. 23, $E\frac{1}{2}$, $SE\frac{1}{4}SW\frac{1}{4}$, and that portion of $SW\frac{1}{4}SW\frac{1}{4}$ lying south of the center line of State Highway 77;
Sec. 26, that portion of $W\frac{1}{2}E\frac{1}{2}$ lying north of the center line of County Highway "Old B" and that portion of $W\frac{1}{2}$ north of the center line of County Highways "Old B" and "B" bordering Hayward Lake;
Sec. 27, that portion lying south of the east right-of-way line of Chicago and North Western Railroad and north of both the center line of State Highway 27 and the center line of County Highway "B" bordering Hayward Lake;
Sec. 28, those portions of the $NE\frac{1}{4}$ and $S\frac{1}{2}$ lying south and east of the east right-of-way line of the Chicago and North Western Railroad and west of the center line of State Highway 27;

- Sec. 32, that part of $E\frac{1}{2}E\frac{1}{2}$ lying south of the east right-of-way line of the Chicago and North Western Railroad, and $SW\frac{1}{4}SE\frac{1}{4}$;
Sec. 33, $W\frac{1}{2}W\frac{1}{2}SW\frac{1}{4}$, and that portion of $N\frac{1}{2}$ lying south of the east right-of-way line of Chicago and North Western Railroad and north of the center line of State Highway 27.
T. 40 N., R. 10 W.,
Sec. 1, $S\frac{1}{2}S\frac{1}{2}$;
Sec. 2, $SW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$, and $S\frac{1}{2}SE\frac{1}{4}$;
Sec. 3, $NE\frac{1}{4}$, and that portion of $E\frac{1}{2}NW\frac{1}{4}$ lying east of the center line of County Road "E";
Sec. 8, those portions of $W\frac{1}{2}E\frac{1}{2}$ and $W\frac{1}{2}$ lying north of the west right-of-way line of the Chicago and North Western Railroad and south of the center line of U.S. Highway 63;
Sec. 7, that portion of $NW\frac{1}{4}$ lying north of the west right-of-way line of the Chicago and North Western Railroad;
Sec. 12, $N\frac{1}{2}N\frac{1}{2}$;
T. 41 N., R. 10 W.,
Sec. 32, that portion lying south of the center line of U.S. Highway 63, excepting therefrom the $SE\frac{1}{4}SE\frac{1}{4}$ and $S\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$;
Sec. 33, that portion of the $N\frac{1}{2}NE\frac{1}{4}$ lying south of the west right-of-way line of Minneapolis, St. Paul and Sault St. Marie Railroad, $S\frac{1}{2}NE\frac{1}{4}$, and that portion of $N\frac{1}{2}NW\frac{1}{4}$ lying south of the center line of U.S. Highway 63;
Sec. 34, $SW\frac{1}{4}NE\frac{1}{4}$, that portion of $SW\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$ lying southwest of the west right-of-way line of Minneapolis, St. Paul and Sault St. Marie Railroad, $S\frac{1}{2}NW\frac{1}{4}$, that portion of $S\frac{1}{2}$ lying east of the east right-of-way line of Minneapolis, St. Paul and Sault St. Marie Railroad, and that portion of $N\frac{1}{2}SW\frac{1}{4}$ lying north of the north right-of-way line of the Chicago and North Western Railroad;
Sec. 35, that portion of the $S\frac{1}{2}$ lying south of south right-of-way line of Chicago and North Western Railroad.
T. 40 N., R. 11 W.,
Sec. 1, that portion of the $SE\frac{1}{4}SE\frac{1}{4}$ lying south of the center line of U. S. Highway 63;
Sec. 11, that portion of $SE\frac{1}{4}SE\frac{1}{4}$ lying southeast of the center line of Town Road 23-12;
Sec. 12, that portion lying north of the west right-of-way line of the Chicago and North Western Railroad, and south of the center line of U. S. Highway 63, together with that portion of the $SW\frac{1}{4}SW\frac{1}{4}$ lying south of the center line of Town Road 23-2 and west of the center line of U. S. Highway 63;
Sec. 13, that portion of the $N\frac{1}{2}NW\frac{1}{4}$ lying north of the west right-of-way line of the Chicago and North Western Railroad;
Sec. 14, $N\frac{1}{2}NE\frac{1}{4}$, that portion of $N\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$ lying west of the center line of U. S. Highway 63, $SW\frac{1}{4}NE\frac{1}{4}$, that portion of $NW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$ lying north of a diagonal line from the northeast corner of said $NW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$ and the southwest corner thereof, $S\frac{1}{2}NW\frac{1}{4}$, and $N\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}$;
Sec. 15, $S\frac{1}{2}NE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, and $N\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$;
Sec. 17, $S\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}$, $3\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, and $SW\frac{1}{4}SE\frac{1}{4}$;
Sec. 18, $S\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$, and $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 19, $E\frac{1}{2}E\frac{1}{2}$;
Sec. 20, $W\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}E\frac{1}{2}$, and $W\frac{1}{2}$;
Sec. 21, $S\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$, and $N\frac{1}{2}SE\frac{1}{4}$;

- Sec. 22, NW $\frac{1}{4}$;
 Sec. 28, N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 29, N $\frac{1}{2}$ NE $\frac{1}{4}$, and W $\frac{1}{2}$;
 Sec. 30, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 31, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, and that portion of SW $\frac{1}{4}$ SW $\frac{1}{4}$ lying north and west of the north right-of-way line of the Chicago and North Western Railroad;
- T. 40 N., R. 12 W.,
 Sec. 6, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
 Sec. 7, W $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 17, SW $\frac{1}{4}$;
 Sec. 18, N $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 20, NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 27, W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 28, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 29, NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 34, E $\frac{1}{2}$ W $\frac{1}{2}$, and that portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ lying northeast of the center line of Town Road 29-22;
 Sec. 35, S $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, that portion of the SW $\frac{1}{4}$ lying north of the center line of U.S. Highway 63, that portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying east of the west right-of-way line of the Chicago and North Western Railroad and south of the center line of U.S. Highway 63, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 36, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, and that portion of S $\frac{1}{2}$ lying north of the north right-of-way line of the Chicago and North Western Railroad.
- T. 41 N., R. 12 W.,
 Sec. 31, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 40 N., R. 13 W.,
 Sec. 1, N $\frac{1}{2}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 2, E $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 12, E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 41 N., R. 13 W.,
 Sec. 7, S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;
 Sec. 8, S $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 17, E $\frac{1}{2}$, NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 18, N $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 20, E $\frac{1}{2}$;
 Sec. 21, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 22, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 27, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 28, N $\frac{1}{2}$, and N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 29, E $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 34, NE $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 35, N $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 36, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 43 N., R. 13 W.,
 NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 3, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and N $\frac{1}{2}$;
 Sec. 4, E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 5, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 7, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 8, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 9, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 17, NW $\frac{1}{4}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 18, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 19, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 44 N., R. 13 W.,
 Sec. 26, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 34, E $\frac{1}{2}$ E $\frac{1}{2}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
- Sec. 35, N $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 36, N $\frac{1}{2}$, and N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$.
- T. 41 N., R. 14 W.,
 Sec. 1, all;
 Sec. 2, S $\frac{1}{2}$ N $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, and that portion of the S $\frac{1}{2}$ lying north of the center line of Town Road 29-22;
 Sec. 3, E $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 12, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 42 N., R. 14 W.,
 Sec. 4, lots 1 to 8 inclusive, and NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 5, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 8, E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$;
 Sec. 9, lots 1 to 8 inclusive;
 Sec. 16, lots 1 to 8 inclusive;
 Sec. 17, lot 1, E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 19, lots 1, 2, and 3, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 20, lots 1 and 2, N $\frac{1}{2}$ of lot 3, and lots 4 to 9 inclusive;
 Sec. 21, lots 1 and 2;
 Sec. 26, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 27, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 28, S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;
 Sec. 29, W $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;
 Sec. 30, lots 1 to 7 inclusive, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 31, N $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 32, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 33, NE $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 34, N $\frac{1}{2}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 35, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 43 N., R. 14 W.,
 Sec. 13, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 23, lots 1 to 6 inclusive, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 24, lots 1, 2, 3, N $\frac{1}{2}$ lot 4, N $\frac{1}{2}$ S $\frac{1}{2}$ lot 4, W $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$ lot 4, N $\frac{1}{2}$ lot 5, N $\frac{1}{2}$ S $\frac{1}{2}$ lot 5, lots 6 and 7, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 26, lot 1, N $\frac{1}{2}$ and N $\frac{1}{2}$ S $\frac{1}{2}$ of lot 2, N $\frac{1}{2}$ and N $\frac{1}{2}$ S $\frac{1}{2}$ of lot 3, lot 4, and W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 27, lots 1 to 8 inclusive, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 33, lots 1 to 4 inclusive, E $\frac{1}{2}$ of lot 5, lot 6, and E $\frac{1}{2}$ of lot 7;
 Sec. 34, lot 1, and SW $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 41 N., R. 15 W.,
 Sec. 4, lot 1;
 Sec. 5, lots 1 and 2, and N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 6, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.
- T. 42 N., R. 15 W.,
 Sec. 25, lots 1 to 6 inclusive, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 26, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 27, lots 1 to 6 inclusive;
 Sec. 28, that portion of the S $\frac{1}{2}$ SE $\frac{1}{4}$ lying east of the center line of State Highway 35;
 Sec. 31, lots 1 to 9 inclusive, in Burnett County, Wis., and lot 1 in Pine County, Minn.;
 Sec. 32, lots 1 to 7 inclusive;
 Sec. 33, lot 1, those portions of lots 2 and 3 east of the center line of State Highway 35, lots 4, 5, and 6, N $\frac{1}{2}$ of lot 7, W $\frac{1}{2}$ S $\frac{1}{2}$ of lot 7, lot 8, and E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 34, lots 1 to 13 inclusive;
 Sec. 35, lots 1 to 13 inclusive, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 36, lots 1 to 6 inclusive, NE $\frac{1}{4}$ NE $\frac{1}{4}$, and SW $\frac{1}{4}$ NE $\frac{1}{4}$.
- T. 41 N., R. 16 W.,
 Sec. 1, lots 1 and 2, N $\frac{1}{2}$ NE $\frac{1}{4}$, and SW $\frac{1}{4}$ NW $\frac{1}{4}$, in Burnett County, Wis., and lot 1 in Pine County, Minn.;
 Sec. 2, lots 1 to 4 inclusive, and SW $\frac{1}{4}$ SE $\frac{1}{4}$ in Burnett County, Wis., and lots 1 to 5 inclusive in Pine County, Minn.;
- Sec. 10, lot 1 in Burnett County, Wis., and lots 1 and 2 in Pine County, Minn.;
 Sec. 11, lots 1 to 4 inclusive and W $\frac{1}{2}$ E $\frac{1}{2}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ in Burnett County, Wis., and lots 1 and 2 in Pine County, Minn.;
 Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 15, lots 1 and 2 in Burnett County, Wis., and E $\frac{1}{2}$ lots 1 to 4 inclusive, in Pine County, Minn.;
 Sec. 18, lots 1 to 4 inclusive;
 Sec. 19, N $\frac{1}{2}$ lot 1, and lots 2, 3, and 4 in Burnett County, Wis., and lots 1 and 2 in Pine County, Minn.;
 Sec. 20, lots 1 to 4 inclusive, in Burnett County, Wis., and lots 1 to 4 inclusive in Pine County, Minn.;
 Sec. 21, lots 1, 2, and 3, in Burnett County, Wis., and lots 1 to 4 inclusive, in Pine County, Minn.;
 Sec. 22, lots 1 to 5 inclusive, in Burnett County, Wis., and lot 1, E $\frac{1}{2}$ lot 2, and lots 3 and 4, in Pine County, Minn.;
 Sec. 23, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 27, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 28, N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$.
- T. 42 N., R. 16 W.,
 Sec. 35, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 36, lots 1 to 5 inclusive.
- T. 40 N., R. 17 W.,
 Sec. 3, lot 1, W $\frac{1}{2}$ lot 2, and lots 3, 4, and 5;
 Sec. 4, all;
 Sec. 5, all;
 Sec. 6, lots 1 to 5 inclusive;
 Sec. 8, N $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 9, lots 1 and 2, N $\frac{1}{2}$ lots 3 and 4, lot 5, and NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 10, lot 1.
- T. 41 N., R. 17 W.,
 Sec. 23, that portion of E $\frac{1}{2}$ SE $\frac{1}{4}$ owned by the Northern States Power Co.;
 Sec. 24, lots 1 to 9 inclusive, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 25, W $\frac{1}{2}$ lot 1, lots 2, 3, and 4, and N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 26, lots 1 to 4 inclusive, and NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 31, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 32, lots 1, 2, and 3, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 33, those portions of the S $\frac{1}{2}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ owned by the Northern States Power Co.;
 Sec. 34, those portions of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ owned by the Northern States Power Co.;
 Sec. 35, lots 1 to 4 inclusive, and those portions of lots 5, 6, 7, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ owned by the Northern States Power Co., and lot 8.
- T. 34 N., R. 18 W.,
 Sec. 6, W $\frac{1}{2}$ lot 1;
 Sec. 7, lot 1, W $\frac{1}{2}$ lot 2, those portions of lots 3 and 4 lying west of the center line of State Highway 87, and lots 5 and 6;
 Sec. 18, those portions of lots 1, 2, 3, and 4 lying west of the center line of State Highway 87, and lots 5, 6, and 7;
 Sec. 19, lot 2, those portions of lots 1, 3 and 4 and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ lying west of the following line within the city of St. Croix Falls, Wis., beginning at a point on the north line of said lot 1, said point being the northeast corner of Lot 1, Block 92; thence, South, along the west right-of-way line of Hamilton Street, to the south right-of-way line of Minnesota Street; thence, East, along said south line, to the northeast corner of Lot 16, Block 51; thence, South, along the east line of Lots 16 through 30, Block 51, Lots 13 through 4, Block 48, Lots 7 through 11, Block 44; thence, East, to the south line of Lot 6, Block 44, and continuing along said south line to the west right-of-way line of Washington Street; thence, South, along said west line, to the south line of lot 4 of said Section 19 in Polk County, Wis., lots 5, 6 and 7 in Chicago County, Minn.;

- Sec. 30, that portion of lot 1 lying West of the following described line within the City of St. Croix Falls; beginning at a point on the north line of said lot 1, said point being the intersection of said north line and the west right-of-way line of Washington Street; thence, South, along said west line, to a point being 205 feet north of the north line of Block 39; thence, West 110 feet; thence, South 205 feet, to the north line of said Block 39; thence, West, along said north line, to the northeast corner of Lot 6, Block 39; thence, South, along the east line of Lots 6 through 18, Block 39; thence, West, along the south line of Lot 16, Block 39 to the west right-of-way line of River Street; thence, South, along said west line, to the south line of said lot 1; thence, West, along said south line to the Wisconsin-Minnesota boundary; thence, North, along said boundary, to the north line of said Sec. 30 in Polk County, Wis.
- T. 40 N., R. 18 W.,**
 Sec. 1, lots 1 and 2, and SE $\frac{1}{4}$ SE $\frac{1}{4}$, in Burnett County, Wis., and lots 1 to 4 inclusive, in Pine County, Minn.;
 Sec. 11, lot 1 in Burnett County, Wis., and lots 1, 2, and 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$, and SW $\frac{1}{4}$ NE $\frac{1}{4}$, in Pine County, Minn.;
 Sec. 12, lots 1 and 2 and W $\frac{1}{2}$ SW $\frac{1}{4}$ in Burnett County, Wis., and lots 1 and 2 in Pine County, Minn.;
 Sec. 13, W $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 14, lots 1 to 5 inclusive, in Burnett County, Wis., and lots 1, 2, and 3, those portions of lots 4 and 5 owned by the Northern States Power Co., and lot 6, in Pine County, Minn.;
 Sec. 15, lot 1 in Burnett County, Wis., and lot 1, those portions of lots 2 and 3 owned by the Northern States Power Co., lot 4, and that portion of SW $\frac{1}{4}$ SW $\frac{1}{4}$ lying south of the center line of State Highway 22 in Pine County, Minn.;
 Sec. 19, lot 1 in Burnett County, Wis., and lots 1, 2, and 3, and E $\frac{1}{2}$ SW $\frac{1}{4}$ in Pine County, Minn.;
 Sec. 20, lots 1, 2, and 3 in Burnett County, Wis., and lots 1 to 5 inclusive, in Pine County, Minn.;
 Sec. 21, lots 1 to 4 inclusive, and NE $\frac{1}{4}$ SE $\frac{1}{4}$, in Burnett County, Wis., lot 1, and those portions of lots 2 to 5 inclusive, owned by the Northern States Power Co., in Pine County, Minn.;
 Sec. 22, lots 1 and 2 NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ in Burnett County, Wis., and Lots 1 and 2 in Pine County, Minn.;
 Sec. 29, N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 30, N $\frac{1}{2}$ lot 1, W $\frac{1}{2}$ S $\frac{1}{2}$ lot 1, W $\frac{1}{2}$ E $\frac{1}{2}$ S $\frac{1}{2}$ lot 1, W $\frac{1}{2}$ lot 2, W $\frac{1}{2}$ E $\frac{1}{2}$ lot 2, and those portions of lots 3, 4, and 5 owned by the Northern States Power Co., and W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, in Burnett County, Wis., and lots 1 and 2, S $\frac{1}{2}$ lot 3, and lot 4, in Pine County, Minn.
- T. 34 N., R. 19 W.,**
 Sec. 1, lots 1 to 6 inclusive, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 2, that portion lying north and east of the center line of State Highway 16;
 Sec. 13, those portions of the N $\frac{1}{2}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ lying north and east of the center line of State Highway 16.
- T. 35 N., R. 19 W.,**
 Sec. 4, lots 1 to 3 inclusive, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 5, lots 1 to 5 inclusive, that portion of lot 6 owned by the Northern States Power Co., lot 7 excepting the south 900 feet thereof, N $\frac{1}{2}$ NE $\frac{1}{4}$, and that portion of SW $\frac{1}{4}$ SE $\frac{1}{4}$ owned by Northern States Power Co.;
 Sec. 8, that portion of lot 1 lying north and east of a County Road, and that portion of NW $\frac{1}{4}$ NE $\frac{1}{4}$ lying north and east of a County Road;
- Sec. 8, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 9, lots 1 to 8 inclusive;
 Sec. 16, lots 1 to 8 inclusive, and W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 21, lots 1 to 5 inclusive, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 22, lots 1 to 4 inclusive, NE $\frac{1}{4}$ SW $\frac{1}{4}$; and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 26, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 27, lots 1 to 4 inclusive, and those portions of lots 5 to 8 inclusive, owned by the Northern States Power Co.;
 Sec. 34, lots 1 and 3, those portions of lots 2 and 4 owned by the Northern States Power Co., and that portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying north and east of the center line of State Highway 16;
 Sec. 35, lots 1 to 4 inclusive, that portion of lot 5 lying north and east of the center line of State Highway 16, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 36 N., R. 19 W.,**
 Sec. 30, S $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 31, lots 1 to 6 inclusive, that portion of lot 7 owned by the Northern States Power Co., N $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 32, lot 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$, those portions of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying south and west of a diagonal line and owned by the Northern States Power Co., NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 38 N., R. 19 W.,**
 Sec. 6, lots 1 to 4 inclusive, in Burnett County, Wis., and lots 1 to 4 inclusive, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ in Pine County, Minn.;
 Sec. 7, lots 1 to 5 inclusive, and SE $\frac{1}{4}$ NE $\frac{1}{4}$ in Burnett County, Wis., and lots 1 and 2, and NW $\frac{1}{4}$ NW $\frac{1}{4}$ in Pine County, Minn.;
 Sec. 18, W $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 17, lot 1, R. 19 W.,
 Sec. 2, lots 1 and 2 and NW $\frac{1}{4}$ NE $\frac{1}{4}$ in Burnett County, Wis., and lots 1 and 2 in Pine County, Minn.;
 Sec. 3, lots 1 and 2, N $\frac{1}{2}$ lot 3, and lot 4, in Burnett County, Wis., and lots 1 to 7 inclusive, in Pine County, Minn.;
 Sec. 4, lot 1 in Burnett County, Wis., lots 1 to 6 inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$, in Pine County, Minn.;
 Sec. 8, lots 2 to 5 inclusive, lot 8, and S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 9, lots 1 to 4 inclusive, in Burnett County, Wis., and lots 1 to 8 inclusive, and SW $\frac{1}{4}$ NW $\frac{1}{4}$, in Pine County, Minn.;
 Sec. 10, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 16, lots 1, 2, and 3, and SW $\frac{1}{4}$ SW $\frac{1}{4}$, in Burnett County, Wis., and lot 1 in Pine County, Minn.;
 Sec. 17, lots 1 and 2 in Burnett County, Wis., and lots 1 to 9 inclusive, in Pine County, Minn.;
 Sec. 20, lots 1 to 3 inclusive, in Burnett County, Wis., and lots 1 to 5 inclusive E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ in Pine County, Minn.;
 Sec. 21, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 29, lots 1, 2, and 3 and NE $\frac{1}{4}$ NE $\frac{1}{4}$ in Burnett County, Wis., and lots 1, 2, and 3 in Pine County, Minn.;
 Sec. 30, lot 1 in Burnett County, Wis., and lots 1 to 4 inclusive, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$, in Pine County, Minn.;
 Sec. 31, lots 1 to 5 inclusive, in Burnett County, Wis., and lots 1 to 5 inclusive, and SW $\frac{1}{4}$ SW $\frac{1}{4}$, in Pine County, Minn.
- T. 40 N., R. 19 W.,**
 Sec. 25, lots 1, 2, and 3 in Burnett County, Wis., lot 1, S $\frac{1}{2}$ lot 2, lots 3, 4, and 5, and SE $\frac{1}{4}$ NW $\frac{1}{4}$, in Pine County, Minn.;
 Sec. 26, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 34, lots 1 and 2, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
- Sec. 35, lots 1 to 4 inclusive, in Burnett County, Wis., and lots 1 to 5 inclusive, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ in Pine County, Minn.;
 Sec. 36, lot 1, that portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, owned by the Northern States Power Co., NE $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ NW $\frac{1}{4}$, in Burnett County, Wis., and lot 1 in Pine County, Minn.
- T. 36 N., R. 20 W.,**
 Sec. 6, lots 1 to 8 inclusive;
 Sec. 7, lots 1 to 8 inclusive;
 Sec. 18, lots 1 to 8 inclusive, and E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 19, lots 1 to 8 inclusive, and E $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 25, S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 29, lot 1, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 30, lots 1 to 7 inclusive, and that portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ owned by the Northern States Power Co.;
 Sec. 31, lot 1, and that portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ owned by the Northern States Power Co.;
 Sec. 32, lots 1 to 7 inclusive, and those portions of the N $\frac{1}{2}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ owned by the Northern States Power Co.;
 Sec. 33, lots 1 to 8 inclusive;
 Sec. 34, lots 1 to 8 inclusive;
 Sec. 35, lots 1 to 8 inclusive, NE $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 36, lots 1 to 8 inclusive, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and those portions of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ owned by the Northern States Power Co.
- T. 37 N., R. 20 W.,**
 Sec. 3, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 4, lots 1 to 6 inclusive, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 5, lots 1 to 5 inclusive and that portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ owned by the Northern States Power Co., NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 8, lots 1 to 8 inclusive;
 Sec. 17, lots 1 to 10 inclusive;
 Sec. 18, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 19, E $\frac{1}{2}$ E $\frac{1}{2}$;
 Sec. 20, lots 1 to 8 inclusive;
 Sec. 29, lots 1, W $\frac{1}{2}$ lot 2, and lots 3 to 5 inclusive;
 Sec. 30, lots 1 to 4 inclusive, E $\frac{1}{2}$ lot 5, S $\frac{1}{2}$ W $\frac{1}{2}$ lot 5, lots 6 and 7, and that portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ owned by the Northern States Power Co.;
 Sec. 31, lots 1 to 9 inclusive, and E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 38 N., R. 20 W.,**
 Sec. 12, lot 1, in Burnett County, Wis., and lots 1 and 2 in Pine County, Minn.;
 Sec. 13, lots 1 to 5 inclusive, in Burnett County, Wis., and lots 1 to 4 inclusive, in Pine County, Minn.;
 Sec. 23, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 24, lots 1 to 6 inclusive, and the SE $\frac{1}{4}$ SE $\frac{1}{4}$, in Burnett County, Wis., and lot 1, and those portions of lots 2, 3, and 4 owned by the Northern States Power Co., lot 5, and that portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ owned by the Northern States Power Co., in Pine County, Minn.;
 Sec. 25, lots 1 and 2 in Burnett County, Wis., and lot 1 in Pine County, Minn.;
 Sec. 26, lots 1 and 2 in Burnett County, Wis., and lots 1 to 7 inclusive, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and the NW $\frac{1}{4}$ SW $\frac{1}{4}$, in Pine County, Minn.;
 Sec. 33, lot 1 in Burnett County, Wis., and lot 1, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$, in Pine County, Minn.;
 Sec. 34, lots 1 to 4 inclusive, and S $\frac{1}{2}$ SE $\frac{1}{4}$, in Burnett County, Wis., and lots 1 to 5 inclusive, in Pine County, Minn.;
 Sec. 35, lots 1 and 2, and W $\frac{1}{2}$ SW $\frac{1}{4}$ in Burnett County, Wis., and lot 1 in Pine County, Minn.
- Together with all bodies of water, rivers, islands, accretions, and relictions within and appurtenant to the St. Croix River from the south line of lot 1, Sec. 30, T. 34 N., R. 18 W., upstream to its intersection with the east

line of Sec. 36, T. 44 N., R. 13 W., and the Namekagon River from its confluence with the St. Croix River in Sec. 25, T. 42 N., R. 15 W., upstream to the east line of the W $\frac{1}{2}$ E $\frac{1}{2}$ of Sec. 8, T. 43 N., R. 6 W.

[FR Doc.75-3806 Filed 2-13-75; 8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

AGREEMENT WITH AMERICAN SHEEP PRODUCERS COUNCIL, INC.

Determination of Approval by Producers in Referendum

Pursuant to section 708 of the National Wool Act of 1954, as amended (7 U.S.C. 1787), a referendum was held among sheep and wool producers in the United States to determine whether they approved a proposed new agreement by the Administrator of the Agricultural Marketing Service with the American Sheep Producers Council, Inc., for developing and conducting an advertising and sales promotion program and a program to develop and disseminate information on product quality, production management, and marketing improvement for wool, sheep, and the products thereof and for deductions from payments to such producers to be made pursuant to the Act for marketing years 1974, 1975, 1976, and 1977. Notice of the referendum (39 FR 32766) published September 11, 1974, included the text of the proposed agreement.

In the referendum held pursuant to the notice, 85.5 percent of the voting producers who were engaged in the production for market of sheep or wool (i.e., anyone who, continuously during a single period of at least 30 days during the calendar year 1973, owned in the United States sheep or lambs 6 months of age or older) voted in favor of the agreement, and the producers voting in favor owned 87.9 percent of the sheep or lambs owned by all the voting producers. The 1973 calendar year is a representative period of production.

Under authority delegated to me (38 FR 22955, August 28, 1973; 39 FR 23076, June 26, 1974), I have determined that the agreement has the approval of the number of producers required by section 708 of the National Wool Act of 1954, as amended, since more than two-thirds of the total number of producers, and producers of more than two-thirds of the total volume of production represented in the referendum, indicated approval of the agreement.

On January 20, 1975, I signed the agreement and it became effective upon my signature.

(Sec. 708, 68 Stat. 912; 7 U.S.C. 1787)

Dated: February 11, 1975.

JOHN C. BLUM,
Associate Administrator,
Agricultural Marketing Service.

[FR Doc.75-4236 Filed 2-13-75; 8:45 am]

Farmers Home Administration

[Designation No. A136]

MICHIGAN

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural

credit exists in 23 counties in Michigan as a result of damages and losses caused by various natural disasters. The following chart lists the counties, the natural disasters, and the dates on which the natural disasters occurred.

MICHIGAN, 23 COUNTIES—1974

County	Excessive rainfall and cool temperatures	Excessive rainfall	Intermittent heavy rains	Drought	Early frost and/or freeze	Hailstorms
Allegan	May 3 through June 21.			July 5 to Aug. 10.	Oct. 2.	
Arenac		June 6 through July 9.			Sept. 22 and 23.	
Barry	May 3 through June 21.			July 5 to Aug. 10.	do.	July 21 and Aug. 8.
Bay		May 23 and 24, June 6 through July 9.			do.	Oct. 1.
Berrien	May 3 through June 21.			July 5 to Aug. 10.	Oct. 2.	
Branch	do.			do.	Sept. 22 and 23.	
Calhoun	do.			do.	do.	
Cass	do.			do.	Sept. 22 and 23, Oct. 2.	June 14.
Delta	do.		Aug. 11 through Oct. 22.		Sept. 2 and 14.	July 26 and Aug. 18.
Easton	do.			July 5 to Aug. 10.	Sept. 22 and 23.	
Hillsdale	do.			do.	do.	July 20.
Ingham	do.			do.	do.	
Isabella	do.			do.	do.	
Jackson	do.			July 5 to Aug. 10.	do.	
Kalamazoo	do.			do.	do.	
Macomb	do.			do.	do.	
Monroe	do.			do.	do.	
Muskegon	do.			do.	do.	
Newaygo	do.			do.	do.	Aug. 5 and 12.
Ottawa	do.			do.	Sept. 22 and 23, Oct. 2.	
Schoolcraft	do.		Aug. 11 through Oct. 22.		Sept. 2 and 14.	
St. Joseph	do.			July 5 to Aug. 10.	Sept. 22 and 23.	
Van Buren	do.			do.	Oct. 2.	

Therefore, the Secretary has designated these areas as eligible for emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor William G. Milliken that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 4, 1975, for physical losses and November 4, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 6th day of February, 1975.

FRANK B. ELLIOTT,
Administrator,

Farmers Home Administration.

[FR Doc.75-4051 Filed 2-13-75; 8:45 am]

Forest Service

TIMBER MANAGEMENT PLAN CHIPPEWA NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement on the Timber Management Plan for the Chippewa National Forest, USDA-FS-R9-FES-(Adm)-74-4.

The environmental statement concerns the proposed plans for timber harvest, reforestation, timber stand improvement, tree improvement, and sale road construction on the Chippewa National Forest in parts of Beltrami, Cass, and Itasca Counties, Minnesota.

This final environmental statement was transmitted to CEQ on February 10, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave. SW.
Washington, D.C. 20250

USDA, Forest Service
Eastern Region
633 West Wisconsin Avenue
Milwaukee, Wisconsin 53203

USDA, Forest Service
Chippewa National Forest
Cass Lake, Minnesota 56633

A limited number of single copies are available upon request to Forest Supervisor, Chippewa National Forest, Cass Lake, Minnesota 56633.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: February 10, 1975.

CURTIS L. SMITH,
Acting Regional Forester,
Eastern Region.

[FR Doc.75-4185 Filed 2-13-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business
Administration

BATTELLE MEMORIAL INSTITUTE

Decision on Application for Duty-Free
Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00102-98-34070.
Applicant: Battelle Memorial Institute, 505 King Avenue, Columbus, Ohio 43201.
Article: Nd YAG Mode Locked Generator (Oscillator-Amplifier). Manufacturer: Cilas/Compagnie Generale d'Electricite, France. Intended use of article: The article will be used with a giant CGE pulsed laser in order to produce very hot plasmas for thermonuclear research and thermal X-ray research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a combined specification of an oscillator section compatible with the applicant's existing giant laser chain which is capable of producing pulses with duration at least as short as 40 picoseconds. The National Bureau of Standards (NBS) advises in its memorandum dated January 7, 1975 that the combined specifi-

cation described above is pertinent to the applicant's intended laser fusion research. NBS also advises that it knows of no domestically available oscillator section of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,

Special Import Programs Division.

[FR Doc.75-4180 Filed 2-13-75;8:45 am]

EMORY UNIVERSITY ET AL.

Applications for Duty-Free Entry of
Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before March 10, 1975.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00250-01-01100.
Applicant: Emory University School of Medicine, Neurology, 69 Butler Street, S.E., Atlanta, Ga. 30303. Article: Sequence Analyzer, JAS-47K. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to investigate the amino acid sequence of natural and synthetic peptides in the range of 3 to 30 residues where it is likely that some of the residues' positions contain minor components, that is, different amino acids. Application received by Commissioner of Customs: December 4, 1974.

Docket Number: 75-00333-65-46040.
Applicant: IIT Research Institute, 10 West 35th Street, Chicago, Illinois 60616. Article: Electron Microscope, Model JEM 100C. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to detect, identify, size, count, and chemically characterize fine particles below the resolution limits of optical microscopes. The article will also be used for the analysis of biological and metallurgical specimens. Application received by Commissioner of Customs: January 20, 1975.

Docket Number: 75-00334-33-40640.
Applicant: Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, Ohio 44106. Article: Electron Microscope, Model EM 10. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in the field of hypertension research for studies of the kidney, distribution of Tritiated Angiotensin, atherosclerosis, and vascular permeability. The article will also be used in a training program designed to train young Ph.D.'s and M.D.'s in the fields of cardiovascular research, using an integrated approach ranging from chemistry to bio-chemistry, physiology, pharmacology, morphology, pathology, endocrinology, and clinical sciences. Application received by Commissioner of Customs: January 20, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,

Special Import Programs Division.

[FR Doc.75-4182 Filed 2-13-75;8:45 am]

UNIVERSITY OF WEST FLORIDA

Decision on Application for Duty-Free
Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00081-33-46040.
Applicant: The University of West Florida, Pensacola, Florida 32504. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in research involving experimentation with a variety of materials including: the algae, other plants, marine invertebrates and vertebrates, bacteria and colloids. Experiments to be conducted include: (a) effects of nutrition, pesticides and herbicides on algal ultrastructure; (b) ultrastructure of micro-algae; (c) wall formation in algae and algal spine formation; (d) subcellular structure of sexual reproduction; (e) ultrastructure of the ontogeny of marine invertebrates; (f) otolith and lens patterns in marine fish; and (g) preparation of colloidal suspensions. The article will also be used in the courses: Cell Biology, Electron Microscopy Directed Study, Physical Chemistry and Instrumental Analysis to familiarize the student with the electron microscope as a tool, to demonstrate areas of application in his major field and to teach

methodology thus enabling the students to use the electron microscope as a tool.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 74-00298-33-46040 which was denied without prejudice to resubmission on May 24, 1974 for informational deficiencies.

The applicant in response to Question 8 alleges that the foreign article provides the following pertinent features:

(a) A guaranteed resolution of 3.5 Angstroms (\AA) point to point which, among other things, permits the operator to focus and deastigmatize at higher magnifications directly on the specimen under observation.

(b) A specimen airlock chamber which provides freedom from the downtime caused by faulty specimen insertion and retrieval.

(c) A magnification range from 200 to 200,000x without a pole piece change and without losing the view of the specimen, plus direct magnification readout.

(d) Variability of photographic facilities, i.e., choice of plate, 35 and 70 mm camera use.

(e) A single condenser design which provides a level of operation very close to that of a double condenser system but with only one control.

(f) A "mini-lens" condenser which permits a smaller spot size and greater illumination at high magnification than the domestic instrument. Both of these characteristics improve resolution. Further, this system allows adequate illumination at drastically reduced electron beam current values compared to the domestic instrument, resulting in comparatively less damage to delicate biological materials.

(g) A range of accelerating voltages between 40 and 100 kilovolts (kv).

(h) An objective lens focal length of 1.6 mm.

(i) Astigmatism may be corrected to 125 \AA in all planes.

(j) A 100 percent solid-state electronics instrument resulting in less downtime and maintenance than an instrument which relies mainly on tubes.

(k) A "state of the Art" electron microscope as evidenced by items (a) thru (j) above.

The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated November 29, 1974 that the Model EMU-4C electron microscope, which is presently manufactured by the Adam David Company, is the most closely comparable domestic instrument. HEW further advises that the applicant provides no pertinent specification within the meaning of section 701.2(n) of the regulations upon which duty-free entry could be based. As to the specific allegations of the applicant in reply to Question 8, in the order listed above, the following is noted:

(a) The specifications for both the foreign article and the EMU-4C indicate that at the time the foreign article was ordered, both of these instruments had a guaranteed resolution of 5 \AA point to point. In reply to question 8c(3) (a) the applicant states that "high resolution on the order of 5 \AA . (sic) is absolutely essential * * *" to the purposes for which the article is intended to be used. In the applicant's initial submission, in response to question 8c(2) (a) the applicant states that the guaranteed resolution of the foreign article is 5 \AA point to point. HEW advises that the article and the EMU-4C provide equivalent guaranteed resolution.

(b) HEW advises that the specimen airlock chamber with the advantages claimed by the applicant is a convenience which is not pertinent within the meaning of section 701.2(n) of the regulations.

(c) The EMU-4C provides magnifications of 1400x to 240,000x with 400x or less for scanning. The article provides a magnification range of 1500x to 200,000x with 200x for scanning. No pole piece change is necessary for either instrument. HEW advises that the magnification range of the EMU-4C is equivalent to that of the article. HEW also advises that direct magnification readout is a convenience which is not pertinent.

(d) The EMU-4C provides a choice of multiple camera use, such as plate 35 and 70 mm camera use. Further, the applicant states that 35 and 70 mm cameras are to be purchased at a later date. Future purchases cannot be considered in the determination of scientific equivalency according to sections 701.2(d) and 701.6(a) of the regulations. HEW advises that the choice of camera use provided by the foreign article is a convenience which is not pertinent.

(e) The EMU-4C provides the option of either a double condenser system or a single condenser system. Moreover, HEW advises that the single condenser system of the article and its control are conveniences which are not pertinent.

(f) The EMU-4C provides a high intensity grid cap for greater illumination and contrast at high resolution, plus a guaranteed resolution equivalent to that of the article. We note that at equal illumination specimen damage rate is equal. Although a larger beam could act on a slightly larger area, HEW advises that the alleged advantages conferred by the smaller spot size and the claimed greater illumination are conveniences which are not pertinent.

(g) In reply to question 8c(3) (a) the applicant indicates that the purposes for which the foreign article is to be used require 100 kv accelerating voltage. The EMU-4C provides accelerating voltages of 25, 50, 75 and 100 kv. HEW advises that the EMU-4C provides equivalent accelerating voltage.

(h) The applicant states, "The shorter the focal length of the objective lens the better the resolution of the lens." We note that the foreign article and the EMU-4C are equivalent with respect to guaranteed resolution. HEW advises that the objective lens focal length of 1.6 mm is a convenience feature which is not pertinent particularly in view of the EMU-4C's equivalent resolution and magnification range.

(i) HEW advises that operator ability to focus and deastigmatize is related to skill and convenience and is therefore not pertinent particularly in view of the EMU-4C's equivalent resolution and magnification range.

(j) HEW advises that a 100 percent solid state electronics instrument is a convenience which is not pertinent.

(k) Inasmuch as items (a) through (j) are either not pertinent or matched on the EMU-4C, the "State of the Art" designation is not relevant to duty-free entry. In connection with the applicant's claims respecting this feature, HEW points out that the article is an updating of the EM 200 whereas, in a similar fashion, the EMU-4C has certain advantages over the EMU-4.

For the foregoing reasons we find that the Model EMU-4C electron microscope is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import
Programs Division.

[FR Doc. 75-4181 Filed 2-13-75; 9:45 am]

NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Numerically Controlled Machine Tool Technical Advisory Committee will be held Monday, March 17, 1975, at 9:30 a.m., in Room 5230, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Committee was established to advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to numerically controlled machine tools, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has four parts:

GENERAL SESSION

- (1) Opening remarks by the Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Discussion of future work programs.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available to the public. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 16, 1974, pursuant to section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b) (1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All Committee members have appropriate security clearances.

Minutes of the open portion of the meeting will be available upon written request addressed to the Central Reference and Records Inspection Facility, Room 7043, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.*, September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Committee and subcommittees thereof of the Numerically Controlled Machine Tool Technical Advisory Committee is hereby published.

Dated: February 11, 1975.

RAUER H. MEYER,
Director, Office of Export Administration,
Bureau of East-West Trade, U.S. Department
of Commerce.

NUMERICALLY CONTROLLED MACHINE TOOL
TECHNICAL ADVISORY COMMITTEE

NOTICE OF DETERMINATION

In response to written requests of representatives of a substantial segment of the numerically controlled machine tool industry, the Numerically Controlled Machine Tool Technical Advisory Committee was established by the Secretary of Commerce pursuant to section 5(c) (1) of the Export Administration Act of 1969, 50 U.S.C. App. Section 2404(c) (1) (Supp. III, 1973), as amended, Pub. L. No. 93-500, Section 5(b) (October 29, 1974), to advise the Department of Commerce with respect to questions involving technical

matters, worldwide availability, and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to numerically controlled machine tools, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee, which currently has nine members representing industry and nine members representing government agencies, will terminate no later than January 3, 1977, unless extended by the Secretary of Commerce. All members of the Committee have the appropriate security clearance.

The Committee's activities are conducted in accordance with the provisions of section 5(c) (1) of the Export Administration Act of 1969, as amended, the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the head of the agency (or his delegate) to which the committee reports determines in writing that all, or some portion, of the agenda of the meeting of the committee is concerned with matters listed in section 552(b) of Title 5 of the United States Code.

Section 552(b) (1) of Title 5, United States Code, provides that information may be withheld from the public if it concerns matters specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy.

Notices of Determination authorizing the closing of meetings, or portions thereof, of the Numerically Controlled Machine Tool Technical Advisory Committee and its formal subcommittees, dealing with security classified matters, were approved on April 6, 1973 for the meeting of May 7, 1973; on June 28, 1973 for the meeting of July 10, 1973; on August 21, 1973 covering a series of meetings for the period August 21, 1973 through December 31, 1973; on December 26, 1973, for a series of meetings for the period January 1, 1974 through April 30, 1974; and on May 16, 1974, for a series of meetings from May 1, 1974 through January 3, 1975.

In order to provide advice to the Department under the terms of its charter, the Committee and formal subcommittees thereof will continue to hold a series of meetings dealing with the matters set forth in the first paragraph of this Determination. These meetings will include discussions of the COCOM control list as it relates to the commodities and technical data under its purview, and with the foreign availability of these commodities and technical data. In addition, the Committee and its formal subcommittees will be preparing recommendations for the Department's consideration relating to the U.S. Government's negotiating position on COCOM-related matters. Much of the information relating to the COCOM control list, as well as proposed changes, is now or will be security classified for national security or foreign policy reasons, pursuant to Executive Order No. 11652, 3 CFR 339 (1974). In order for the Committee and its formal subcommittees to provide required advice to the U.S. Government, it will be necessary to provide the Committee and its formal subcommittees with

such classified material. Therefore, the portions of the series of meetings of the Committee and of subcommittees thereof that will involve discussions of matters specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such executive order, must be closed to the public. The remaining portions of the series of meetings will be open to the public.

Accordingly, I hereby determine, pursuant to section 10(d) of the Federal Advisory Committee Act that those portions of the series of meetings of the Committee and of any subcommittees thereof, dealing with the aforementioned classified materials shall be exempt, for the period January 4, 1975, to January 3, 1976, from the provisions of section 10(a) (1) and (a) (3), relating to open meetings and public participation therein, because the Committee and subcommittee discussions will be concerned with matters listed in section 552(b) (1) of Title 5, United States Code. The remaining portions of the meetings will be open to the public.

Dated: December 16, 1974.

GUY W. CHAMBERLIN, Jr.,
Assistant Secretary for
Administration.

Dated: December 12, 1974.

ALFRED MEISNER,
Acting General Counsel.

[FR Doc. 75-4244 Filed 2-13-75; 8:45 am]

Office of the Secretary
REPORT ON COAL EXPORT
MONITORING PROGRAM

Coal Export Monitoring Program. The Export Administration Act of 1969, as amended, provides in section 4(c) (1) that the Secretary of Commerce shall " * * * monitor exports, and contracts for exports, of any article, material or supply * * * when the volume of such exports in relation to domestic supply contributes, or may contribute, to an increase in domestic prices or a domestic shortage, and such price increase or shortage has, or may have a serious adverse impact on the economy or any sector thereof". The circumstances attending the strike of coal miners who are members of the United Mine Workers were judged to warrant the institution of bituminous coal export monitoring. Accordingly, Secretary of Commerce Frederick B. Dent ordered the monitoring of coal exports beginning with the work stoppage on November 12.

The monitoring program was set forth in detail in Export Administration Bulletin No. 129 of November 12, 1974 (39 FR 40279 of November 15, 1974). The program calls for exporters to report weekly their exports, contracts for exports and prices (average value) f.o.b. ports of exit, by country of destination. In addition, as a pre-strike baseline exporters were required to report their export shipments during the period October 1-November

15, 1974. Cooperation in the program has been excellent.

Data Provided by the Monitoring System. Under the coal export monitoring program, data have been collected for the month and a half prior to the strike

and are being collected for each week thereafter. Table 1 shows reported exports by country of destination for the respective time periods. Chart 1 illustrates the weekly export totals.

TABLE 1
BITUMINOUS COAL EXPORTS¹ BY COUNTRY OCT. 1, 1974 THROUGH JAN. 10, 1975
[In short tons]

Country of destination	Oct. 1 through Nov. 15, 1974		Nov. 16 through Jan. 10, 1975	
	Total for period	Weekly average	Total for 8 weeks	Weekly average
Japan.....	4,180,539	637,545	2,325,860	290,732
Canada.....	3,480,246	539,606	2,044,864	255,608
Italy.....	458,440	74,035	627,447	78,431
Spain.....	380,900	50,332	214,007	26,751
France.....	324,013	49,308	286,000	35,750
Netherlands.....	289,048	43,988	136,786	17,098
Brazil.....	270,465	41,174	218,573	27,322
United Kingdom.....	257,100	39,123	218,006	27,326
Belgium.....	219,544	33,411	87,785	10,973
Germany.....	188,130	28,630	195,491	24,436
Argentina.....	70,948	10,794	60,641	8,330
Mexico.....	44,073	6,706	31,182	3,898
All other.....	190,815	29,036	138,555	17,319
Total all countries.....	10,400,453	1,582,679	6,591,797	823,974

¹ As stated in coal exporters' reports under Export Administration No. 129 of Nov. 12, 1974.

The range of reported export prices was from about \$23 to \$125 per ton f.o.b. for the period November 15, 1974 to January 10, 1975. During the same period, new contracts entered into for export totalled 2.75 million tons and contracts cancelled totalled 5.37 million tons. Reported anticipated exports for the month of February are 5.5 million tons. Anticipated shipments have been highly variable in the weekly reports and are considered unreliable as an indicator of tonnage which will actually be shipped.

Domestic Coal Market Conditions. U.S. production of bituminous coal has increased over the past decade, but at a very slow pace (about 2 percent annually). Production peaked in 1970 at 603 million tons. Preliminary estimates for 1974 are about 593 million tons compared to 1973 production of 592 million tons. Production through the first seven months of 1974 was nearly 7 percent above the corresponding period of 1973. However, production losses during subsequent months eliminated this percentage gain by the end of the year.

Table 2 shows weekly production data during the monitoring period. The impact of the coal miners' strike from mid-November to mid-December is readily apparent. Normal levels of output have now been resumed. Consequently supplies for 1975 should exceed those for 1974.

TABLE 2
ESTIMATED UNITED STATES WEEKLY PRODUCTION OF COAL
[In millions of tons]

Week ending--	1974	1973 (nearest week)
Oct. 5.....	12.9	11.9
Oct. 12.....	13.5	12.0
Oct. 19.....	13.0	11.9
Oct. 26.....	13.8	12.0
Nov. 2.....	13.4	11.7
Nov. 9.....	14.4	12.1
Nov. 16.....	7.3	11.6
Nov. 23.....	4.6	10.3
Nov. 30.....	4.3	11.5
Dec. 7.....	5.3	13.2
Dec. 14.....	10.1	13.1
Dec. 21.....	10.4	11.7
Dec. 28.....	8.9	8.2
Jan. 4.....	10.5	9.9

Source: U.S. Bureau of Mines.

Imports as a source of supply increased from 1973 to 1974 sixteenfold to 2 million tons. However, coal obtained from foreign sources remains such a small amount compared to domestic sources that its contribution to total supply is negligible.

Demands upon domestic coal supplies in 1974 were comparable to those in 1973. Through October, domestic consumption had increased about 1 percent to 464 million tons. Electric utilities accounted for about 69 percent of this total, oven coke plants 16 percent, and other manufacturing and mining 11 percent. During the subsequent decline in production, consumers were able to draw upon accumulated coal stocks (Table 3) thus minimizing the impact of the strike on the economy.

TABLE 3

ESTIMATED STOCKS OF BITUMINOUS COAL AT ELECTRIC UTILITIES, INDUSTRIAL PLANTS, AND RETAIL DEALER YARDS IN THE UNITED STATES, 1974

	Nov. 13		Nov. 30		Dec. 14	
	Million tons	Days supply	Million tons	Days supply	Million tons	Days supply
Electric utilities.....	101.0	95	92.8	78	85.5	73
Oven-coke plants.....	9.3	37	7.9	42	6.8	34
Steel and rolling mills.....	.6	37	.4	22	.2	14
Other manufacturing and mining.....	10.2	57	7.9	43	7.1	35
Retail dealers.....	.5	14	.3	6	.3	4

Source: U.S. Bureau of Mines.

Export shipments of domestic output were also consistent with recent experience. During the beginning of the monitoring period approximately 1.2 million tons of coal were on hand at points of exportation and at least a quarter of a million tons of coal were in transit to ports. As production declined the level of exports was initially maintained. However, as these stockpiles were depleted export shipments declined rapidly. While domestic coal production fell from a weekly average of 13.5 million tons for the six weeks preceding the strike to a low point of 4.3 million tons, or a decline of about 70 percent, exports fell from an average of 1.58 million tons per week for the comparable period to a low of 270 thousand tons or a decline of over 80 percent. Comparing the low four weeks of production and exports, approximately 10 percent of domestic coal went to foreign markets which is nearly equivalent to the 1974 annual percentage (estimated 60 million tons exported out of 593 million tons output).

During 1974 domestic coal prices were dispersed over an extraordinarily wide range. F.o.b. mine prices for some utility coal on firm long term contract have been reported as low as \$4 to \$5 per ton. At the opposite extreme, relatively small volume sales on a spot basis have been made at more than \$80 a ton. The Department of the Interior has estimated that, during the work stoppage, coal was selling at retail yards at prices ranging between \$30 and \$85 per ton. Indications are that prices generally increased 75 to 100 percent in 1974. Barring a repeat of extraordinary events in the energy sector, coal prices should demonstrate greater stability in 1975.

The International Market for Coal.

The world coal market in 1973-1974 was characterized by strong demand, lagging production increases and rapidly rising prices, with spot coal prices reaching record levels. As an energy commodity in international trade, bituminous coal runs a distant second to oil in terms of volume or value, but far ahead of natural gas and lesser forms of energy. In 1973, nearly 190 million tons (about one tenth of world output) entered international markets. Table 4 gives the percentage distribution of this trade.

TABLE 4

PRINCIPAL COAL EXPORTING AND IMPORTING COUNTRIES, 1973

	Percent supplied
Exporters:	
United States.....	28.4
Poland.....	21.0
U.S.S.R.....	14.6
Australia.....	14.6
Federal Republic of Germany.....	8.2
Canada.....	6.4
Others.....	6.8
Total.....	100.0
	Percent received
Importers:	
Japan.....	33.2
Canada.....	8.8
France.....	7.4
Italy.....	6.8
U.S.S.R.....	5.8
Belgium-Luxembourg.....	4.4
German Democratic Republic.....	4.4
Federal Republic of Germany.....	4.1
Bulgaria.....	3.4
Czechoslovakia.....	3.1
Others.....	18.6
Total.....	100.0

Source: U.S. Bureau of Mines.

The export of coal is an important source of foreign exchange for the United States. Total coal exports in 1973 of 53 million tons provided \$1 billion in hard currency earnings. The estimated 60 million tons exported in 1974 returned approximately \$2.4 billion.

U.S. coal exports have traditionally consisted in large part of the highest quality coking coals, primarily low volatile coals from the Appalachian region. The preeminence in quality and large tonnage have made the United States the world's coking coal price leader. Reliable and comprehensive data on recent international coal prices are sparse and difficult to come by. The following selected price averages from the Department of the Interior show clearly the 1973-74 world price trend, although some part of the variation between countries represents differences in coal quality and transportation charges. U.S. coal export traders have stated that during the coal strike, their prices to the export market did not change appreciably.

AVERAGE VALUES OF COALS (PER SHORT TON) DELIVERED TO JAPAN

Country of origin	August 1973	August 1974
United States.....	33.03	78.29
Australia.....	28.14	38.97
Soviet Union.....	23.16	41.22
Canada.....	24.72	40.70
Poland.....	28.65	47.43

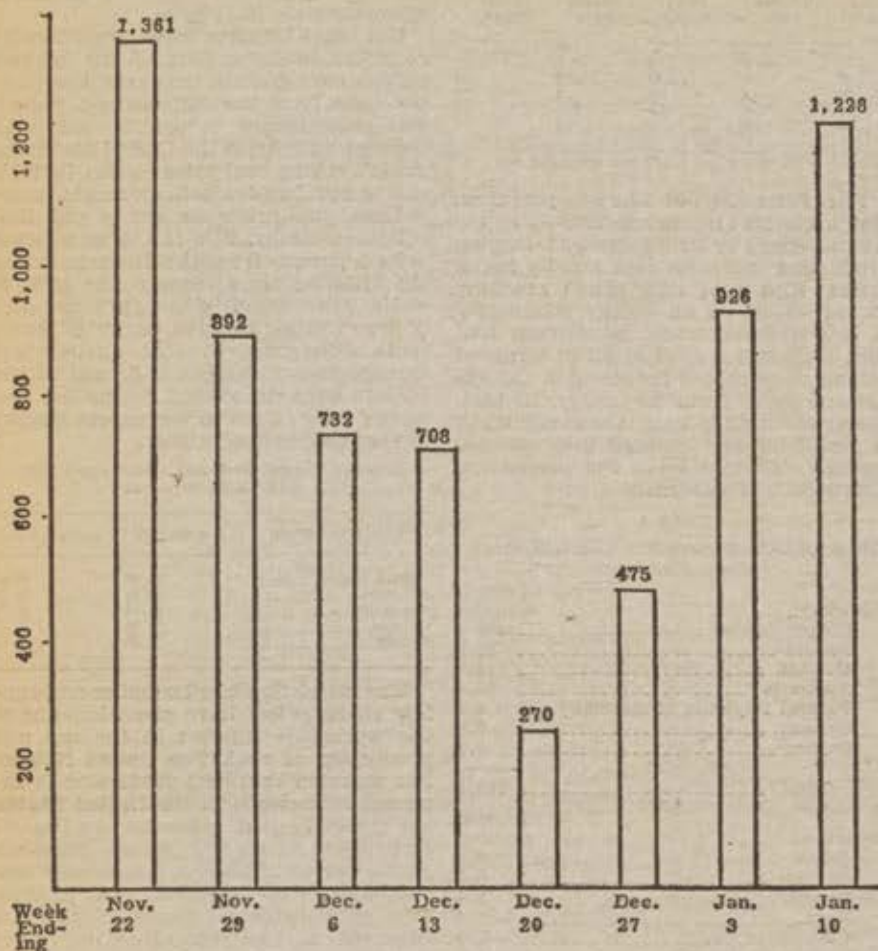
The restriction of oil supplies and rapidly rising prices have given impetus to the worldwide interest in the use and production of coal. The United Nations has reported that coal production is expected to increase in the United States, the USSR, Poland, Australia, the Republic of South Africa and Canada. Although geological conditions are generally unfavorable, West European coal production, in response to government policy, is expected to stabilize after its recent decline.

As announced in the FEDERAL REGISTER for February 3, 1975, the coal export monitoring program was terminated on January 28, 1975. Accordingly, this will be the only report to be issued on the program.

FREDERICK B. DENT,
Secretary of Commerce.

Chart 1
Weekly Bituminous Coal Exports

Thousands
of short tons



Source: Based on data received pursuant to Export Administration Bulletin No. 129

[FR Doc.75-4046 Filed 2-13-75;8:45 am]

ROOM AIR CONDITIONER EFFICIENCY RANGES

Voluntary Labeling Program for Household Appliances and Equipment To Effect Energy Conservation

By notice published in the FEDERAL REGISTER May 1, 1974 (39 FR 15196), the Department of Commerce announced issuance of Voluntary Energy Conservation Specification No. 1-74, for room air conditioners, under the provisions of the Procedures for a Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation, 15 CFR Part 9.

In Voluntary Energy Conservation Specification No. 1-74, section 2.3 requires that Appendix A to that specification, containing values for cooling capacity ranges and energy efficiency ratio (EER) ranges for use on labels, shall be updated on an annual basis starting in January 1975. Section 10.0 of the specification provides that Appendix A may be updated and published without first publishing notice of the proposed change in the FEDERAL REGISTER.

Accordingly, the updated Appendix A to Voluntary Energy Conservation Specification No. 1-74 is hereby issued. The new room air conditioner EER range values shall be utilized as prescribed in section 4.4.1 of that specification.

Issued: February 10, 1975.

BETSY ANCKER-JOHNSON,
Assistant Secretary for
Science and Technology.

Following is the revised Appendix A:

VOLUNTARY ENERGY CONSERVATION-SPECIFICATION 1-74, FOR ROOM AIR CONDITIONERS

APPENDIX A: COOLING CAPACITY RANGES AND EER RANGES FOR USE ON LABELS AND IN CATALOGS

REVISED JANUARY 1975

RATED COOLING CAPACITY OF MODEL TO BE LABELED OR LISTED IN CATALOG, Btu PER HOUR	COOLING CAPACITY RANGE FOR USE ON LABEL OR IN CATALOG, Btu PER HOUR	EER RANGE FOR USE ON LABEL OR IN CATALOG, Btu PER WATT-HOUR			
		WINDOW MODELS*		THROUGH-WALL MODELS**	
		115 VOLT MODELS	HIGHER VOLTAGE MODELS	115 VOLT MODELS	HIGHER VOLTAGE MODELS
UP TO 4,799	UP TO 5,000	5.1 TO 8.8	-----	6.5 TO 6.5	-----
4,800 to 5,199	4,500 to 5,500	5.1 TO 8.8	-----	6.5 TO 6.5	-----
5,200 to 5,799	5,000 to 6,000	5.1 TO 8.8	-----	6.0 TO 7.0	-----
5,800 to 6,199	5,500 to 6,500	5.6 TO 9.3	-----	6.0 TO 7.7	-----
6,200 to 6,799	6,000 to 7,000	5.6 TO 10.5	-----	6.0 TO 10.5	-----
6,800 to 7,199	6,500 to 7,500	5.2 TO 10.5	-----	5.2 TO 10.5	-----
7,200 to 7,799	7,000 to 8,000	5.2 TO 9.3	-----	5.2 TO 9.3	6.2 TO 6.5
7,800 to 8,199	7,500 to 8,500	5.5 TO 9.9	5.6 TO 6.5	6.0 TO 9.3	5.6 TO 7.5
8,200 to 8,799	8,000 to 9,000	5.8 TO 10.5	5.6 TO 6.9	6.0 TO 9.4	4.9 TO 7.7
8,800 to 9,199	8,500 to 9,500	6.5 TO 10.7	5.6 TO 6.9	6.4 TO 10.7	4.9 TO 7.7
9,200 to 9,799	9,000 to 10,000	6.5 TO 11.6	5.5 TO 7.1	6.4 TO 11.6	4.9 TO 7.7
9,800 to 10,199	9,500 to 10,500	7.2 TO 11.6	5.5 TO 7.9	7.3 TO 11.6	4.9 TO 7.9
10,200 to 10,799	10,000 to 11,000	7.2 TO 11.6	5.5 TO 8.0	7.3 TO 11.6	5.0 TO 8.0
10,800 to 11,199	10,500 to 11,500	7.6 TO 8.5	5.8 TO 8.0	-----	5.1 TO 8.0
11,200 to 11,799	11,000 to 12,000	8.0 TO 8.9	5.7 TO 8.2	-----	5.2 TO 6.9
11,800 to 12,199	11,500 to 12,500	8.3 TO 9.4	5.0 TO 8.2	9.4 TO 9.4	5.3 TO 7.8
12,200 to 12,799	12,000 to 13,000	8.7 TO 9.6	5.0 TO 8.3	9.4 TO 9.4	5.7 TO 8.3
12,800 to 13,199	12,500 to 13,500	9.4 TO 9.8	5.0 TO 8.5	9.6 TO 9.6	4.8 TO 8.5
13,200 to 13,799	13,000 to 14,000	9.4 TO 10.2	5.0 TO 8.5	9.6 TO 10.2	4.8 TO 8.5
13,800 to 14,199	13,500 to 14,500	9.8 TO 10.2	5.1 TO 8.3	10.2 TO 10.2	4.8 TO 5.7
14,200 to 14,799	14,000 to 15,000	10.1 TO 10.2	5.1 TO 7.7	10.2 TO 10.2	4.8 TO 6.7
14,800 to 15,199	14,500 to 15,500	-----	5.4 TO 8.0	-----	4.8 TO 7.8
15,200 to 15,799	15,000 to 16,000	-----	5.4 TO 8.4	-----	4.8 TO 8.4
15,800 to 16,499	15,500 to 16,800	-----	5.8 TO 8.5	-----	5.5 TO 8.5
16,500 to 17,499	16,200 to 17,800	-----	5.8 TO 8.6	-----	5.8 TO 7.6
17,500 to 18,499	17,200 to 18,800	-----	6.0 TO 9.3	-----	6.5 TO 9.0
18,500 to 19,499	18,200 to 19,800	-----	6.0 TO 9.3	-----	7.1 TO 9.3
19,500 to 20,499	19,200 to 20,800	-----	6.2 TO 7.3	-----	6.3 TO 7.2
20,500 to 21,499	20,200 to 21,800	-----	6.4 TO 7.6	-----	6.7 TO 6.7
21,500 to 22,499	21,200 to 22,800	-----	5.8 TO 7.9	-----	-----
22,500 to 24,499	22,000 to 25,000	-----	5.8 TO 9.4	-----	6.5 TO 8.0
24,500 to 26,499	24,000 to 27,000	-----	5.9 TO 9.4	-----	6.7 TO 7.3
26,500 to 28,499	26,000 to 29,000	-----	5.9 TO 8.0	-----	6.7 TO 7.5
28,500 to 30,499	28,000 to 31,000	-----	6.0 TO 7.8	-----	-----
30,500 to 33,499	30,000 to 34,500	-----	6.0 TO 7.1	-----	6.2 TO 6.3
33,500 to 36,000	32,500 to 36,000	-----	6.2 TO 7.1	-----	6.2 TO 6.3

From data supplied by the Association of Home Appliance Mfrs. Includes only units operating on 60 Hz electrical service.

* Includes EER ratings of all window models as defined in 3.5.

** Includes EER ratings of all through-wall models as defined in 3.6 plus EER ratings of window models suitable for mounting through a wall.

[FR Doc.75-4090 Filed 2-10-75;4:20 pm]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL PANEL ON ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the Alcohol, Drug Abuse, and Mental Health Administration announces the establishment by the Secretary, Department of Health, Education, and Welfare, on January 24, 1975, of the following advisory committee:

Designation. National Panel on Alcohol, Drug Abuse, and Mental Health.

Purpose. The National Panel on Alcohol, Drug Abuse, and Mental Health shall advise, consult with, and make recommendations to the Secretary concerning the activities to be carried out through the Alcohol, Drug Abuse, and Mental Health Administration.

This charter is effective through January 24, 1977.

Dated: February 10, 1975.

JAMES D. ISBISTER,
Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.75-4163 Filed 2-13-75;8:45 am]

Office of Education

EDUCATION PROFESSIONS DEVELOPMENT: VOCATIONAL EDUCATION LEADERSHIP DEVELOPMENT PROGRAM

Closing Dates for Receipt of Recommendations

Pursuant to authority contained in section 552 of the Education Professions Development Act (Title V of the Higher Education Act of 1965, as amended; (20 U.S.C. 1119c-1)), notice is hereby given that the Commissioner of Education has established closing dates for receipt of recommendations from State Boards of Vocational Education, of individuals to receive Leadership Development Awards and of graduate

programs of vocational education leadership development in institutions of higher education to participate in the Vocational Education Leadership Development Program. This program will be subject to the regulations published in 45 CFR Part 174, subpart F, and applicable provisions of subchapter A of this chapter (45 CFR Part 100a).

The criteria which will be used by the State Boards of Vocational Education in recommending Leadership Development Award recipients and by the Commissioner in selecting award recipients, and the criteria to be used by those State Boards in approving and recommending programs of vocational education leadership development and by the Commissioner in approving those recommended programs are published as §§ 174.243-246, and 174.250 of Part 174, Title 45 of the Code of Federal Regulations.

Recommendations of approved programs of vocational education leadership development must be received by the U.S. Office of Education Application Control Center on or before March 18, 1975 and recommendations of individuals to receive Leadership Development Awards must be received by the same Application Control Center on or before April 18, 1975.

A. Recommendations sent by mail. Statements of recommendations sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.503, Vocational Education Personnel Development Awards. Documents sent by mail will be deemed to have been received on time:

(1) If the document was sent by registered or certified mail not later than March 13, 1975 for institutions and April 14, 1975 for individuals, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) If the document is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. Hand delivered documents. A document to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered documents will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Documents will not be accepted after 4:00 p.m. on the closing date.

C. Program information and forms. Information and forms may be obtained from the Division of Educational Systems Development, Bureau of Occupa-

tional and Adult Education, Office of Education, Room 3032, 7th and D Streets, SW., Washington, D.C. 20202.

(Catalog of Federal Domestic Assistance Number 13.503 Vocational Education Personnel Development Awards)

Dated: February 7, 1975.

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

[FR Doc. 75-4204 Filed 2-13-75; 8:45 am]

EDUCATION PROFESSIONS DEVELOPMENT; VOCATIONAL EDUCATION TRAINING—STATE SYSTEMS PROGRAM

Closing Date for Receipt of Applications

Pursuant to the authority contained in section 553 of the Education Professions Development Act (Title V of the Higher Education Act of 1965 as amended; (20 U.S.C. 1119c-2)), notice is hereby given that the U.S. Commissioner of Education has established a closing date for receipt of applications from State boards of vocational education for grants of financial assistance to continue their project activities under the EPDA Vocational Education Training—State Systems Program (Education Professions Development Act, Part F).

Applications must be submitted to the Regional Office of the Office of Education serving the area in which the applicant is located and must be received by that Regional Office on or before April 4, 1975.

The addresses are as follows:

Region I. Boston: Ms. Ruth Moran, Application Control Center, Office of Education/DHEW, J. F. Kennedy Federal Bldg., Room 2302, Boston, Massachusetts 02203.

Region II. New York: Application Control Center, Office of Education/DHEW, 26 Federal Plaza—Room 3954, New York, New York 10007.

Region III. Philadelphia: Mr. James Roberts, Office of Education/DHEW, 3535 New Gateway Bldg.—Room 16200, Philadelphia, Pennsylvania 19108.

Region IV. Atlanta: Mrs. Gussie Rudin, Office of Education/DHEW, Application Control Center—Room 555, 50 Seventh Street, N.E., Atlanta, Georgia 30323.

Region V. Chicago: Application Control Center, Office of Education, 300 South Wacker Drive—32nd Floor, Chicago, Illinois 60606.

Region VI. Dallas: Mrs. Virginia Lynn, Application Control Center, Office of Education, 1114 Commerce Street—Room 1011, Dallas, Texas 75202.

Region VII. Kansas City: Application Control Center, Office of Education/DHEW, New Federal Office Building—Room 458, 601 East 12th Street, Kansas City, Missouri 64106.

Region VIII. Denver: Application Control Center, Office of Education/DHEW, Federal Regional Office Bldg.—Room 11023, 1961 Stout Street, Denver, Colorado 80202.

Region IX. San Francisco: Application Control Center, Office of Education/DHEW, 50 Fulton Street—Room 334, San Francisco, California 94102.

Region X. Seattle: Application Control Center, Office of Education/DHEW, Arcade Plaza Building, 1321 Second Avenue—Room 508, Seattle, Washington 98101.

A. Applications sent by mail. An application sent by mail will be considered to

have been received on time by the Regional Office if:

(1) The application was sent by registered or certified mail not later than March 31, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by the appropriate Regional Office mail room.

(In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, the U.S. Office of Education or the Regional Offices.)

B. Hand delivered applications. An application to be hand delivered must be taken to the appropriate U.S. Office of Education Regional Office at the address listed above in this notice. No application will be accepted after the normal close of business time by a U.S. Office of Education Regional Office on the closing date.

C. Program information and forms. Information and forms may be obtained from the Division of Educational Systems Development, Bureau of Occupational and Adult Education, Office of Education, Room 3032 ROB-3, 7th and D Streets, SW., Washington, D.C. 20202.

D. Applicable Regulations. Grants under this program are subject to the Office of Education General Provisions Regulations (45 CFR Part 100a) and the regulations for this program (45 CFR 174.251-253).

(Catalog of Federal Domestic Assistance number 13.504, Vocational Education Personnel Development—Professional Personnel Development for States)

Dated: February 7, 1975.

T. H. BELL,
U.S. Commissioner of Education.
[FR Doc. 75-4203 Filed 2-13-75; 8:45 am]

ADVISORY COMMITTEE ON THE EDUCATION OF BILINGUAL CHILDREN Public Meeting

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that a meeting of the Advisory Committee on the Education of Bilingual Children will be held from 9 a.m. to 5 p.m. on Monday, March 3, and on Tuesday, March 4, 1975 from 9 a.m. to 5 p.m. The Committee will meet in Room 5169, Department of Health, Education, and Welfare (North Building), 330 Independence Avenue SW., Washington, D.C.

The Advisory Committee on the Education of Bilingual Children is established pursuant to section 708 of the Bilingual Education Act (20 U.S.C. 880b-5) to advise the Secretary of Health, Education, and Welfare and the Commissioner of Education concerning matters arising in administration of the Bilingual Education Act.

The meeting shall be opened to the public. The proposed agenda for the Committee meeting is:

1. Committee report on position paper and draft.
2. Annual Report to the Commissioner.
3. New Business.

Records shall be kept of all proceedings, and shall be available for public inspection at Room 3600, Regional Office Building #3, 7th and D Streets SW., Washington, D.C. 20202.

Signed at Washington, D.C., on February 7, 1975.

LEROY WALSER,
Acting Director, Division
of Bilingual Education.

[FR Doc. 75-4123 Filed 2-13-75; 8:45 am]

Food and Drug Administration LARGE VOLUME PARENTERALS

Availability of Draft Regulations Concerning Good Manufacturing Practices

The Food and Drug Administration has recently learned that representatives of industry have obtained copies of a working draft of proposed regulations covering current good manufacturing practices in the large volume parenteral drug industry. Disclosure of this draft was unauthorized. The draft incorporates certain novel features of potentially broad interest to industry and the public. These include qualification and certification requirements for plants, processes, and products; mandatory self-inspection; and requirements concerning systems for reporting product defects.

The Commissioner of Food and Drugs concludes that since the draft is in the possession of one or more members of the regulated industry, it should be made available to all interested persons. Accordingly, a copy of this draft document has been placed on display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, and may be seen during working hours, Monday through Friday.

Since this draft document is still undergoing review within the Food and Drug Administration, the draft copy on display does not necessarily represent final Agency thinking on this matter. Therefore, comments are not solicited on this draft. All members of the public will be afforded an opportunity to comment when a document is published in the FEDERAL REGISTER as a notice of proposed rule making.

Dated: February 11, 1975.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 75-4160 Filed 2-11-75; 11:39 am]

Health Resources Administration NATIONAL ADVISORY COUNCIL ON NURSE TRAINING Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), the Adminis-

trator, Health Resources Administration, announces the meeting dates and other required information for the following National Advisory body scheduled to assemble during the month of March 1975:

National Advisory Council on Nurse Training, March 12-14, 1975, 10:30 a.m., Conference Room 10, Building 31, NIH, Bethesda, Maryland. Open on March 12, 10:30 a.m. to 12 noon. Closed remainder of meeting. Contact Dr. Mary S. Hill, Federal Building, Room 6C-18, 9000 Rockville Pike, Bethesda, Maryland 20014. Telephone 301-496-6985.

Purpose. Performs final review of applications for construction projects, special projects for the improvement of nurse training, and research grants. Recommends approval, disapproval, or deferral action to the Administrator, HRA.

Agenda. Agenda items for the open portion of the meeting will include announcements, consideration of minutes of previous meeting, discussion of future dates for 1975, and administrative and staff reports. During the remainder of the meeting, the Council will conduct a final review of grant applications for Federal assistance and will not be open to the public in accordance with the provisions set forth in section 552(b)(4), Title 5 U.S. Code and the Determination by the Administrator, HRA, pursuant to the provisions of Pub. L. 92-463, section 10(d).

Agenda items are subject to change as priorities dictate.

That portion of the meeting so indicated, is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, or other relevant information, should contact the person indicated above.

Dated: February 7, 1975.

DANIEL P. WHITESIDE,
Associate Administrator for Op-
erations and Management,
Health Resources Adminis-
tration.

[FR Doc. 75-4133 Filed 2-13-75; 8:45 am]

Health Services Administration INTERAGENCY COMMITTEE ON EMERGENCY MEDICAL SERVICES Meeting

Pursuant to the Federal Advisory Act (Pub. L. 92-463), the Administrator, Health Services Administration, announces the meeting dates and other required information for the following National Advisory body scheduled to assemble during the month of March 1975:

Interagency Committee on Emergency Medical Services, March 24, 1975, 9 a.m., Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852. Open for entire meeting. Contact John D. Reardon, DEMS/BMS, 6625 Belcrest Road, Room 320, Hyattsville, Maryland 20782. Telephone 301-436-6284.

Purpose. The Committee will provide for the communication and exchange of information necessary to maintain the coordination and effectiveness among such Federal programs and activities and make recommendations to the Secretary respecting the administration of grants and contracts under Title XII, including making regulations for the emergency medical services systems program.

Agenda. The agenda will include a review of FY 1975 grant funding, discussion of program guidance and work-group activities; and a presentation by the Department of Transportation.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation. Anyone wishing to attend, obtain a roster of members, or other relevant information should contact the person listed above. Public seating is limited to forty (40). Please contact at least 72 hours before the meeting.

Dated: February 3, 1975.

ANDREW J. CARDINAL,
Associate Administrator for
Management, Health Services
Administration.

[FR Doc. 75-4132 Filed 2-13-75; 8:45 am]

National Institutes of Health ADVISORY COMMITTEE TO THE DIRECTOR, NIH Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Advisory Committee to the Director, NIH, April 14-15, 1975, National Institutes of Health, Building 1, Conference Room 114.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on April 14, and from 9 a.m. to 1 p.m. on April 15 to discuss policy matters of concern to the Director, NIH. Attendance by the public will be limited to space available.

The Executive Secretary, Charles R. McCarthy, Ph. D., National Institutes of Health, Building 1, Room 224, 301-496-3471, will furnish summaries of the meeting, rosters of committee members and substantive program information.

Dated: February 10, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 75-4170 Filed 2-13-75; 8:45 am]

NATIONAL CANCER INSTITUTE Advisory Committee Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Some of these meetings will be closed as indicated below in accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 for the review, discussion and evaluation of individual research contract proposals as indicated. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301-496-5708) will furnish summaries of the meetings and rosters of committee members upon request. Substantive program information can be obtained from the Executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014 unless otherwise stated.

Name of committee: Committee on Cancer Immunobiology.

Dates: March 5-7, 1975, 9 a.m.

Place: Landow Building, Room: Conference Room C-418, National Institutes of Health.

Times: Open: March 5, 9 a.m.-9:30 a.m. Closed: March 5, 9:30 a.m.-11 p.m. Closed: March 6, 10 a.m.-11 p.m. Closed: March 7, 10 a.m.-adjournment.

Closure reason: To review research contract proposals.

Executive Secretary: Dr. Barbara Sanford, Address: Building 10, Room: 4B17, National Institutes of Health, Phone: 301-496-1791.

(Catalog of Federal Domestic Assistance Number: 13.825.)

Name of committee: Cancer Control Community Activities Review Committee.

Dates: March 6-7, 1975, 8:30 a.m.

Place: Building 31C, Room: Conference Room 6, National Institutes of Health.

Times: Open: March 6, 8:30 a.m.-9 a.m. Closed: March 6, 9 a.m.-5 p.m. Closed: March 7, 8:30 a.m.-adjournment.

Closure reason: To Review Research Contract Proposals.

Executive Secretary: Dr. Veronica L. Conley, Address: Blair Building, Room 7A01, National Institutes of Health, Phone: 301-427-7943.

(Catalog of Federal Domestic Assistance Number: 13.825.)

Name of committee: Cancer Control Supportive Services Review Committee.

Dates: March 6-7, 1975, 8:30 a.m.

Place: Building 31C, Room: Conference Room 8, National Institutes of Health.

Times: Open: March 6, 8:30 a.m.-9 a.m. Closed: March 6, 9 a.m.-5 p.m. Closed: March 7, 8:30 a.m.-adjournment.

Closure reason: To Review Research Contract Proposals.

Executive Secretary: Dr. Veronica L. Conley, Address: Blair Building, Room 7A01, National Institutes of Health, Phone: 301-427-7943.

(Catalog of Federal Domestic Assistance Number: 13.825.)

Name of committee: Committee on Cancer Immunodiagnosis.

Dates: March 9-11, 1975, 7 p.m.

Place: Landow Building, Room: Conference Room C-418, National Institutes of Health.

Times: Open March 9, 7 p.m.-7:30 p.m. Closed: March 9, 7:30 p.m.-11:30 p.m. Closed: March 10, 8:30 a.m.-11:30 p.m. Closed: March 11, 8:30 a.m.-adjournment.

Closure reason: To Review Research Contract Proposals.

Executive Secretary: Ms. Judith M. Magnotta, Address: Building 10, Room: 4B17, National Institutes of Health, Phone: 301-496-1791.

(Catalog of Federal Domestic Assistance Number: 13.825.)

Name of committee: Cancer Clinical Investigation Review Committee.

Dates: March 10, 1975, 9 a.m.

Place: Building 31A, Room: Conference Room 2, National Institutes of Health.

Times: Open for the Entire Meeting.

Agenda: To plan a proposed OCIRC self-evaluation and program advisory workshop.

Executive Secretary: Dr. John E. Lane, Address: Westwood Building, Room: 803, National Institutes of Health, Phone: 301-496-7903.

Name of committee: Cancer Control Intervention Programs Review Committee.

Dates: March 10-11, 1975, 8:30 a.m.

Place: Building 31C, Room: Conference Room 7, National Institutes of Health.

Times: Open: March 10, 8:30 a.m.-9 a.m. Closed: March 10, 9 a.m.-5 p.m. Closed: March 11, 8:30 a.m.-adjournment.

Closure reason: To Review Research Contract Proposals.

Executive Secretary: Dr. Veronica L. Conley, Address: Blair Building, Room: 7A01, National Institutes of Health, Phone: 301-427-7943.

(Catalog of Federal Domestic Assistance Number: 13.825.)

Name of committee: Subcommittee on Environmental Carcinogenesis.

Dates: March 11, 1975, 9:30 a.m.

Place: Building 31C, Room: Conference Room 10, National Institutes of Health.

Times: Open for the Entire Meeting.

Agenda: Formulation of recommendations concerning potential problems in environmental carcinogenesis.

Executive Secretary: Dr. W. Gary Flamm, Address: Building 31, Room: 11A05, National Institutes of Health, Phone: 301-496-5946.

Name of committee: Committee on Cancer Immunotherapy.

Dates: March 13, 1975, 1 p.m.

Place: Building 10, Room: Conference Room 4B14, National Institutes of Health.

Times: Open: March 13, 1 p.m.-1:30 p.m. Closed: March 13, 1:30 p.m.-adjournment.

Closure reason: To Review Research Contract Proposals.

Executive Secretary: Dr. Dorothy Windhorst, address: Building 10, Room: 4B17, National Institutes of Health, Phone: 301-496-1791.

(Catalog of Federal Domestic Assistance Number: 13.825.)

Name of committee: Breast Cancer Epidemiology Committee.

Dates: March 14, 1975, 9 a.m.

Place: Building 31A, Room: Conference Room 2, National Institutes of Health.

Times: Open: March 14, 3 p.m.-adjournment. Closed: March 14, 9 a.m.-3 p.m.

Agenda/open portion: Fiscal Year 1976 Project Plan discussion.

Closure reason: To Review Research Contract Proposals.

Executive Secretary: Dr. Bernice T. Radovich, Address: Landow Building, Room: B404, National Institutes of Health, Phone: 301-496-6773.

(Catalog of Federal Domestic Assistance Number: 13.825.)

Name of committee: Committee on Cancer Immunotherapy.

Dates: March 20, 1975, 1 p.m.

Place: Building 10, Room: Conference Room 4B14, National Institutes of Health.

Times: Open: March 20, 1 p.m.-1:30 p.m. Closed: March 20, 1:30-adjournment.

Closure reason: To Review Research Contract Proposals.

Executive Secretary: Dr. Dorothy Windhorst, Address: Building 10, Room: 4B17, National Institutes of Health, Phone: 301-496-1791.

(Catalog of Federal Domestic Assistance Number: 13.825.)

Name of committee: Breast Cancer Diagnosis Committee.

Dates: March 21, 1975, 9 a.m.

Place: Building 31A, Room: Conference Room 3, National Institutes of Health.

Times: Open: March 21, 3 p.m.-adjournment. Closed: March 21, 9 a.m.-3 p.m.

Agenda/open portion: Fiscal Year 1976 Project Plan Discussion.

Closure reason: To Review Research Contract Proposals.

Executive Secretary: Dr. Bernice T. Radovich, Address: Landow Building, Room: B404, National Institutes of Health, Phone: 301-496-6773.

(Catalog of Federal Domestic Assistance Number: 13.825.)

Name of committee: Committee on Cancer Immunobiology.

Dates: March 31, 1975, 2 p.m.

Place: Building 10, Room: Conference Room 4B14, National Institutes of Health.

Times: Open: March 31, 2 p.m.-2:30 p.m. Closed: March 31, 2:30 p.m.-adjournment.

Closure reason: To Review Research Contract Proposals.

Executive Secretary: Dr. Barbara H. Sanford, Address: Building 10, Room: 4B17, National Institutes of Health, Phone: 301-496-1791.

(Catalog of Federal Domestic Assistance Number: 13.825.)

Name of committee: Virus Cancer Program Scientific Review Committee A.

Dates: April 10-11, 1975, 8:30 a.m.

Place: Building 31C, Room: Conference Room 10, National Institutes of Health.

Times: Open: April 10, 8:30 a.m.-9:30 a.m. Closed: April 10, 9:30 a.m.-5 p.m. Closed: April 11, 8:30 a.m.-adjournment.

Closure reason: To Review Research Contract Proposals.

Executive Secretary: Dr. Elke Jordan, Address: Building 37, Room: 1A01, National Institutes of Health, Phone: 301-496-6927.

(Catalog of Federal Domestic Assistance Number: 13.825.)

Name of committee: Diagnostic Radiology Committee.

Dates: April 23, 1975, 8:30 a.m.

Place: Landow Building, Room: Conference Room C-418, National Institutes of Health.

Times: Open: April 23, 8:30 a.m.-10:30 a.m. Closed: April 23, 11 a.m.-adjournment.

Agenda/open portion: Discussion of possible new areas of research and other business related to the Diagnostic Radiology Program.

Closure reason: To Review Research Contract Proposals.

Executive Secretary: Dr. R. Quentin Blackwell, Address: Building 31, Room: 3A10, National Institutes of Health, Phone: 301-496-1591.

(Catalog of Federal Domestic Assistance Number: 13.825.)

Name of committee: Virus Cancer Program Scientific Review Committee B.

Dates: April 23-29, 1975, 9 a.m.

Place: Building 37, Room: Conference Room 1B04, National Institutes of Health.

Times: Open: April 23, 9 a.m.-10 a.m. Closed: April 23, 10 a.m.-5 p.m. Closed: April 29, 9 a.m.-adjournment.

Closure reason: To Review Research Contract Proposals.

Executive Secretary: Mrs. Harriet L. Streicher, Address: Building 37, Room: 2D24, National Institutes of Health, Phone: 301-496-3301.

(Catalog of Federal Domestic Assistance Number: 13.825.)

Dated: February 5, 1975.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-4166 Filed 2-13-75;8:45 am]

**ARTIFICIAL KIDNEY-CHRONIC UREMIA
ADVISORY COMMITTEE**

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Artificial Kidney-Chronic Uremia Advisory Committee, National Institute of Arthritis, Metabolism, and Digestive Diseases, March 25-26, 1975, Building 31, Conference Room 2, National Institutes of Health.

This meeting will be open to the public on March 25 from 9 a.m. to 10 a.m. to discuss administrative reports. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 25, 1975, from 10 a.m. to 5 p.m. and on March 26, 1975, from 9 a.m. to adjournment for the review, discussion and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

The Information Officer, NIAMDD, NIH, Mr. Victor Wartofsky, Building 31, Room 9A04, Bethesda, Maryland 20014 301-496-3583 will provide summaries of the meeting, rosters of committee members, and substantive program information.

Dated: February 5, 1975.

SUZANNE L. FREMEAUX,
*Committee Management Officer,
National Institutes of Health.*

(Catalog of Federal Domestic Assistance Program No. 13.828, National Institutes of Health)

[FR Doc.75-4168 Filed 2-13-75;8:45 am]

**BOARD OF SCIENTIFIC COUNSELORS,
NATIONAL INSTITUTE OF ARTHRITIS,
METABOLISM, AND DIGESTIVE DIS-
EASES**

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Arthritis, Metabolism, and Digestive Diseases, April 25-26, 1975, National Institutes of Health, Building 4, Room 336. This meeting will be open to the public from 9 a.m. to 10 a.m. on April 25 to discuss the general trend in research as regards arthritis, metabolism, and digestive diseases. Attendance by the public will be limited to space available. In accordance with the provisions set forth in section 552(b)(6) Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 10 a.m. April 25 to adjournment April 26 for the critique and evaluation of the NIAMDD intramural program, and review of the performance of an investigator's project.

Mr. Victor Wartofsky, Information Officer, NIAMDD, NIH, Building 31, Room

9A04, Bethesda, Maryland 20014, 301-496-3583, will provide summaries of meetings and rosters of committee members.

Dated: February 6, 1975.

SUZANNE L. FREMEAUX,
*Committee Management Officer,
National Institutes of Health.*

[FR Doc.75-4169 Filed 2-13-75;8:45 am]

**CANCER CONTROL AND
REHABILITATION ADVISORY COMMITTEE**
Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control and Rehabilitation Advisory Committee, National Cancer Institute, March 3, 1975, National Institutes of Health, Building 31, Conference Room 7.

This meeting will be open to the public on March 3, 1975, from 9 a.m. to 1 p.m., to discuss current and projected programs of the Division of Cancer Control and Rehabilitation. Attendance by the public will be limited to space available. In accordance with the provisions set forth in section 552(b)(5) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 3, 1975, from 1 p.m. until adjournment for the review and discussion of the projected 1977 budget.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 301-496-5708 will furnish summaries of meetings and rosters of committee members.

Dr. Veronica L. Conley, Executive Secretary, Blair Building, Room 7A01, National Institutes of Health, Bethesda, Maryland 20014 301-427-7943 will furnish substantive program information.

Dated: February 5, 1975.

SUZANNE L. FREMEAUX,
*Committee Management Officer,
National Institutes of Health.*

[FR Doc.75-4164 Filed 2-13-75;8:45 am]

**IMMUNOLOGIC CONTROL OF VIRUS-
ASSOCIATED TUMORS IN MAN: PROS-
PECTS AND PROBLEMS**

Meeting

Notice is hereby given of a symposium entitled, "Immunologic Control of Virus-Associated Tumors in Man: Prospects and Problems," National Cancer Institute, April 7-9, 1975, Building 31, C wing, Conference Room 10.

This meeting will be open to the public from 8:30 a.m. to 5 p.m. on April 7 and 8, 1975, and from 8:30 a.m. to 1 p.m. on April 9, 1975, to review the current status of information on the immunologic control of virus-induced tumors in animals and the potential application of such studies to human cancer. Attendance by the public will be limited to space available.

For additional information, please contact: George J. Burton, Ph. D., Landow Building, Room C306, Division of Cancer Cause and Prevention, National Cancer

Institute, National Institutes of Health, Bethesda, Maryland 20014, 301-496-6086.

Dated: February 7, 1975.

SUZANNE L. FREMEAUX,
*Committee Management Officer,
National Institutes of Health.*

[FR Doc.75-4165 Filed 2-13-75;8:45 am]

NATIONAL COMMISSION ON DIABETES
Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Commission on Diabetes, National Institute of Arthritis, Metabolism, and Digestive Diseases, March 10 and 11, 1975, from 9 a.m. to 5 p.m., in Building 31, Conference Room 6, Bethesda, Maryland.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on March 10 and 11 to discuss: the role of the Commission and initial consideration of the status of research in the field, research studies required, the mechanisms by which studies should be supported, and the identification of resources needed in the performance of the Commission. Attendance by the public will be limited to space available.

Mr. Victor Wartofsky, Information Officer, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, 301-496-3583, will provide summaries of the meeting and rosters of the committee members. He will also provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.847, National Institutes of Health.)

Dated: February 5, 1975.

SUZANNE L. FREMEAUX,
*Committee Management Officer,
National Institutes of Health.*

[FR Doc. 75-4167 Filed 2-13-75;8:45 am]

**DEPARTMENT OF
TRANSPORTATION**

Coast Guard

[CGD 75 043]

**U.S. NATIONAL COMMITTEE FOR THE
PREVENTION OF MARINE POLLUTION**

Open Meeting

This is to give notice in accordance with section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 USC App. 1) of October 6, 1972 that the U.S. National Committee for the Prevention of Marine Pollution will conduct an open meeting on Tuesday, 4 March 1975 in Room 10234 of Department of Transportation, 400 7th Street SW., Washington, D.C. The meeting is scheduled to begin at 9:30 a.m.

The purpose of the meeting is to review the outcome of the second session of the Marine Environment Protection Committee (MEPC) of the Intergovernmental Maritime Consultative Organization (IMCO) and to begin preparations for the third session of the MEPC which is scheduled for June 1975 in London. In

particular the National Committee will discuss development of U.S. positions for three specific agenda items for the third MEPC session, i.e.: (1) means for ensuring the provision and maintenance of adequate reception facilities in ports; (2) consideration of draft revised performance standards for oily water separating equipment and oil content meters; and (3) studies of procedures and arrangements for the discharge of noxious liquid substances.

The National Committee for the Prevention of Marine Pollution was established by the Department of State to ascertain views and make recommendations regarding prevention of marine pollution.

Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing:

Capt D. C. Hintze
Chief, International Affairs Division
U.S. Coast Guard, (G-ALA/83)
Washington, D.C. 20590

or by calling 202-426-2280.

Dated: February 7, 1975.

J. A. PALMER,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Public and International Affairs.

[FR Doc.75-4251 Filed 2-13-75; 8:45 am]

[CGD 75044]

U.S. SOLAS SUBCOMMITTEE WORKING GROUP ON THE SAFETY OF FISHING VESSELS

Open Meeting

This is to give notice in accordance with section 10(a) of the Federal Advisory Committee Act (P.L. 92-463; 5 U.S.C. App. 1) of October 6, 1972 that the U.S. SOLAS Subcommittee Working Group on Safety of Fishing Vessels will conduct an open meeting. The meeting will be at 10 a.m. on Friday, 28 February 1975 in room 8238 of the Department of Transportation, 400 7th Street SW., Washington, D.C.

The purpose of the meeting is to discuss the agenda for the Safety of Fishing Vessels Subcommittee of the Intergovernmental Maritime Consultative Organization (IMCO). The Subcommittee will consider five sections of the latest draft text of the 1976 Safety of Fishing Vessel Convention including the articles, general provisions and three technical sections.

The Safety of Life at Sea Subcommittee was established by the Department of State to provide advice, from the best information available towards improvement of safety of life at sea. In addition the Subcommittee may consider any matters which may be put forward by the International Conference on Safety of Life at Sea, by the IMCO Assembly, Council on Maritime Safety Committee, or which may originate within the SOLAS Subcommittee itself.

Public members of the Subcommittee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing:

Mr. W. A. Cleary, Jr.,
Ship Characteristics Branch,
U.S. Coast Guard (G-MMT-5/82),
Washington, D.C. 20590.

or by calling 202-426-2187.

Dated: February 10, 1975.

J. A. PALMER,
Chief, Office of
Public and International Affairs.

[FR Doc.75-4252 Filed 2-13-75; 8:45 am]

CIVIL AERONAUTICS BOARD

[Order 75-2-46; Docket 27497]

COMPANIA PERUANA INTERNACIONAL DE AVIACION, S.A. (COPSA) AND BAHAMAS AIRWAYS LTD.

Permit Cancellations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of February 1975.

Compania Peruana Internacional de Aviacion, S.A. (COPISA), a Peruvian air carrier, holds a foreign air carrier permit¹ authorizing: (a) foreign air transportation of persons, property, and mail between a point or points in Peru, the intermediate point Maracalbo, Venezuela, and the terminal point Miami, Florida; and (b) the performance of off-route charter trips in foreign air transportation pursuant to Part 212 of the Board's economic regulations. Bahamas Airways Limited (BAL), a British air carrier, holds a foreign air carrier permit² authorizing: (a) foreign air transportation of persons, property, and mail (1) between a point or points in the Bahama Islands, the intermediate point Havana, Cuba, and the coterminal points Miami, Palm Beach, Fort Lauderdale, and Tampa, Florida; (2) between a point or points in the Bahama Islands and the terminal point New York, New York; and (3) between a point or points in the Cayman Islands, the intermediate points Merida, Cozumel, and Chetumal, Mexico, and a point or points in Jamaica, and the terminal point Miami, Florida; and (b) the performance of charter trips in foreign air transportation pursuant to Part 212 or the Board's economic regulations.

The Board has been advised that the Peruvian license held by COPISA has lapsed and that the Government of Peru has withdrawn its designation pursuant to the Air Transport Services Agreement between the United States and Peru.³ The Board has also been advised that Bahamas Airways is in liquidation, its Bahamian permit has been terminated, and the Commonwealth of the Bahamas has withdrawn its designation pursuant

¹ Order E-22521, approved August 6, 1965.

² Order 70-6-2, approved May 28, 1970.

³ Supreme Resolution No. 0164-73-TC/AE, August 16, 1973.

to the Air Transport Services Agreement between the United States and the United Kingdom of Great Britain and Northern Ireland.⁴

In view of the foregoing, the Board tentatively finds that it is in the public interest to cancel the foreign air carrier permits held by COPISA and BAL.

Accordingly, it is ordered, That: 1. All interested persons are hereby directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and which would, subject to the approval of the President:

(a) Cancel the foreign air carrier permit held by COPISA, issued pursuant to Order E-22521; and

(b) Cancel the foreign air carrier permit held by Bahamas Airways Limited, issued pursuant to Order 70-6-2.

2. Any interested person having objection to the issuance, without hearing, of an order making final the tentative findings and conclusions stated herein shall file a statement of objections supported by evidence within twenty days after the adoption of this order. If an evidentiary hearing is requested the objector should state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish through such hearing which cannot be established in written pleadings:

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;⁵

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Copies of this order shall be served upon COPISA, Bahamas Airways Limited, the Ambassador of Peru and the Ambassador of the Commonwealth of the Bahamas.

This order will be published in the FEDERAL REGISTER, and will be transmitted to the President.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-4211 Filed 2-13-75; 8:45 am]

[Order 75-2-43; Docket 25280 Agreement C.A.B. 24488 Agreement C.A.B. 24714 R-3]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of February, 1975.

⁴ Diplomatic Note from the Ministry of External Affairs, Commonwealth of the Bahamas, December 31, 1974.

⁵ Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

By Order 75-1-46 (January 13, 1975), the Board approved increases in North/Central Pacific specific commodity rates for electronic component¹ adopted by the carrier members of the International Air Transport Association (IATA).² On January 28 and January 31, 1975, respectively, General Instrument Corporation (GIC) and the Western Electronics Manufacturers Association (WEMA)³ filed petitions for reconsideration of the Board's order. The petitioners also requested the Board to stay the effectiveness of Order 75-1-46 pending action on the petitions for reconsideration and/or judicial review of the Board's decision. In view of the complexity of the issues involved in the case, the Board has determined to stay the effectiveness of its decision until further order.⁴

Accordingly, it is ordered, That: The effectiveness of Order 75-1-46, insofar as it relates to Agreement C.A.B. 24488, and of Order 75-1-47 insofar as it would revalidate rates for commodity items 4416, 4417, 4435, 4506, 9902 and 9903, be and hereby are stayed until further order by the Board.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-4210 Filed 2-13-75;8:45 am]

COMMISSION ON CIVIL RIGHTS COLORADO STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Colorado State Advisory Committee (SAC) to this Commission will convene at 8 a.m. on March 8, 1975, at the Quality Inn, 1840 Sherman Street, Denver, Colorado 80203.

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 is general planning, and review of current projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

¹ Commodity items Nos. 4416, 4417, 4435, 4506, 9902 and 9903.

² The WEMA parties are: Signetics Corporation; Litronix, Inc; Fairchild Camera and Instrument Corporation; Intel Corporation; National Semiconductor; Electronic Memories and Magnetics Corporation; Data General Corporation; Rockwell International; Intersil, Inc; and American Microsystems, Inc.

³ We will also stay the effectiveness of Order 75-1-47 (January 13, 1974) insofar as the revalidation of the North/Central Pacific rate structure approved in that order relates to the commodity rates here at issue.

Dated at Washington, D.C., February 10, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee,
Management Officer.

[FR Doc.75-4186 Filed 2-13-75;8:45 am]

MONTANA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Montana State Advisory Committee (SAC) to this Commission will convene at 2:30 p.m. on March 15, 1975, at 220 2 N. YMCA Reading Room, Great Falls, Montana.

Persons wishing to attend this meeting should contact the Committee Chairman or the Mountain States Regional Office of the Commission, Room 216, Champa Street, Denver, Colorado 80202.

The purpose of this meeting is that Montana SAC will discuss and finalize plans for a media conference which will be held on April 12.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C. February 10, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.75-4187 Filed 2-13-75;8:45 am]

TEXAS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Texas State Advisory Committee (SAC) to this Commission will convene at 9 a.m. on March 15-16, 1975 at the Sheraton-Crest Inn, Room 206, 111 East First Street, Austin, Texas 78711.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southwestern Regional Office of the Commission, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting is to plan MAES follow-up strategies and to make assignments to SAC and staff members.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 10, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.75-4188 Filed 2-13-75;8:45 am]

TEXAS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Texas State Advisory Committee (SAC) to this Commission will convene at 9 a.m. on March 8-9, 1975 at the Sheraton-Crest Inn, Room 206 111 East First Street, Austin, Texas 78711.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southwestern Regional Office of the Commission, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting is to plan MAES follow-up strategies and to make assignments to SAC and staff members.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 10, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.75-4189 Filed 2-13-75;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE ARMY

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Army to fill by noncareer executive assignment in the excepted service the position of Principal Deputy Assistant Secretary of the Army (Financial Management), Office, Assistant Secretary of the Army (Financial Management), Office, Secretary of the Army.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.75-4221 Filed 2-13-75;8:45 am]

DEPARTMENT OF DEFENSE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Principal Deputy Assistant Secretary (Legislative Affairs), Immediate Office, Office of the Assistant Secretary of Defense (Legislative Affairs), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.75-4222 Filed 2-13-75;8:45 am]

DEPARTMENT OF DEFENSE

Revocation of Authority To Make
Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Director of Defense Research and Engineering (Research and Advanced Technology), Immediate Office, ODD (Research and Advanced Technology), ODDR&E, Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.75-4226 Filed 2-13-75; 8:45 am]

DEPARTMENT OF DEFENSE

Revocation of Authority To Make a
Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Special Assistant to Director of Defense Research and Engineering, Immediate Office, Office of the Director of Defense Research and Engineering, Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.75-4227 Filed 2-13-75; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

Grant of Authority To Make Noncareer
Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Director, Office of Regional and Intergovernmental Operations, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.75-4223 Filed 2-13-75; 8:45 am]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARERevocation of Authority To Make a
Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service

the position of Deputy Assistant Secretary for Education (Policy Communication), Office of the Assistant Secretary for Education, Education Division.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.75-4230 Filed 2-13-75; 8:45 am]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARERevocation of Authority To Make
Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer service the position of Deputy Assistant executive assignment in the excepted Secretary for Consumer Services, Office of the Assistant Secretary for Community and Field Services, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.75-4231 Filed 2-13-75; 8:45 am]

DEPARTMENT OF THE INTERIOR

Grant of Authority To Make Noncareer
Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Interior to fill by noncareer executive assignment in the excepted service the position of Associate Director—Office of Water Research and Technology, Office of the Assistant Secretary—Land and Water Resources, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.75-4224 Filed 2-13-75; 8:45 am]

DEPARTMENT OF THE INTERIOR

Grant of Authority To Make Noncareer
Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Interior to fill by noncareer executive assignment in the excepted service the position of Director, Office of Water Research and Technology, Office of the Assistant Secretary—Land and Water Resources, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.75-4225 Filed 2-13-75; 8:45 am]

DEPARTMENT OF THE INTERIOR

Revocation of Authority To Make
Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Interior to fill by noncareer executive assignment in the excepted service the position of Director, Office of Water Resources Research, Office of the Director, Office of the Assistant Secretary, Land and Water Resources, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.75-4228 Filed 2-13-75; 8:45 am]

DEPARTMENT OF THE INTERIOR

Revocation of Authority To Make
Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Interior to fill by noncareer executive assignment in the excepted service the position of Director, Office of Saline Water, Office of the Assistant Secretary (Water and Power Resources), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.75-4229 Filed 2-13-75; 8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make a
Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20) the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Chairman, Board of Immigration Appeals.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.75-4232 Filed 2-13-75; 8:45 am]

COMMITTEE FOR PURCHASE FROM
THE BLIND AND OTHER SEVERELY
HANDICAPPED

PROCUREMENT LIST 1975

Proposed Addition

Notice is hereby given pursuant to section 2(a) (2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following service to Procurement List 1975, November 12, 1974 (39 FR 39964).

INDUSTRIAL CLASS 0782

Grounds Maintenance and Landscaping, Officers Club, Welcome Center, and Silas B. Hayes Hospital, Department of the Army, Fort Ord, California.

Comments and views regarding this proposed addition may be filed with the Committee on or before March 17, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-4179 Filed 2-13-75;8:45 am]

PROCUREMENT LIST, 1975

Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following service to Procurement List 1975, November 12, 1974 (39 FR 39964).

INDUSTRIAL CLASS 7699

Typewriter Repair and Maintenance (Electric Typewriters Only), Syracuse, New York (including Onondago County).

Comments and views regarding this proposed addition may be filed with the Committee not later than March 17, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice supersedes the notice of proposed addition of Typewriter Repair and Maintenance, dated January 17, 1975 (40 FR 3034), which is cancelled.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-4178 Filed 2-13-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

ADVISORY COMMITTEES

Invitation for Membership Applications

The Consumer Product Safety Commission was established by the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1207-33; 15 U.S.C. 2051-81). The Commission is charged with protecting the public against unreasonable risks of injury associated with consumer products; assisting consumers in evaluating the comparative safety of consumer products; and promoting research and investigation into the causes and prevention of product-related deaths, illnesses, and injuries.

To assist in these tasks, the Commission has three advisory committees composed of individuals representative of

consumers, industry, and government. The advisory committees are (1) the Product Safety Advisory Council, (2) the Technical Advisory Committee on Poison Prevention Packaging and (3) the National Advisory Committee for the Flammable Fabrics Act. A description of the functions and representational composition of each committee is outlined below.

The purpose of this notice is to invite applications for membership on each of the three advisory committees for vacancies that will occur in June 1975. The number of anticipated vacancies on each committee is provided in the brief description of each committee. A suggested format for applying for membership appears at the end of this notice. Applicants who wish to be considered for more than one advisory committee should submit only one application, specifying the committees for which they wish to be considered and providing any supplemental information as may be appropriate to the functions of the specific committees for which application is being made.

Persons wishing to nominate another individual to serve on an advisory committee should use the suggested format and should include a statement that the person nominated has agreed to serve if selected by the Commission.

The Commission's advisory committees will meet at the call of the Commission, generally on a quarterly basis.

A brief description of each advisory committee and its functions are noted below:

PRODUCT SAFETY ADVISORY COUNCIL

Section 28 of the Consumer Product Safety Act (15 U.S.C. 2077) provides that the Commission shall establish a 15-member Product Safety Advisory Council to be composed of:

- (1) Five members selected from governmental agencies including Federal, State, and Local Governments;
- (2) Five members selected from consumer product industries including at least one representative of small business; and
- (3) Five members selected from among consumer organizations, community organizations, and recognized consumer leaders.

Upon request of the Commission, the Council provides safety rules or other actions under the Consumer Product Safety Act. The Council may also propose safety rules for the Commission's consideration. The Commission, in establishing the Advisory Council, envisioned that this diversely-composed Council would assist it in its decision-making process by providing advice on proposed major policies as well as approaches to particular issues and problems.

The Commission anticipates ten (10) vacancies in June 1975: three (3) within the industry category; four (4) within the Federal/State, and local Government category; and three (3) within the consumer category.

TECHNICAL ADVISORY COMMITTEE ON POISON PREVENTION PACKAGING

The Technical Advisory Committee on Poison Prevention Packaging was first established in 1971 by the Department of Health, Education, and Welfare under the Poison Prevention Packaging Act of 1970 (Pub. L. 91-601; 15 U.S.C. 1471, et seq.). Functions under this Act, including administration of the Technical Advisory Committee, were transferred, effective May 14, 1973, to the Commission by Section 30(a) of the Consumer Product Safety Act (15 U.S.C. 2079(a)).

The Technical Advisory Committee provides advice and recommendations to the Commission in its administration of the Poison Prevention Packaging Act on the establishment of packaging standards to protect children from injury or illness resulting from handling, using, or ingesting household substances.

The Technical Advisory Committee is composed of 18 members including one representative each from the Department of Health, Education, and Welfare and the Department of Commerce, with the remaining 16 members equally divided among consumer and industry interests. Within the industry category, representation is provided for manufacturers of packages and closures for household substances and manufacturers of household substances subject to the Poison Prevention Packaging Act. Scientists with expertise related to the Act and licensed medical practitioners may be included in either the consumer or industry category depending upon their employment affiliation.

The Commission anticipates five (5) vacancies in June 1975; four (4) within the consumer category and one (1) representing manufacturers of packages and closures for household substances.

NATIONAL ADVISORY COMMITTEE FOR THE FLAMMABLE FABRICS ACT

The National Advisory Committee for the Flammable Fabrics Act was first established in 1968 by the Department of Commerce under section 17 of the Flammable Fabrics Act, as amended (Pub. L. 83-88, 15 U.S.C. 1204). Functions under the Act, including administration of the National Advisory Committee, were transferred, effective May 14, 1973, to the Commission by section 30(b) of the Consumer Product Safety Act (15 U.S.C. 2079(b)).

The Commission consults with the National Advisory Committee for opinions, advice, and recommendations before prescribing flammability standards or other regulations under the Act.

The National Advisory Committee for the Flammable Fabrics Act is composed of 20 members, ten of whom are representatives of the consuming public and ten of whom are representatives of manufacturers and distributors. The Commission anticipates 15 vacancies in June 1975; ten (10) within the industry category and five (5) within the consumer category.

APPLICATION FORMAT

1. Advisory Committee(s) for which application is submitted:
2. Name:
3. Address:
4. Birthdate:
5. Description of present employment, including consulting work:
6. Description of extracurricular activities, including organizational affiliation, relating to (a) product safety, (b) poison prevention packaging, and/or (c) flammable fabrics.
7. Will you represent the views and interest of an organization, association, or group? Specify.
8. Applicants for the Product Safety Advisory Council:
 - (A) Is your present or past experience related to product safety? If so, give a brief description.
 - (B) Are you now, or have you been, involved in product safety activities at the Federal, State, or Local Government levels? If so, give a brief description.
9. Applicants for the Technical Advisory Committee on Poison Prevention Packaging:
 - (A) If a manufacturer or consultant, what type industry do you represent (manufacturer of household substances, packaging, closures, etc.)? Specify.
 - (B) If a scientist or medical practitioner, what area of specialty do you represent?
10. Applicants for the National Advisory Committee for the Flammable Fabrics Act:
 - (A) If a manufacturer or consultant, what type industry do you represent and what product do you manufacture?
 - (B) If a distributor, what type of distributors do you represent (wholesale, retail, single product, multiproducts, imported products, etc.)?
11. Interest Questions:
 - (A) Why are you interested in serving on the Committee(s)?
 - (B) What contribution can you make?
 - (C) Would you be able to attend approximately four two-day sessions annually?
 - (D) How frequently would you be available to comment in writing on material provided by the Consumer Product Safety Commission?

Applications should be submitted not later than April 18, 1975, to the Committee Management Officer, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

Dated: February 11, 1975.

SADYE E. DUNN,
Secretary, Consumer Product
Safety Commission.

[FR Doc.75-4183 Filed 2-13-75;8:45 am]

HAND GUN AMMUNITION

Solicitation of Written Public Comments

The Commission has received a petition requesting a ban on hand gun ammunition. The Committee for Hand Gun Control, Inc., of Chicago, Illinois, petitioned the Commission in June 1974, for a rule banning the sale of bullets for hand guns, with exceptions for police, licensed security guards; the military, and licensed pistol clubs. On September 5, 1974, the Commission denied the petition. In a judicial action which challenged the Commission's decision, the U.S. District Court for the District of Columbia ordered the Commission on December 19, 1974, to " * * * commence consideration of plaintiff's [the Com-

mittee's] proposal" (Committee for Hand Gun Control, Inc. v. Consumer Product Safety Commission, et al., Civil Action No. 74-1387). The Commission, therefore, seeks written public comment on the petition which reads as follows (with attachments omitted):

THE COMMITTEE FOR HAND GUN CONTROL,
INC.

111 EAST WACKER DRIVE, CHICAGO, ILLINOIS
60601

JUNE, 1974.

Mr. RICHARD O. SIMPSON,
Chairman, Bureau of Compliance, U.S.
Consumer Product Safety Commission,
5401 Westbard Ave., Washington, D.C.
20207.

DEAR SIR: The Committee for Hand Gun Control, Inc., does hereby respectfully petition the Commission, pursuant to the provisions of Section 10 of the Consumer Product Safety Act, Pub. L. 92-573, as follows:

1. For the adoption of a rule banning the sale of bullets for hand guns. The rule would except such sales to (a) police, (b) licensed security guards, (c) the military, and (d) licensed pistol clubs.

The necessary facts pursuant to Section 10(b)(1) are attached hereto, and made a part hereof, as Exhibit I.

2. For a finding that said bullets referred to in (1) above are hazardous substances under the provision of the Hazardous Substances Act of 1960, enforcement of which Act was vested in the Commission by the Consumer Product Safety Act of 1972, section 30(a); and

3. For a finding that said bullets, as aforesaid, are hazardous substances under section 8 of the Consumer Product Safety Act of 1972 in that they present an unreasonable risk of injury and no feasible standard would protect the public; and

4. For a hearing pursuant to section 27 of the Consumer Product Safety Act of 1972 in the City of Chicago for the presentation of evidence in support of this petition.

Respectfully submitted,

SUSAN R. SULLIVAN,
President.
PATRICIA B. KOLDYKE,
Treasurer.

Interested persons are invited to submit, on or before April 14, 1975, written comments regarding any aspect of the petition submitted by the Committee for Hand Gun Control, Inc. Comments and any accompanying data or material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, P.O. Box 8137, Washington, D.C. 20024. Comments may be accompanied by a memorandum or brief in support thereof. Received comments and other materials relevant to this petition, including the Court order cited above, may be seen in the Office of the Secretary, 10th Floor, 1750 K Street NW., Washington, D.C., during working hours Monday through Friday.

Dated: February 10, 1975.

SADYE E. DUNN,
Secretary, Consumer
Product Safety Commission.

[FR Doc.75-4112 Filed 2-12-75;8:45 am]

COUNCIL ON ENVIRONMENTAL
QUALITYENVIRONMENTAL IMPACT STATEMENT
Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from February 3 through February 7, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (March 31, 1975.) The thirty (30) day period for each final statement begins on the day the statement is made available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: David Ward, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

Clear Creek Planning Unit, Gifford Pinchot National Forest, Skamania County, Wash., February 3: Proposed is a comprehensive management plan for the 76,520 acre Clear Creek Planning Unit of the Gifford Pinchot National Forest. The plan includes timber harvests, designation of roadless areas and scenic areas. Adverse impacts include the construction of roads necessary for timber harvests and effects from additional people in the area (124 pages). (ELR Order No. 50160.)

Final

Upper Fisher Planning Unit, Kootenai National Forest, Lincoln County, Mont., February 7: The statement refers to the implementation of a revised multiple use plan for the Upper Fisher Planning Unit, Libby and Fisher River Ranger Districts of Kootenai National Forest. Areas which are currently unroaded will be developed and the natural conditions of the Forest will be affected. Continued development activity will result in soil and vegetation disturbance and temporary noise and air pollution (168 pages). Comments made by: DOI, EPA, and State and local agencies. (ELR Order No. 50180.)

Eagle Creek Planning Unit, Mount Hood National Forest, Oreg., February 3: Proposed is the implementation of a comprehensive land use plan for the 75,260 acre Eagle Creek Planning Unit of the Mount Hood National Forest. The plan would result in a recommendation for a new wilderness study of 40,900 acres. Impacts of the plan would include the effects of an increased number of visitors, and the reduction of the annual allowable timber cut by 1,300,000 board feet. Comments made by: AHP, COE, DOI, HUD, DOT, EPA, FPC, and State and local agencies, organizations, and concerned citizens. (ELR Order No. 50173.)

SOIL CONSERVATION SERVICE

Draft

Upper Brushy Creek Watershed, Escambia County, Ala., February 3: The statement concerns a project for watershed protection flood prevention, and drainage in Escambia County, Ala. The plan proposes that over a period of 5 years, conservation land treatment methods be applied on 5,000 acres of cropland, 880 acres of pastureland and 3,055

acres of forest land; and 7.2 miles of channel work. Adverse impacts include direct loss of 75 acres of bottom land forest, increased depth of flooding below the channel work, and increased turbidity during construction. (ELR Order No. 50162.)

Little Black Watersheds, several counties in Missouri and Arkansas, February 7: The statement concerns two interrelated projects for watershed protection, flood prevention, drainage on agricultural land, and recreation for 40,254 acres in Butler, Carter, and Ripley Counties, Mo., and Clay County, Ark. Construction of the 24 floodwater retarding structures and the multiple-purpose reservoir will remove 1,192 acres of forest land, 334 acres of cropland, and 52 acres of pastureland. Proposed channel modification will result in the loss of 205 acres of cropland and 570 acres of forest land and the gain of 718 acres of pastureland (125 pages). (ELR Order No. 50181.)

DEPARTMENT OF DEFENSE
ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DARN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-7188.

Draft

Holland Harbor, Mitigation of Shore Damage, Ottawa County, February 3: Proposed is the mitigation of shore damage attributed to the Federal navigation structures in the vicinity of Holland Harbor, on Lake Michigan. The plan entails the creation of a "feeder beach" on the south side of the harbor. Approximately 170,000 cubic yards of dredged material will be required for initial establishment, and 61,000 cubic yards annually. The dredging and disposition of sand will cause benthos damage and associated detraction in the recreational and aesthetic qualities of the area (Detroit District). (ELR Order No. 50165.)

Farmers Union Grain Terminal, Scott County, Minn., February 3: The statement concerns application by the Farmers Union Grain Terminal Association for a permit to construct a barge slip adjacent to and in the Minnesota River at Savage, Minn. Approximately 100,000 cubic yards of material would be removed. In connection with the barge slip, a barge loading facility and grain elevator and service facility would also be constructed on 12.5 acres of the 55-acre site after the land has been elevated by fill. Construction of the proposed facility would adversely affect most of a 36-acre marsh and 2 acres of woodland (St. Paul District). (ELR Order No. 50163.)

Final

Duluth Superior Harbor, Minn. and Wis., February 7: Proposed is the continued maintenance dredging of Duluth-Superior Harbor with disposal of spoil in diked disposal areas. There will also be some breakwater repair. Ninety acres of shoreline and shallow water would be committed to the disposal sites; there would be adverse impact to marine biota (St. Paul District). Comments made by: USDA, DOC, DOI, USCG, EPA, and State agencies and organizations. (ELR Order No. 50183.)

Commercial Dredging at Ross Island, Oreg., February 4: The project involves the continuation and expansion of the commercial dredging for sand and gravel in the Ross Island area on the Willamette River. As part of the project, a second permit application proposes the installation of a closure across the northeast entrance to the Ross Island lagoon. Adverse impacts include the loss of 92 acres covered with trees and undergrowth.

With this loss there will be corresponding loss of habitat for terrestrial animals. There would be temporary increases in the turbidity of the east channel caused by dredging and the construction of the closure structure (Portland District). Comments made by: EPA, USDA, DOI, HUD, DOT, and HEW. (ELR Order No. 50168.)

Parker Creek, Maintenance Dredging, Virginia, February 7: The statement refers to the maintenance dredging of a channel 40' wide and 5' deep from the mouth of Parker Creek to the Metomkin Bay Channel. An expected 30,000 cubic yards of spoil will be dredged by hydraulic pipeline and placed on Metomkin Island. The major adverse environmental impact is the removal and subsequent loss of organisms at the dredging site and disposal area (43 pages). Comments made by: EPA, DOC, DOI, and State agencies. (ELR Order No. 50182.)

NAVY

Contact: Mr. Peter M. McDevitt, Special Assistant to the Assistant Secretary of the Navy (Installations and Logistics), Washington, D.C. 20350, 202-697-0892.

Final

Uniformed Services Univ. of Health Sciences, Montgomery County, Md., February 3: The statement refers to the proposed development of the Uniformed Services University of the Health Sciences to be located on the grounds of the National Naval Medical Center, Bethesda, Md. The university will graduate a broad range of professional health care specialists including at least 100 physicians annually. Comments made by: COE, USDA, EPA, and State and local agencies. (ELR Order No. 50161.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Water-side Mall, Washington, D.C. 20460, 202-755-0940.

Draft

Federal Water Pollution Control Act, 204 (b)(1); February 4: The statement concerns a proposed bill which would amend section 204(b)(1) of the Federal Water Pollution Control Act, as amended, to permit construction grant applicants to utilize a system based upon ad valorem taxation for charging fees to users of the treatment works. The proposed amendment would slightly diminish incentive to encourage water conservation by domestic and low volume users, but would meet the purposes of the present statute in other respects and would avoid disruption of change from this method. (ELR Order No. 50169.)

Federal Water Pollution Control Act, 307 (a); February 4: The statement concerns the bill that would amend subsection 307(a) of the Federal Water Pollution Control Act. The bill would amend 307(a) to allow the Administrator to approve the extension of the compliance deadline to the earliest date compliance is feasible, but not to exceed 3 years from the date of promulgation of the standard when there has been a demonstration that it is technologically infeasible to achieve compliance within one year from promulgation; and to repeal the time requirement that a public hearing be held within 30 days after the standard is proposed. The proposed amendment would sanction continued discharge by some sources for up to 2 additional years. (ELR Order No. 50170.)

Sacramento Regional Wastewater Management Program, Sacramento and Yolo Counties, Calif., February 4: Proposed is a regional wastewater program which would provide for a regionwide interceptor system to deliver

raw wastes to a single advanced waste treatment plant located south of the city at the site of the existing county central treatment plant and a disposal system that transports treated effluent to the Sacramento River for discharge near Freepport via a multipoint diffuser system. Construction disruption and increased use of energy in the process of conveyance, treatment, and disposal will result. (ELR Order No. 50171.)

Also Water Management Agency Project, Orange County, Calif., February 5: Proposed is the implementation of a local or regional wastewater treatment and disposal system to eliminate various systems and prevent future problems. The applicant is considering two alternatives: a regional system with central treatment and ocean disposal of most wastes and a regional disposal system with local treatment. Construction disruption and occasional objectionable odors will result. (ELR Order No. 50174.)

ENERGY RESOURCES DEVELOPMENT
ADMINISTRATION

Contact: Mr. W. Herbert Pennington, Office of Assistant General Manager, E-201, ERDA, Washington, D.C. 20545, 301-973-4241.

Draft

Tokamak Fusion Test Reactor Facilities, Middlesex County, N.J., February 4: The statement concerns the design and construction of the Tokamak Fusion Test Reactor (TFTR) fusion device, the TFTR experimental facility which houses this new Tokamak system and the support facilities required to implement the TFTR experiment program. The proposed location is on the Forrester Campus of Princeton University where similar controlled nuclear fusion studies are being performed. Adverse impacts include release of trace quantities of radioactivity, limited icing or fogging from cooling towers and construction disruption. (ELR Order No. 50172.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202-343-4161.

Final

Federal Youth Center, Memphis, Shelby County, Tenn., February 7: The proposed action calls for construction of a Federal Youth Center in Memphis, Shelby County, to be operated by the FBI. The Center will provide correctional treatment programs for Federal offenders from the Memphis and surrounding area. The Youth Center will contain a gross area of 165,000 sq. ft. in approximately 14 rectangular shaped buildings. There will be short-term inconveniences associated with normal construction activities. (100 pages). Comments made by: USDA, HEW, HUD, DOI, FPC, EPA, DOT, and one State agency. (ELR Order No. 50179.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Environmental Quality, Room 7206, 451 7th Street SW., Washington, D.C. 20410, 202-755-6295.

Draft

Dade County Neighborhood Development Program, Dade County, Fla., February 3: The statement concerns a Neighborhood Development Program currently in the fifth year of execution proposing urban renewal in eight areas of Dade County: Seminola, Edison, Park, Central NDP Area, Coconut Grove, South Miami Area, Ferrine, Goulds, and the Model City Area. Relocation of families and individuals is largely accomplished. There

will be construction disruption (8 volumes). (ELR Order No. 50167.)

In July, 1974, the Department of Housing and Urban Development's Chicago Area Office issued a draft Environmental Impact Statement for 815-821 Gunnison Street, Chicago, Illinois. CEQ received notice January 30, 1975, that HUD does not intend to proceed with the project.

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF LAND MANAGEMENT

Draft

Signord to Cedar City Power Transmission Line, several counties in Utah, February 6: Proposed is the construction of a 230 kV transmission line from Utah Power and Light Company's Signord substation to Cedar City, Utah. Four alternative corridors, each over 100 miles long, are considered. Adverse impacts include electronic interference, right-of-way clearing, wildlife disturbance, weed infestations, and increased fire hazards (161 pages). (ELR Order No. 50178.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, P-722, NRC, Washington, D.C. 20545, 301-973-7373.

Draft

Jamesport Nuclear Power Station, Units 1 and 2, Suffolk County, February 6: Proposed is the issuance of permits to the Long Island Lighting Company for the construction of the Jamestown Nuclear Power Station, Units 1 and 2, located on Long Island Sound. The plant will employ two identical pressurized-water reactors to produce up to 3425 MWT each. Two steam turbine-generators will use this heat to provide 1150 MWe (net) of electrical power capacity from each turbine-generator. A design power level of 3579 MWT (2500 MWe net) for each unit is anticipated in the future. The waste heat will be rejected by a once-through flow of water obtained from and discharged to the Long Island Sound. The cooling system will kill fish and organisms. (ELR Order No. 50176.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

Draft

Beltway 8-North, Subsection 1, Harris County, Tex., February 3: Proposed is the construction of an 8.5 mile segment of Beltway 8, North from Interstate Highway 45 to U.S. 59 as part of a planned 87.5 mile circumferential route around Metropolitan Houston. The project will provide a full controlled access facility with a minimum of 8 main lanes flanked by two, three-lane one-way continuous frontage roads. The project will displace 11 dwellings and 6 businesses and is expected to accelerate urban growth. (ELR Order No. 50164.)

FEDERAL HIGHWAY ADMINISTRATION

Final

Mountrall County Road, Mountrall County, N. Dak., February 5: The project consists of improving a Mountrall County road from White Earth South to U.S. Highway 2. The improvement involves grading to current standards and the placement of a bituminous surface. Adverse impacts are the use of 6.35 acres of 4(f) land. Of this 3 acres must be completely cleared of shrubs and trees.

There will be a temporary rise in air pollution during construction. Comments made by: DOI, HUD, USDA, EPA, DOT, and State and local agencies. (ELR Order No. 50175.)

U.S. 278, Beaufort County, Beaufort County, S.C., February 3: The statement refers to the proposed construction of U.S. 278, beginning at South Carolina Route 46 and terminating 0.3 mile southeast of Skull Creek in Beaufort County, a distance of approximately 5.7 miles. Adverse impacts include temporary siltation and water turbidity, disruption of marshland, and 2 families. Comments made by: DOI, EPA, and State and local agencies. (ELR Order No. 50166.)

Loop 427, Williamson County, Tex., February 3: The statement refers to the extension of Loop 427 in Williamson County. The project begins at the intersection of Loop 427 and Lake Drive and terminates at the intersection of Loop 427 and U.S. 79 in the city of Taylor. The project length is 5.6 miles. Adverse impacts include increased air, and water pollution due to construction, and the displacement of approximately 8 families and 3 businesses (89 pages). Comments made by: DOT, HEW, COE, USDA, DOI, EPA, and State and local agencies. (ELR Order No. 50150.)

U.S. COAST GUARD

Draft

New London Station, New London County, Conn., February 6: The Coast Guard is planning to develop approximately 24 acres of land just north of the existing Coast Guard Academy to house the Coast Guard Research and Development Center and the moorings and maintenance facilities for Station New London, as well as support facilities for those units and the Academy. Approximately 190,000 cubic yards of dredge material will be deposited at a dump site in Long Island Sound. Construction disruption and water turbidity will result from the project. (ELR Order No. 50177.)

GARY L. WIDMAN,
General Counsel.

[FR Doc. 75-4131 Filed 2-13-75; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 333-5; OPP-210004]

LOUISIANA

Application for Emergency Exemption to Use DDT for Control of Tobacco Budworm on Cotton; Public Hearing

Correction

In FR Doc. 75-3895 appearing on page 6228 in the issue for Monday, February 10, 1975, in the last paragraph which begins, "The hearing in Washington, D.C., will be held in Room 305 * * *", should be changed to read, "The hearing in Washington, D.C., will be held in Room 3805 * * *".

[FRL 334-2]

MOTOR VEHICLE POLLUTION CONTROL SUSPENSION REQUEST

Extension of Public Hearing

On January 2, 1975, notice was published in the FEDERAL REGISTER (40 FR 21) of public hearings to be conducted by the Environmental Protection Agency under the authority of sections 202 (b) (5) (C) and 202(b) (4) of the Clean Air Act. These hearings were called to

provide opportunity for interested persons to state their views or arguments or to provide pertinent information concerning both pending applications by automobile manufacturers for suspension of statutory 1977 light duty vehicle emission standards and any other topics which the Administrator might raise relating to his responsibility under section 202(b) (4) to report annually to the Congress on issues that arise in connection with the motor vehicle control provisions of the Clean Air Act.

The hearings commenced on January 21, 1975, and continued through February 7, 1975. During the course of the hearings a number of participants indicated their interest in presenting views and data on the public health significance of findings that emissions of sulfuric acid and other sulfate materials result from the use of oxidation catalyst emission control systems. In the interests of efficiency of the proceedings, and because the hearing panel then presiding was not constituted to fully explore such matters, participants were asked to defer discussion of such health impacts at that time. Nevertheless, the Administrator has determined that such views and data are relevant to the exercise of his statutory responsibilities under the Clean Air Act, and is extending the hearings to permit specific consideration of automotive sulfate emissions. This intention to extend the hearings for this purpose was announced by the Hearing Officer at the hearing on February 7, 1975.

The purpose of this notice is to provide further public notice of the extension of the previously announced hearings, to provide notification of the time and location of the continuation of the hearings, and to announce the reopening of the hearing record for submission of oral and written testimony on the specific subjects of this extension of the hearings.

Commencing at 10 a.m. on February 18, 1975, the hearing previously announced on January 2, 1975 (40 FR 21) will be continued at Room 3906, Environmental Protection Agency, Waterside Mall, 401 M Street SW., Washington, D.C. 20460 for purposes of receiving views, arguments, or other pertinent data regarding the following subjects:

- The increase in human exposure to sulfuric acid or other sulfate pollutants anticipated to result from continued use of automotive oxidation catalysts,
- The health effects associated with exposures to such levels of these pollutants, and
- The health trade-off between achieving reductions in automotive emissions of hydrocarbons, carbon monoxide, and possible other substances through application of oxidation catalyst emission control systems while incurring increased exposures to emissions of sulfate compounds or other emission products.

In addition to the above topics, testimony is sought on the feasibility of achieving interim reductions in automotive sulfate emission levels through the selective blending by refineries of low sulfur gasoline components into unleaded grades required by catalyst-equipped vehicles and the possible allocation of such

low sulfur unleaded gasoline supplies to geographical areas anticipated to experience the greatest impact from automotive sulfate emissions. Testimony on other aspects of possible automotive sulfate control measures has already been received in these hearings.

For purposes of this continuation of the hearing, the requirement included in the original announcement (40 FR 22) for advance written notice by persons desiring to make oral statements at the hearing will be waived. All interested persons are requested to provide notice, either written or oral, of their intention to participate to Office of Mobile Source Air Pollution Control (AW-455), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, telephone number 202-426-2464, Attention: Ms. Maureen White. The hearing panel will attempt to provide opportunity for oral testimony by all interested persons. However, in the event that requests to make oral presentations exceed the time available for continuation of the hearings, those persons unable to be accommodated for oral testimony will be invited to submit written statements for the record. The record will remain open for submission of written statements and information not presented orally at the hearing through February 26, 1975. All submissions for the record of this continuation of the hearing should be made to the address given above.

Other procedures identified in the previous notice will continue in effect except that testimony under oath is not anticipated for this continuation of the hearing.

Questions regarding this extension of the hearing should be addressed to the Office of Mobile Source Air Pollution Control at the address and telephone number set forth above.

Dated: February 12, 1975.

ROGER STRELOW,
Assistant Administrator for Air
and Waste Management, U.S.
Environmental Protection
Agency.

[FR Doc. 75-4294 Filed 2-13-75; 8:45 am]

[PRL 333-6; OPP-32000/188]

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 April 15, 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 April 15, 1975.

Dated: February 7, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED

[OPP-32000/188]

EPA File Symbol 2749-GOO. Aceto Chem. Co., Inc., Agriculture Chem. Div., 126-02 Northern Blvd., Flushing NY 11368. DICAMBA +ATRAZINE HERBICIDE TANK MIXTURE. Active Ingredients: Dimethylamine salt of dicamba (3,6-dichloro-o-anisic acid) 56.9%. Method of Support: Application proceeds under 2(c) of interim policy PM25.

EPA File Symbol 2749-UNE. Aceto Chem. Co., Inc. CHLOROBROMURON 50WP PRE-EMERGENCE HERBICIDE. Active Ingredients: Chlorobromuron 50%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 2749-UNU. Aceto Chem. Co., Inc. SOYAZINE 50WP HERBICIDE. Active Ingredients: 4-Amino-6-(1,1-dimethyl-ethyl-3-(methylthio)-1,2,4-triazin-5(4H)-one) 50%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 2749-UNA. Aceto Chem. Co., Inc. ACETOVIN 75WP HERBICIDE. Active Ingredients: Acetovin (4-(methylsulfonyl)-2,6-dinitro-N,N-dipropylamine) 75.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 2749-UNL. Aceto Chem. Co., Inc. FLUOMETURON 80WP HERBICIDE. Active Ingredients: Fluometuron: 1,1-dimethyl-3-(a,a,a-trifluoro-m-tolyl) urea 80%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 2749-URN. Aceto Chem. Co., Inc. GIBB ACID 2% LIQUID CONCENTRATE PLANT GROWTH HORMONE. Active Ingredients: Gibberellic Acid 2.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 2749-UNG. Aceto Chem. Co., Inc. CHLOROXYURON 50WP HERBICIDE. Active Ingredients: 3-(p-(p-chlorophenoxy) phenyl)-1,1-dimethylurea 50%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 1029-REU. Aidex Corp., 1024 N. 17th St., Omaha NB 68102. AIDEX PINE OIL. Active Ingredients: Pine oil 99.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 8950-RO. Applied Biochemists, Inc., 5300 W. County Line Rd., Mequon WI 53092. BLACK ALGAETRINE II. Active Ingredients: Copper as elemental 3.07%; n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 26.34%; n-Alkyl (68% C12, 32% C14) dimethyl ethyl benzyl ammonium chlorides 26.34%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 10088-UL. Athes Lab., Inc., 4180 N. 1st St., Milwaukee WI 43200. WASP, HORNET, AND YELLOW JACKET SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Aromatic petroleum hydrocarbons 0.331%; Petroleum distillate 26.375%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 960-ENR. Balcom Chem., Inc., PO Box 667, Greeley CO 80631. CLEAN CROP ETHION 5 INSECTICIDE GRANULES. Active Ingredients: Ethion 5.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM16.

EPA File Symbol 7478-GG. Chem-Pak Co., PO Box 757, Miami FL 33143. ROSE FUNGICIDE SPRAY. Active Ingredients: Ethylene bis dithiocarbamate ion (C4H6N2S4) 57.39%; Zinc 1.81%; Manganese 14.80%; Dinitro (1-methylheptyl) phenyl crotonate and Dinitro (1-methylheptyl) phenol and related compounds 1.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA File Symbol 3314-GE. Colonial Prod., Inc., 1830 10th Ave., N. Lake Worth FL 33460. COLONIAL P.T.O. WITH B-2. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.028%; d-trans Allethrin (allyl homolog of Cinerin I) 0.150%; Related compounds 0.012%; Aromatic Petroleum hydrocarbons 0.272%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 3314-GR. Colonial Prod., Inc. COLONIAL P.T.O. INDUSTRIAL RESIDUAL SPRAY. Active Ingredients: Pyrethrins 0.050%; Piperonyl butoxide, technical 0.100%; N-octyl bicycloheptene dicarboximide 0.166%; 2-(1-methylethoxy) phenol methylcarbamate 1.000%; Petroleum distillate 80.684%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 3314-GN. Colonial Prod., Inc. COLONIAL P.T.O. FOOD PLANT SPRAY E.C. Active Ingredients: Pyrethrins 1.20%; Piperonyl butoxide, technical 2.40%; N-octyl bicycloheptene dicarboximide 3.96%; Petroleum distillate 87.44%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 6957-L. Industrias Nacionales Inc., Calle Jordan 704-Parada 26 1/2-Por Fernandez Juncos, Santurce PR 00916. CRESO-FEL DISINFECTANT. Active Ingredients: Tar acid oil 18.00%; Soap Anhydrous 6.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 2693-RNL. International Paint Co., Inc., Elmwood & Morris Ave., Union NJ 07083. WIDE SPECTRUM MARK II BLUE ANTIFOULING PAINT XA1818. Active Ingredients: Cuprous Oxide 25.8%; Tributyltin Fluoride 7.1%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 2693-RNA. International Paint Co., Inc., Elmwood & Morris Ave., Union NJ 07083. LATENAC EXTRA STRONG ANTIFOULING GREEN XA1818 COMPONENT A. Active Ingredients: Cuprous Oxide 54.8%; Bis(tri-butyltin oxide) 3.23%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 299-RON. C. J. Martin Co., PO Box 1089, Nacogdoches TX 75961. DIAZINON GARDEN INSECT SPRAY. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM14.

EPA Reg. No. 618-74. Merck Chem. Div., Merck & Co., Inc., Rahway NJ 07065. WET-TABLE POWDER MERTECT 360-WP FUNGICIDE. Active Ingredients: 2-(4-thiazolyl) benzimidazole 60%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.

EPA Reg. No. 541-234. Puritan Chem. Co., Atlanta GA 30318. VALIANT HOSPITAL GRADE-DETERGENT-GERMICIDE. Active Ingredients: Isopropanol 9.40%; Potassium salt of para-tertiary-amyphenol 9.00%; Potassium salt of ortho-phenylphenol 3.25%; Tetrasodium ethylene diamine tetraacetate 3.00%; Triethanolamine dodecylbenzenesulfonate 2.70%. Method of Support: Application proceeds under 2(a) of interim policy. PM32.

EPA File Symbol 4297-EL. Reliance-Brooks, Inc., 3302 E. 87, Cleveland OH 44127. 1.50% PRAMTOL RELIANCE-BROOKS VEGETATION KILLER. Active Ingredients: 2,4-bis(isopropylamino)-6-methoxy-s-triazine 1.5%; Petroleum distillate 94.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 5657-U. Sobin Chem., Inc. Sobin Park, Boston MA 02210. SOBIN BLUE CHLORINE. Active Ingredients: Chlorine 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

EPA File Symbol 9115-L. Sun-Ray Chem. Co., Indus. Maintenance Prod. Div., 119 W. Jackson, Phoenix AZ 85003. SAN-O-PHENE '16' GERMICIDE-TUBERCULOCIDE-FUNGICIDE. Active Ingredients: ortho-Benzyl-para-Chlorophenol (C13H11OCl) Potassium laurate-Potassium myristate EDTA 16.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 9115-G. Sun-Ray Chem. Co. PINE SAN-O-PHENE. Active Ingredients: ortho-Benzyl-para-Chlorophenol Potassium laurate-Potassium myristate Steam distilled Pine oil 10.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 9115-U. Sun-Ray Chem. Co. PINE OIL DISINFECTANT. Active Ingredients: Steam Distilled Pine Oil and Vegetable Oil Soap 80.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 6921-G. Tesch Chem. Co., Inc., E. Midway Rd., Appleton WI 54911. SPEEDEE SWIMMING POOL ALGAECIDE. Active Ingredients: Alkyl Dimethyl Benzyl Ammonium Chloride (C14 60%, C12 25%, C16 15%) 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

[FR Doc.75-4109 Filed 2-13-75;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311 (p) (1) of the Federal Water Pollution Control Act, as amended.

CERTIFICATE NO. OWNER/OPERATOR and VESSELS

01180--- T.S. Bendixen A/S: *Sea Breeze*.
 01190--- A/S Gerrards Rederi & A/S Gerrards Rederi II: *Geranta*.
 01232--- Roif Wigands Rederi A/S: *Harwi*.
 01271--- Scheepvaart Maatschappij "Trans Oceanan" B.V.: *Poeldyk*.
 01330--- Shell Tankers (U.K.) Ltd.: *Mytilus*.
 01354--- H.E. Hansen Tangen: *Kristina*.
 01421--- Bibby Line Limited: *Ocean Bridge*.
 01574--- Fearnley & Eger: *Ferncliff, Kristian Birkeland*.
 01641--- The Bank Line Limited: *Carron Bank*.
 01986--- Aktiebolaget Transmarin: *Tenos*.
 02144--- Marideal Compania Naviera S.A.: *Priamos*.
 02198--- Peninsular & Oriental Steam Navigation Company: *Antrim, Donegal, Galway, Nigaristan, Tabaristan, Serbistan, Registan, Floristan, Armanistan, Shahrstan, Turkistan, Gorjistan, Kohistan, Baluchistan, Farsistan, Baharistan, Himalaya*.
 02199--- Atlantic Richfield Co.: *Atlantio No. 27, Arco #1*.
 02237--- Fitzroy Maritime Panama S.A.: *Albamar*.
 02295--- The Great Eastern Shipping Co., Ltd.: *Jag Vijay*.
 02330--- Oriental Shipping Corporation: *Oriental Empire, Silver Light*.
 02384--- Kristiansands Tankrederi A/S, A/S Kristiansands Tankrederi II, Aksjeselskapet Avant and Aksjeselskapet Skjoldheim: *Polyduke*.
 02498--- Chevron Oil Company: *BT-363*.
 02682--- Ivory Shipping Company, Ltd.: *Ivory Moon*.
 02695--- Metropolitan Seas Transport Corporation: *Methoni*.
 02958--- Kawasaki Kisen K.K.: *Cuba Maru, Peru Maru*.
 03134--- Compania Naviera Marlina S.A.: *Capetan Giorgis*.
 03137--- The Cunard Steamship Company Limited: *Luzor*.
 03171--- Saint Maria Maritime Co. Ltd.: *St. Maria*.
 03245--- Rederiktieselskabet Danneborg: *Amaltenborg*.
 03329--- Hudson Waterways Corporation: *Seatrain Maryland*.
 03415--- Chiyoda Kisen K.K.: *Nagaura Maru*.

Certificate No.

03441--- Japan Line K.K.: *Brooklyn Maru, Manhattan*.
 03447--- K.K. Kyokuyo: *Kyo Maru No. 12*.
 03467--- Nichiro Gyogyo K.K.: *Chitose Maru No. 18*.
 03468--- Nihonkai Kisen Kabushiki Kaisha: *Shokai Maru*.
 03474--- Nippon Suisan K.K.: *Teshio Maru*.
 03480--- Osaka Senpaku K.K.: *Hoei Maru*.
 03484--- Sanko Kisen K.K.: *Aiko Maru*.
 03501--- Osaka Shosen Mitsui Senpaku K.K.: *Megurosan Maru*.
 03589--- Bay Cities Transportation Company: *William H. McGuffey*.
 03604--- Tank Barge 21, Inc.: *Barge 21*.
 03605--- Harbor Lighterage Co.: *Barge 50*.
 03610--- N.V. Rederij Holland: *Tubal*.
 03618--- Harbor Barging, Inc.: *Barge 51*.
 03636--- Smith-Rice Company: *Barge 13*.
 03675--- Pressos Compania Naviera S.A.: *Myson*.
 03686--- Tank Barge 22, Inc.: *Barge 22*.
 03733--- Great Lakes Dredge & Dock Company: *G.L.A., No. 27*.
 03736--- Bethlehem Steel Corporation: *Calmar, Marymar*.
 03918--- Mobil Shipping and Transportation Company: *Mobil Mariner, Mobil Comet, Mobil Japan, Mobil Magnolia, Mobil Marketer, Mobil Producer, Mobil Petroleum*.
 03937--- Liberian Equality Transports, Inc.: *Eastern Ace*.
 03990--- Partenreederei M.S. "Marie Reith": *Marie Reith*.
 04019--- Nord Transport Strandheim & Stensaker: *Kings Star*.
 04037--- C. F. Bean Inc.: *M. H. Bean, S. B. Whittington*.
 04189--- Megaron Shipping Ltd.: *Ergon*.
 04289--- Dixie Carriers Inc.: *Colle 151*.
 04356--- Pacific Far East Line, Inc.: *Philippine Bear*.
 04358--- Holland Bulk Transport B.V.: *Kaap Hoorn*.
 04591--- Jose Manuel Pombo: *San Remo*.
 04767--- Texaco Inc.: *Texaco 210, Texaco 211, Texaco 212, Texaco 214, Pierce*.
 04801--- Three R Towing Co., Inc.: *W-143, W-144*.
 04838--- Wallenius Container Line GMBH & Co. KG.: *Atlantic Cinderella*.
 05036--- Companhia Nacional de Navegacao: *Ana Mafalda*.
 05047--- PPG Industries, Inc.: *HCC-1*.
 05089--- H. P. Elmskipafelag Islands: *Gullfoss, Tungufoss, Bakkafoss*.
 05151--- Zapata Protein, Inc.: *Grand Calhou, Marsa Island, ZMS-D-10, Zapata Atchafalaya Bay, Zapata Shell Key, Zapata Timballer Bay, Zapata Trinity Bay, Oyster Bayou, Q. O. Dunn, Raccoon Point, Rachel Burton, Sandy Point, Terrebonne Bay, Willard P. Le Boeuf, W. J. Burton, Vermillion Bay, Tiger Point, Galveston Bay, Crochet 300, Crochet 250, Cote Balanche Bay, Carl Burton, Barataria Bay*.
 05244--- Hanseatische Hochseefischerel Aktiengesellschaft: *Erich Ollenhauer*.
 05379--- River Lines Company: *Barge Orange, Barge 25, Barge 24, Barge 10*.
 05520--- Union Carbide Corporation: *MG-10D, MG-10C, MG-10B, MG-10A, MG-11*.
 05589--- Maya Compania Naviera S.A.: *Vasilis*.
 05597--- Cunningham Navigation Co. Ltd.: *Caribbean Mara*.

Certificate No. Owner/operator and vessels

05611... Marine Drilling Company: *Rig 8, J Storm 1, Stormdrill V, Cee Bee 15, Cee Bee 22, Cee Bee 21, Cee Bee 20, Cee Bee 19, Cee Bee 18, Cee Bee 17, Vermillion Bay Rig 6.*

05698... Dorica Compania Naviera S.A.: *Artemidi II.*

05704... Murmansak Shipping Company: *Vasya Kotik.*

05743... Reederel Barthold Richters: *Claudia Maria, Clari.*

05972... Louis Ormestad A/S: *Ormiund.*

06117... Helmut Bastian Reederel: *Pelikan, Pinguin.*

06389... Sears Oil Co., Inc.: *Rome Sears, Albany Sears, Utica Sears.*

06418... Carosini Dott. Giovanni: *Capo Miseno.*

06496... Whaling City Dredge & Dock Corp.: *Hughes Barge No. 53, Hughes Barge No. 51, Steel RR Carfloat No. 5649, Steel RR Carfloat No. 5851.*

06516... Stott, Mann & Co., Ltd.: *Suenord.*

06566... Occidental Petroleum Corporation: *NMS 1601.*

06602... Seahunter Shipping Company Limited: *Mimi M.*

06761... Sinclair Memphis Marine Service, Inc.: *Arco No. 7.*

06903... Sun Shipbuilding and Dry Dock Company: *Puerto Rico Yard Hull No. 670.*

06921... Lee Lal Maritime S.A.: *Chieh Hwang, Chieh Sheng, Chieh Hui, Chieh Shun.*

06995... Novorossiisk Shipping Company: *Giordano Bruno.*

07178... Water Tunnel Contractors: *Moran 220.*

07374... Ocean Tamping Company Limited: *Minglang.*

07469... Bulk Carriers International, Inc.: *Stolt Vista.*

07611... William Brandt's (Liberia) Co. Ltd.: *Samos Glory.*

07867... Pacific Mariners Corporation of Panama: *Florina.*

07906... Neptune Associated Lines (Pte.) Ltd.: *Neptune Sakura.*

07907... Suramar Navigation Co. Ltd., Cyprus: *Arenal.*

08027... Cala Sinzias Societa Per Azioni Di Navigazione: *Barbagia.*

08088... Caparra Stevedors & Maritime Agencies Inc.: *Venus II.*

08120... Empresa Naviera Peruana, S.A.: *Pisco.*

08158... Cook Transportation System, Inc.: *UM 192.*

08188... Caribbean Marine Service Company, Inc.: *Captain Steven Scott.*

08282... Mediterranean Voyager, Ltd.: *Mediterranean Voyager.*

08371... Seatrain Shipbuilding Corporation: *Williamsburg (Hull #101).*

08391... Coral Voyager, Ltd.: *Coral Voyager.*

08417... Dovey Shipping & Industrial Holdings Ltd.: *Lyminge.*

08471... Villere Marine Corporation: *Bayou Queue.*

08542... Central Bulk Carriers, Inc.: *Central Argo.*

08625... United States Metals Refining Company: *Henry G. Stott.*

08639... Black Gold, Ltd.: *Black Gold.*

08650... Solway Shipping Company Limited: *Torre Del Oro.*

08670... Oceanic Seaways Corporation: *Ocean Skipper.*

08751... The Louisiana Land and Exploration Company: *L.S.C. 302.*

Certificate No. Owner/operator and vessels

08814... Matthew Shipping Co., Ltd.: *Jennifer, Samantha M.*

09124... Asiatic Intermodal Seabridge S.A.: *Ashtabula, Lucky.*

09329... Redererne Steencoasters K/S: *Birte Steen.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-4206 Filed 2-13-75;8:45 am]

[Docket No. 73-38]

COUNCIL OF NORTH ATLANTIC SHIPPING ASSOCIATIONS, ET AL. v. AMERICAN MAIL LINES, LTD., ET AL.

Order on Submission of Environmental Memorandum

Hearing in this proceeding is scheduled to commence February 11, 1975. The Commission must provide an environmental analysis of subject matter and issue an Environmental Impact Statement as required by the National Environmental Policy Act of 1969 (NEPA). Under section 102(C) of said Act of the Commission is required to:

(C) Include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) The environmental impact of the proposed action.

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented.

(iii) Alternatives to the proposed action.

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

The Commission believes that the nature of this proceeding renders any decision hereon a major Federal action significantly affecting the quality of the human environment. Consequently the broad scope of environmental factors involved warrant most careful consideration and evaluation before decision making is undertaken.

Therefore it is ordered, That to aid the Commission in its environmental evaluation, all parties shall submit memoranda to the Commission within 45 days which include their evaluations and positions regarding predictable environmental effects resulting from the eventual resolution of this proceeding. Parties shall consider all alternative decisions in this case and use the above cited section 102(C) of NEPA as a guide in preparing their environmental memoranda.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-4206 Filed 2-13-75;8:45 am]

[Docket No. 72-48]

PACIFIC MARITIME ASSOCIATION

Cooperative Working Arrangements; Possible Violations of Sections 15, 16, and 17, Shipping Act, 1916

The Federal Maritime Commission instituted this proceeding to determine, inter alia, whether the master collective bargaining contract entered into by the Pacific Maritime Association (PMA) and the International Longshoremen's and Warehousemen's Union embody any agreements between and among members of PMA, which agreements are subject to section 15 of the Shipping Act, 1916; and whether there were any labor policy considerations which would operate to exempt such agreements or practices from section 15 of the Shipping Act, 1916. The Commission having this date made and entered its report stating its findings and conclusions with respect thereto, which report is made a part hereof by reference:

Therefore, it is ordered, That pursuant to section 22 of the Shipping Act, 1916 (46 U.S.C. 821), and consistent with the Commission's Order of September 6, 1972, as amended by its Orders of October 19, 1972 and January 30, 1974, the investigation in this docket shall proceed to determine:

1. Whether the "ILWU-PMA Non-member Participation Agreement" (Revised Agreement), which is embodied in the ILWU-PMA master collective bargaining contract and which we have found to be subject to and must be filed in accordance with the requirements of section 15 of the Shipping Act, 1916 (46 U.S.C. 814), should be approved, disapproved, or modified pursuant to that section;

2. Whether the implementation by PMA and the ILWU of the provisions of the Revised Agreement and/or the master collective bargaining agreement will result in any practices which will subject any person, locality or description of traffic to undue or unreasonable prejudice or disadvantage in violation of section 16 of the Shipping Act, 1916 (46 U.S.C. 815);

3. Whether the implementation by PMA and ILWU of the provisions of the Revised Agreement and/or the master collective bargaining agreement will result in any practice which is unjust or unreasonable in violation of section 17 of the Shipping Act, 1916 (46 U.S.C. 816);

4. Whether any labor policy considerations would operate to exempt these agreements or practices resulting therefrom from any provision of section 16 or 17 of the Shipping Act, 1916; and

It is further ordered, That the Pacific Maritime Association and the International Longshoremen's and Warehousemen's Union, and their respective members are hereby made respondents in this proceeding; and

It is further ordered, That a public hearing be held before an Administrative Law Judge of the Commission's Office of

Administrative Law Judges at a date and place to be determined and announced by the Administrative Law Judge; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon petitioners and both the Pacific Maritime Association and the International Longshoremen's and Warehousemen's Union, individually, and on behalf of their respective members; and

It is further ordered, That notice of this order and notice of hearing be mailed directly to the Department of Justice, the Department of Labor and the National Labor Relations Board; and

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed to petitioners, the Pacific Maritime Association and the International Longshoremen's and Warehousemen's Union, individually, and on behalf of their members, and any other person made a party of record to this proceeding; and

It is further ordered, That any person other than those named herein who desires to become a party to this proceeding and to participate herein, shall file a petition to intervene in accordance with rule 5(1) (46 CFR § 502.72) of the Commission's rules of practice and procedure.

Finally, it is ordered, That Seattle's Petition for Severance hereby is denied.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-4209 Filed 2-13-75; 8:45 am]

RELiance OVERSEAS CORP.

Independent Ocean Freight Forwarder License; Revocation

On January 31, 1975, the Federal Maritime Commission received notification that Reliance Overseas Corp., 17 Battery Place, New York 10004 wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 440 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. (revised) section 7.04(f) (dated Sept. 15, 1973);

It is ordered, That Independent Ocean Freight Forwarder License No. 440 be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 440 of Reliance Overseas Corp. be and is hereby revoked effective January 31, 1975, without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Reliance Overseas Corp.

ROBERT S. HOPE,
Managing Director.

[FR Doc.75-4207 Filed 2-13-75; 8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. E-8949; E-8445]

CAMBRIDGE ELECTRIC LIGHT CO.

Further Extension of Procedural Dates

FEBRUARY 7, 1975.

On February 5, 1975, the Municipal Light Department of Belmont, Massachusetts filed a motion to extend the procedural dates fixed by order issued August 30, 1974, as most recently modified by notice issued January 10, 1975, 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 Intervenor's Testimony, March 12, 1975.

Service of Company Rebuttal, April 3, 1975.
Hearing, April 24, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4140 Filed 2-13-75; 8:45 am]

[Docket No. E-8712]

CAROLINA POWER AND LIGHT CO.

Extension of Procedural Dates

FEBRUARY 7, 1975.

On January 24, 1975, Carolina Power and Light Co. filed a motion to extend the procedural dates fixed by order issued December 12, 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 material are modified as follows:

Service of Company's Testimony, March 14, 1975.

Service of Staff's Testimony, June 13, 1975.
Hearing, June 25, 1975. (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR 75-4142; Filed 2-13-75; 8:45 am]

[Docket No. E-8884]

CAROLINA POWER AND LIGHT CO.

Revising Hearing Date

FEBRUARY 6, 1975.

On February 5, 1975, Staff Counsel filed a motion to revise the date requested for the Phase II hearing which was fixed by notice issued January 31, 1975, in the above-designated matter. The motion states that the parties have agreed to the revised date.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed until May 19, 1975, at 10 a.m. (e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4141 Filed 2-13-75; 8:45 am]

[Docket No. E-9255]

CLEVELAND ELECTRIC ILLUMINATING CO.

Proposed Changes in Rates and Charges

FEBRUARY 7, 1975.

Take notice that The Cleveland Electric Illuminating Co. (CEI), on January 31, 1975, tendered for filing proposed changes in its rates and charges to the City of Cleveland's Municipal Electric Light Plant (MELP) for 11 KV Load Transfer Service being provided pursuant to Ordering Paragraph (E) of the Federal Power Commission's Opinion No. 644 in Docket Nos. E-7631, E-7633 and E-7713. The proposed changes which CEI proposes to put into effect as of March 3, 1975, would increase revenues from jurisdiction sales and service by \$303,752 for the month of March 1975.

CEI states that copies of the filing have been served upon the City of Cleveland's MELP.

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 sections 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 February 21, 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.75-4143 Filed 2-13-75; 8:45 am]

[Docket Nos. CP71-68, et al.]

COLUMBIA LNG CORP., ET AL.

Declaratory Order Reaffirming and Clarifying Opinion Nos. 622 and 622-A

FEBRUARY 7, 1975.

On December 19, 1974, Fairfax County, Virginia (Petitioner) filed a petition for declaratory order affirming and clarifying ordering paragraph F(3) of the Commission's Opinion No. 622, issued June 28, 1972, in these proceedings. Opinion No. 622, as amended by Opinion No. 622-A, issued October 5, 1972,¹ granted authorization to Columbia LNG Corp. (Columbia LNG), Consolidated System LNG Co. (Consolidated) and

¹ Further modifications and clarifications of Opinion No. 622, were directed by our Order Upon Motion for Clarification, issued November 17, 1972; Order on Motion for Waiver, issued December 5, 1973; and Findings and Order after Statutory Hearing Amending Opinions No. 622 and No. 622-A, issued March 30, 1973. None of these three supplemental orders concerned the issue addressed by Fairfax County in its Petition.

Southern Energy Co. (Southern), pursuant to Section 3 of the Natural Gas Act (Act) to import liquefied natural gas (LNG) from Algeria to terminal facilities located at Cove Point, Maryland and Savannah, Georgia. Opinion No. 622 also issued certificates of public convenience and necessity pursuant to section 7 of the Act, to the above listed importers to sell such gas for resale in interstate commerce, and to construct and operate all necessary pipeline and other facilities related thereto. Furthermore, the Commission ordered in Opinion No. 622 that the facilities therein authorized be constructed and placed in operation with the sale and delivery of natural gas to commence on or before December 31, 1975.

On January 7, 1975, the Commission issued a Notice of Petition for Declaratory Order and set January 20, 1975, as the final date for the submission of all responses. On January 21, 1975, the National Wildlife Federation (Federation) filed a request for extension of time to file a petition to intervene one day late and a petition for leave to intervene. Neither Petitioner Fairfax County nor The Federation previously had been parties to the proceedings at this docket in the Commission.

Petitioner Fairfax County requests that the Commission reaffirm the conditions imposed by paragraph F(3) of Opinion No. 622 requiring the importers to obtain all necessary federal, state, and local authorization,³ and "clarify its intent with respect to the exercise of jurisdiction by affected state and local authorities Petitioner argues that since the natural gas pipeline certificated by Opinion No. 622 will pass through Fairfax County, the Fairfax County Board of Supervisors and the Fairfax County Planning Commission which are vested pursuant to Section 15 of the Code of Virginia, as amended, with comprehensive planning authority for Fairfax County must approve the proposed pipeline. Petitioner contends that such approval is one of the local "authorizations" upon which the certificates issued by Opinion No. 622 are conditioned. Finally, petitioner states that the Fairfax County Board of Zoning Appeals, pursuant to section 15.1-496 of the Code of Virginia, as amended, has the jurisdiction to issue or deny a special permit

³ Ordering paragraph F(3) provides that: "The authorizations granted herein shall not take effect as to any part of any facility, or operation of any part of any facility, until all necessary federal, state and local authorizations as to that part of the facility, or operation thereof, have been secured. A copy of each such authorization for each facility, or part thereof, shall be submitted to the Commission prior to the commencement of service of such facility or part thereof. Such authorizations shall include, but are not limited to, building permits, Coast Guard clearances of vessels and harbor operations, and statements of compliance with applicable industry codes or regulatory codes governing the design, construction and operation of facilities in a safe manner."

⁴ Petition, p. 6.

necessary for the routing and construction of facilities through the County, and that such a special permit is also a necessary "authorization."

In May of 1974, Columbia LNG filed applications for the necessary Fairfax County authorizations. Petitioner states that evaluation of such applications by the local regulatory bodies is currently in progress. On December 6, 1974, Columbia LNG filed suit in the United States District Court for the Eastern District of Virginia requesting that Court enjoin Fairfax County from any further exercise of jurisdiction over or otherwise interfering with the construction and operation of the pipeline facilities authorized by the Commission in Opinion Nos. 622 and 622-A, or alternatively, that the Court order Fairfax County to forthwith issue the appropriate permits for the construction and operation of the pipeline in Fairfax County. In support of the relief requested, Columbia LNG alleged that Fairfax County is in contravention of the power and jurisdiction of the Federal Power Commission, since the specific route of the pipeline was authorized and certificated by the Commission in Opinion No. 622.

Petitioner Fairfax County alleges that by such action, Columbia LNG has challenged the clear language of Opinion Nos. 622 and 622-A, and in effect has contended "that the conditional authorization granted in Opinion Nos. 622 and 622-A are in fact unconditional." (Petition p. 4). Petitioner states that it has undertaken its thorough analysis of the pipeline route "on the assumption that the certificate granted to Columbia anticipated that just such a responsible review would be taken by affected state and local regulatory bodies. (Petition p. 5). For this reason, Petitioner requests the Commission issue a declaratory order reaffirming and clarifying Opinion Nos. 622 and 622-A.

On January 17, 1975, Columbia LNG filed an "Answer in Opposition" to Fairfax County's petition. Urging expedition, Columbia LNG argues that the petition should be denied because, (1) Opinion No. 622 is clear, final, and unambiguous, (2) Fairfax County's petition is untimely, and (3) the petition misstates the facts and attempts to interject irrelevant considerations into issue.

Fairfax County's petition does not, as Columbia LNG alleges, seek to relitigate the issues thoroughly explored in the proceedings leading to Opinion No. 622. Petitioner requests that the Commission reaffirm its Opinion Nos. 622 and 622-A. We herein shall reaffirm our Opinion Nos. 622 and 622-A for as Columbia points out in its answer, the certificates issued in those opinions are final. We do not intend to alter that finality in any way, but solely to reaffirm our findings and the ultimate determination therein, for the purpose of clarification as requested by Fairfax County. The Commission's Opinion No. 622 approved the Columbia LNG project including the pipeline route through Fairfax County as proposed by Columbia LNG and determined that with concern to the environ-

ment the public interest on balance would be more beneficially served by the project. Our decision herein in no way changes these holdings.

We believe the conditions imposed by Opinion Nos. 622 and 622-A, specifically ordering paragraph F(3), speak clearly for themselves. As petitioner Fairfax County notes, the effectiveness of the authorizations granted are therein conditioned upon the obtaining of all other necessary permits, Federal, state, and local. Columbia LNG is obliged to submit a copy of such permit to the Commission prior to commencement of service. This Commission is not empowered to determine which local jurisdictions can impose additional requirements. It is clear, however, that localities can require permits, so long as the local action is consistent with, and does not encumber or conflict with, Federal regulation such as ours. In this regard, we believe the *Transcontinental Gas Pipeline Company v. Hackensack Meadowlands Development Commission* case⁴, cited in Columbia LNG's answer, merits important consideration on the matter raised by Fairfax County. The Court of Appeals for the Third Circuit therein held that the Hackensack Meadowlands Development Commission's refusal to issue a permit for the construction of a natural gas plant certificated by the Federal Power Commission constituted an arbitrary and unwarranted imposition upon interstate commerce. The court noted in pertinent part that:

It is well established that the interstate transmission and sale of natural gas is within the regulatory ambit of the Commerce clause of the Constitution. Although the states are not precluded from imposing reasonable restraints and restriction on interstate commerce, and although the authority to enact zoning ordinances under the state police power is clear, it is equally settled that a state may not exercise that police power where the necessary effect would be to place a substantial burden on interstate commerce. 464 F. 1362 (Citations omitted).

It is therefore well settled that, while states and localities may require their own permits, such restraints must be "reasonable", so as not to place a burden on interstate commerce by interfering with Federal regulatory jurisdiction. Thus, while we reaffirm our condition that Columbia LNG obtain all necessary permits, and do not contest Fairfax County's authority to require permits, such local action must not be inconsistent with the Commerce clause of the Constitution and our jurisdiction. We herein merely reaffirm our Opinion Nos. 622 and 622-A, and the conditions imposed thereby. For the above stated reasons,

The Commission further finds: Participation by the National Wildlife Federation in this proceeding may be in the public interest.

The Commission orders (A) As requested by Fairfax County's Petition filed December 19, 1974, Opinion Nos. 622 and

⁴ 464 F. 2d 1358 (3rd Cir. 1972).

622-A, and specifically the conditions imposed by paragraph F(3), are hereby reaffirmed in their entirety as final, as explained and clarified above.

(B) The National Wildlife Federation is permitted to intervene in this proceeding subject to the rules and regulations of the Commission; Provided, however, that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and Provided, further, that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4144 Filed 2-13-75;8:45 am]

[Docket No. RP75-53]

FLORIDA GAS TRANSMISSION CO.

Order Accepting for Filing and Suspending Proposed Rate Increase

FEBRUARY 7, 1975.

On January 10, 1975, Florida Gas Transmission Co. (Florida) tendered for filing in the above docket certain revised sheets to its FPC Gas Tariff.¹ The revised sheets, which are proposed to become effective on February 10, 1975, provide for an increase in Florida's rates for jurisdictional gas sales and services amounting to \$5,508,271 annually, based on the 12 months ended September 30, 1974, as adjusted.

In support of its proposed rate increase, Florida cites a claimed need for higher rates for depreciation and rate of return, reduced gas supplies, increased labor costs and other operating expenses, and an advance payment of \$20 million to made to acquire the right to purchase new gas supplies. Florida requests an increase in its depreciation rate from 3.5 to 4.5 percent, and seeks a return on its net investment rate base of 10.25 percent, yielding a return of 14.46 percent on common equity.

Notice of Florida's proposed rate increase was issued on January 16, 1975, providing for protests on petitions to intervene to be filed on or before February 3, 1975. As of January 27, 1975, petitions to intervene had been received from Florida Power Corporation and Florida Public Utilities Co. These petitions will be granted. Any other petitions to intervene which may be filed will be acted on by separate order.

Our review of Florida's filing indicates that the issues raised therein should be developed in and by means of an evidentiary hearing. The proposed increase in rates and charges has not been shown to be just and reasonable and may be

injust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. We shall therefore accept Florida's revised tariff sheets for filing, suspend the proposed increase in rates for the maximum statutory period of five months, and set the matter for hearing.

We note that in the instant filing, Florida has used the *Atlantic Seaboard* method of cost classification for purposes of allocating costs between jurisdictional and non-jurisdictional customers. Florida's rate design is based upon the procedure adopted by the Commission in *United Gas Pipeline Co.*, Opinion No. 671. Under this method, 75 percent of fixed costs are allocated on a commodity or volume basis, and 25 percent on a demand basis.

In Opinion 671 we expressed our concern over the worsening gas supply situation and particularly as it existed on United's system. Based upon the record in that case we concluded that more weight would be given to the annual use of United's pipeline system than would result under *Atlantic Seaboard*. Therefore, we assigned 75 percent of fixed costs to the commodity component of United's two-part rates and to its straight-line rates. Part of our rationale was that in view of the gas supply shortage, low priority usage should be discouraged and the price gap between natural gas and alternative fuels in the interruptible industrial market should, at the minimum, be narrowed.

In light of our policy of considering competitive fuel prices in setting commodity rate levels and of the present supply and market conditions on the Florida system, all parties to this proceeding should direct their attention, and any evidence they wish to submit, to the propriety of the continued use of the *Atlantic Seaboard* method of cost classification and allocation, as well as to the propriety of Florida's rate design proposed herein. Further, we urge all parties to suggest alternative methods of cost classification, allocation and rate design which they believe may more closely reflect or implement the Commission's policy objectives in this area.²

As previously noted, Florida's request for increased rates is based in part upon the premise of declining gas supplies. The present gas shortage in this country, to which this Commission has often called attention, is a problem which is shared by most if not all major interstate transmission pipelines in varying degrees of magnitude. The effect upon the risk of capital invested in gas pipeline operations resulting from inadequate and declining gas supplies, as well as the uncertainties and contingencies inherent in possible supplemental sources of supply, are of direct and primary concern to us. It also seems clear that the gas shortage may result in situations in which the useful or economic life of gas pipeline facilities may be substantially less than their physical life.

Accordingly, we request that the evidence in this proceeding, including that to be filed by our staff, give full and careful consideration to these factors in the development of recommendations on the issues of rate of return and depreciation so as to enable this Commission to formulate sound regulatory policies in these areas.

The Commission finds: It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges proposed herein by Florida Gas Transmission Company, and that such rates and charges be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held commencing on July 8, 1975, in a hearing room of the Federal Power Commission, Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Florida's FPC Gas Tariff, as proposed to be amended herein.

(B) Pending hearing and a decision thereon, Florida's proposed revised tariff sheets are hereby suspended for five months and the use thereof deferred until July 10, 1975.

(C) On or before May 9, 1975, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any and all intervenors shall be served on or before June 10, 1975. Any rebuttal evidence by Florida shall be served on or before July 1, 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 initiated by this order, and shall conduct such hearing in accordance with the Natural Gas Act, the Commission's Rules and Regulations, and the terms of this order.

(E) 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 asserted rights and interests specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4145 Filed 2-13-75;8:45 am]

¹ Eighth Revised Sheet No. 3-A in Original Tariff Volume No. 1; Twelfth Revised Sheet Nos. 27 and 63 and Ninth Revised Sheet No. 128 in Original Volume No. 2.

² See: Footnote 3 in our order of May 31, 1974, in *Columbia Gas Transmission, et al.*, Docket Nos. RP74-82 and RP74-81.

[Docket No. E-8997]

IOWA-ILLINOIS GAS AND ELECTRIC CO.**Extension of Procedural Dates**

FEBRUARY 7, 1975.

On February 4, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued January 14, 1975, 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, March 27, 1975.
Service of Intervenor's Testimony, April 10, 1975.

Service of Company Rebuttal, April 24, 1975.
Hearing, May 8, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4146 Filed 2-13-75;8:45 am]

[Docket No. E-9236]

KANSAS POWER AND LIGHT CO.**Proposed Changes in Rates and Charges**

FEBRUARY 7, 1975.

Take notice that on January 29, 1975, the Kansas Power and Light Co. (Kansas) tendered for filing a newly executed renewal contract dated January 7, 1975, with the City of Goff, Kansas for wholesale electric service to that community. Kansas states that this is a renewal of a similar contract dated December 2, 1964, and designated KPL Rate Schedule FPC No. 77. The proposed effective date is February 1, 1975, and Kansas requests that the Commission waive the notice requirements as allowed in section 35.11 of its regulations. According to Kansas, the net billing for the twelve months succeeding the proposed change in agreements was \$10,038.40. In addition, Kansas states that copies of the contract have been mailed to the City of Goff and the State Corporation Commission of Kansas.

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 sections 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 February 21, 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.75-4147 Filed 2-13-75;8:45 am]

[Docket No. RP74-26; PGA75-1]

LOUISIANA-NEVADA TRANSIT COMPANY**Filing of Tariff Sheets**

FEBRUARY 7, 1975.

Take notice that on January 29, 1975, Louisiana-Nevada Transit Company

(LNT) tendered for filing Substitute Second Revised Sheet No. PGA-1. LNT states that this sheet is being filed as a replacement for its Second Revised Sheet No. PGA-1 filed January 13, 1975, due to the discovery of certain errors in the computation of the rate contained in the replaced sheet. According to LNT, this filing reflects a purchased gas cost adjustment of 2.61¢/Mcf as compared to the 2.79¢/Mcf adjustment reflected in the January 13, 1975 filing. LNT requests a March 1, 1975 effective date for this filing and states that copies of the filing have been mailed to the City of DeQueen, Arkansas, and the Public Service Commission of Arkansas.

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 February 21, 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 filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4148 Filed 2-13-75;8:45 am]

[Docket No. E-9206]

McDOWELL COUNTY CONSUMERS COUNCIL, INC. FORMERLY, APPALACHIAN RESEARCH & DEFENSE FUND, INC.**Change of Name of Complainant**

FEBRUARY 6, 1975.

Take notice that, pursuant to a request filed by Counsel for McDowell County Consumer Council, Inc., the name of complainant should be changed in the above captioned docket to McDowell County Consumer Council, Inc.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4149 Filed 2-13-75;8:45 am]

[Docket Nos. E-8999; E-9000; E-9001]

ORANGE AND ROCKLAND UTILITIES, INC.; ROCKLAND ELECTRIC CO.**Order Granting Leave To File Late Answer, Permitting Interventions, Consolidation of Proceedings, and Refusing To Compel Submission of Additional Data**

FEBRUARY 7, 1975.

On September 11, 1974, the Commission issued notice in Docket No. E-9000 that, on August 30, 1974, Orange and Rockland Utilities, Inc. ("Orange & Rockland") tendered for filing a new power contract between Orange & Rockland and Rockland Electric Co. ("REC"), its wholly-owned subsidiary. In its application Orange & Rockland asserts that the only changes effected by the new contract over the existing contract are a

new method of determining rate of return and minor modifications to working capital, the amended contract representing an increase in revenues of \$484,179, based on the year ending October 31, 1974.

By order of September 27, 1974, the Commission accepted the proposed rate increases for filing, suspended said filings for one day, the use thereof deferred until November 2, 1974, subject to refund, ordered consolidation of proceedings in Docket Nos. E-9000 and E-8999,¹ and set the matter for hearing on March 25, 1975.

On September 10, 1974, the Commission issued notice in Docket No. E-9001 that, on August 30, 1974, REC had filed with the Commission a set of proposed changes in its rates and charges for wholesale service to the Borough of Park Ridge, New Jersey. The proposed changes include an increase in fixed rates and a fuel adjustment clause, adding \$486,107 to REC's total revenues.

Petitions to intervene in the latter proceeding were timely filed by The Board of Public Works in the Borough of Park Ridge ("Park Ridge") and by the Public Advocate of the State of New Jersey ("Public Advocate"). By its order of September 27, 1974, the Commission accepted the proposed rate changes for filing, suspending them for 45 days, until November 15, 1974, subject to refund, permitted the interventions of Park Ridge and Public Advocate, and set the matter for hearing. The hearing is scheduled for March 18, 1975.

On December 6, 1974, the Commission received from Park Ridge a petition to intervene out of time in Docket No. E-9000 and to consolidate Docket No. E-9001 with Docket No. E-9000. REC filed a memorandum in opposition to Park Ridge's petition on December 16, 1974. Staff filed a later answer to Park Ridge's petition for consolidation on January 9, 1975, supporting the proposed consolidation of Docket No. E-9001 with Docket No. E-9000.

On December 20, 1974, Public Advocate petitioned for late intervention into Docket No. E-9000.

Finally, Park Ridge filed a motion in Docket No. E-9001 on December 30, 1974, requesting the Commission to compel REC to produce certain data to supplement data already submitted in accordance with § 35.13(d)(1) of the regulations of the Commission. In response, REC states that it is unable to provide said data and that therefore no compulsory order should issue.

We will give individual consideration to each of the issues raised above.

Park Ridge operates and maintains a utility supplying electricity for public use to a population of some 9,300 people within the Borough of Park Ridge. Its

¹Docket No. E-8999 involves similar changes in the contract between Orange & Rockland and Pike County Light and Power Company ("Pike") another wholly-owned subsidiary of Orange and Rockland. The consolidated Docket Nos. E-9000 and E-8999 are hereinafter referred to as "Docket No. E-9000."

sole source of power is REC, from whom it purchases at wholesale pursuant to contract. As a customer of REC, Park Ridge claims that its interests stand to be directly affected by action which would permit an increase in the rates charged REC by Orange and Rockland. Public Advocate claims to be interested in the Docket No. E-9000 proceeding in that he is charged by state law with protecting the public interest of citizens of the State of New Jersey in any proceeding before a governmental agency regarding fixing of rates for products or services. Both Park Ridge and Public Advocate claim that their respective interests will not be adequately represented by any existing party to the Docket No. E-9000 proceeding and that they may be bound by the Commission's action therein.

Park Ridge alleges that consolidation of proceedings in Docket Nos. E-9000 and E-9001 is warranted because the proposed rate increases therein raise common issues of law and fact. Staff concurs.

It is apparent from the filings in Docket No. E-9001 that Park Ridge's electric rates stand to be significantly affected by the proposed fuel adjustment clause in the REC tariff. Said fuel adjustment clause relates rate increases to be charged to Park Ridge to increases in the cost of fossil fuel to Orange & Rockland. Orange & Rockland's fossil fuel costs will be considered in the Docket No. E-9000 proceeding.

We are of the opinion that the nexus between Park Ridge and Orange & Rockland vis-a-vis REC's proposed fuel adjustment clause warrants consolidation of the proceedings in Docket Nos. E-9000 and E-9001. Said consolidation will permit a more expeditious resolution of issues presented in the aforementioned dockets, and will result in substantial savings of time for the parties involved.

In our order of October 25, 1974, we waived that portion of § 35.13(b) (1) of our regulations requiring a comparison of sales and revenues under the present and proposed rate schedules for the 12 months succeeding the date REC's proposed rate schedule was to become effective. Our waiver was based on REC's good faith declaration that it anticipated no economy energy purchases by Orange & Rockland during the next 12 months.

Because Orange & Rockland has in fact made such purchases in the months of November and December, 1974, Park Ridge requests that we modify our October 25, 1974, order and require of REC the data specified in § 35.13(b) (1) of our regulations. To this request REC responds by asserting that said economy energy purchases were unforeseen prior to the times when they were made. REC further states that its present forecast includes no further economy energy purchases, adding the qualification that such purchases may occur, however, "when available and when they are of benefit to Rockland Electric's customers." REC concludes that it cannot provide data regarding future economy energy purchases, and that, therefore,

the Commission should refuse to modify the waiver contained in its order of October 25, 1974.

Having reviewed the positions of the parties, we are unpersuaded to modify our order of October 25, 1974. Accordingly, Park Ridge's motion to compel REC to submit additional data will be denied.

The Commission finds: (1) It is desirable and in the public interest to allow Park Ridge and Public Advocate to intervene out of time in the consolidated Docket Nos. E-8999, E-9000 proceeding.

(2) Good cause has been shown to warrant consolidation of proceedings in Docket Nos. E-8999, E-9000 and Docket No. E-9001.

(3) Good cause has not been shown to warrant compelling REC to submit the additional data requested by Park Ridge.

The Commission orders: (A) Leave is granted the Commission Staff to file a late answer to Park Ridge's petition for consolidation, and said late answer is accepted by the Commission.

(B) Park Ridge and Public Advocate are permitted to intervene in the Docket Nos. E-8999 and E-9000 proceeding, subject to the rules and regulations of the Commission: *Provided however*, That the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their respective petitions to intervene; *Provided further*, That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders issued by the Commission in the Docket Nos. E-8999, E-9000 proceeding.

(C) The proceedings in Docket Nos. E-8999, E-9000, and E-9001 are hereby consolidated, and will adhere to the procedural dates established for Docket Nos. E-8999, E-9000 by our notice issued February 3, 1975.

(D) Park Ridge's motion to compel submission of additional data by REC is hereby denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.4150 Filed 2-13-75;8:45 am]

[Docket No. E-9240]

OTTER TAIL POWER CO.

Filing of Wheeling Electric Rate Schedule

FEBRUARY 7, 1975.

Take notice that on January 29, 1975, the Otter Tail Power Co. (Company) tendered for filing a Wheeling (Transmission) Electric Rate Schedule. The rate schedule is for firm wheeling (transmission) service to the cities of Alexandria and Tyler, Minnesota. The Company states that it is currently serving the cities on a month-to-month basis under the terms of FPC Schedule No. 125 (Alexandria) and FPC Schedule No. 116 (Tyler). The Company states that both contracts are for "excess capacity" transmission service and that both have ex-

pired. The Company states that the current filing is a new schedule rather than a rate increase under the old contract.

A copy of the filing has been sent to the Cities. The proposed effective date is April 1, 1975.

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 February 18, 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 filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4151 Filed 2-13-75;8:45 am]

[Docket No. E-8514]

SOUTHERN SERVICES, INC.

Further Extension of Procedural Dates

FEBRUARY 7, 1975.

On January 24, 1975, the Power Section of the Georgia Municipal Association and the Cities of Acworth, et al. and the Water, Light and Sinking Fund Commission of the City of Dalton, Georgia jointly filed a motion to extend the procedural dates fixed by order issued May 8, 1974, as most recently modified by notice issued December 17, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of intervenor's testimony, March 3, 1975.

Service of staff's testimony, March 24, 1975.

Service of company rebuttal, April 1, 1975.

Hearing, April 15, 1975 (10 a.m. e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4152 Filed 2-13-75;8:45 am]

[Docket No. RP75-52]

STATE OF NORTH CAROLINA AND NORTH CAROLINA UTILITIES COMMISSION VS TRANSCONTINENTAL GAS PIPE LINE CORP., RESPONDENT

Extension of Time

FEBRUARY 7, 1975.

On February 6, 1975, the State of North Carolina and North Carolina Utilities Commission filed a motion for an extension of the procedural dates set by the order issued on January 31, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matter are extended as follows:

Evidence to be filed by parties seeking a modification in the interim plan, March 10, 1975.
 Rebuttal testimony and exhibits to be filed, March 24, 1975.
 Hearing to commence, March 31, 1975 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4153 Filed 2-13-75; 8:45 am]

[Docket No. CI75-466]

TENNECO OIL CO., TENNESSEE GAS PIPELINE CO.

Order To Show Cause and Prescribing Procedures

FEBRUARY 7, 1975.

On July 29, 1974, Tennessee Gas Pipeline Company (Tennessee) filed in Docket No. CP75-23 an application seeking authorization to continue a transportation service it has been rendering for its affiliate, Tenneco Oil Co. (Tenneco), since 1964. The service involves transportation of gas received from Tenneco at various points in onshore and offshore Louisiana¹ to a point of delivery at the tailgate of the Yscloskey processing plant, St. Bernard Parish, Louisiana. Tennessee delivers 15,000 Mcf per day to Creole Gas Pipeline Company (Creole) for the account of Tenneco. Creole transports and resells such gas to Air Products and Chemicals, Inc. (Air Products) for use in Air Products' plant in Orleans Parish, Louisiana, as feedstock process gas and boiler fuel. Tennessee also proposes to add two new points of receipt of gas from Tenneco: The Terreborne Land Development, *et al.*, Well No. 1, Terreborne Parish, Louisiana; and Vermilion Block 246, offshore Louisiana.²

Tenneco has filed, in Docket No. CI75-45, for the sale to Creole of the volumes transported by Tennessee. By letter dated January 13, 1975, the Commission staff requested Creole to file an interdependent application in accordance with § 157.14 of the Commission's rules and regulations under the Natural Gas Act.

As of August 31, 1974, an imbalance of 12,552,438 Mcf of gas existed under the subject transportation arrangement, representing deficiencies in volumes which Tennessee delivered to Creole for Tenneco's account but did not actually receive from Tenneco. The parties have

amended the transportation contract to provide for repayment of the deficient volumes, and have agreed that if, as of January 1, 1977, Tenneco has not eliminated the imbalance, Tennessee will reduce its deliveries for the account of Tenneco by a maximum of 20 percent per month until the deficit is eliminated.

Tennessee made further application jointly with Tenneco on October 16, 1974, in Docket No. CP75-120, for the exchange and transportation of natural gas to permit Tenneco to utilize its gas as fuel for the production of gasoline, diesel and fuel oils, and kerosenes, at its Chalmette, Louisiana refinery. Under the exchange, Tenneco will tender volumes of gas (unspecified as to amount) to Tennessee at the existing points of delivery utilized in the transportation agreement involved in Docket No. CP75-23, and at three additional points in Texas.³ The volumes received by Tennessee in Texas will be exchanged for equivalent volumes at the existing Lake Barre, Louisiana delivery point, and Tennessee will then transport all of Tenneco's gas tendered under this agreement to the Yscloskey plant, St. Bernard Parish, Louisiana, and deliver such volumes to Creole for the account of Tenneco. Creole will transport the gas to Tenneco's Chalmette refinery.

The Commission, by order dated December 24, 1974⁴ instituted an investigation in Docket No. RP75-45 of the circumstances for Tennessee's increased curtailment in excess of 17 percent, beyond the Form 16 projection of six percent. Tennessee was also ordered to show the causes for the increased curtailment. At the proceedings convened on January 7, 1975, witness Donald G. Weikman, Tennessee Vice President in charge of sales, showed in Exhibit No. 1 that Tennessee's current system curtailment was 17.20 percent. Witness John L. Moye, Director of Planning for Tennessee indicated, in his Exhibit No. 8, that withdrawals from storage had reduced month end storage inventory from 25.3 Bcf in September of 1974 to 14.4 Bcf in November of 1974. Mr. Moye stated that storage inventory dropped to 4.0 Bcf at the end of December 1974 (Tr. 5/767) and projected that it would further drop to 1.1 Bcf at the end of January 1975 (Tr. 5/768). The projected negative storage situation is confirmed by Joseph L. Parrish, Jr., President of Tennessee (Tr. 947-948).

Based upon Tennessee's firm curtailments of 13,791,99 Mcf for December 1974 as reported in Form 17, the more than doubling of actual curtailments above the projected level of 6 percent in

¹ Lake Barre, Terreborne Parish, Louisiana; South Timballer Blocks 22 and 27, offshore Louisiana, West Cameron Blocks 194 and 216, offshore Louisiana; and a point in DeSoto Parish, Louisiana.

² In pending Docket No. CP75-43, Tennessee proposes construction of facilities to attach this supply.

³ Amended by Order of January 13, 1975, making all parties selling and delivering gas to Tennessee under FPC certificate authority in excess of 5,000 Mcf per day parties to that proceeding.

Form 16, the projected negative storage field top gas inventory as reported by Tennessee in Docket No. RP75-45, the rapid drop in storage inventory as indicated by Tennessee's witnesses in Docket No. CP75-45, and the imbalance of 12,552,438 Mcf in Tenneco's account with Tennessee relating to deliveries made by Tennessee for Tenneco's account, the Commission finds that an emergency exists on the Tennessee system which compels us to require Tennessee and Tennessee to show cause why Tenneco should not immediately repay the 12,552,438 Mcf imbalance existing under subject application in Docket No. CP75-23.

Furthermore, in view of the aforesaid emergency situation of Tennessee, the Commission will direct that Tennessee shall, balance receipts and deliveries of transportation gas from Tenneco on a daily basis subject to future orders.

The Commission further finds: That good cause exists for, and the public interest in administering sections 7, 14, 15 and 16 of the Natural Gas Act demands, that Tenneco Oil Company and Tennessee Gas Pipeline Company, A Division of Tenneco, Inc., show why the above described volumes owed by Tenneco to Tennessee should not be repaid immediately to remedy the severe and increasing curtailment situation.

The Commission orders: (A) That Tenneco Oil Co. and Tennessee Gas Pipeline Co., A Division of Tenneco, Inc., show cause why the above described volumes owed by Tenneco to Tennessee should not be repaid immediately.

(B) That Tennessee Gas Pipeline Company shall balance receipts and deliveries of transportation gas from Tenneco Oil Company on a daily basis.

(C) Tenneco and Tennessee are hereby ordered to file testimony and documentary evidence on February 14, 1975 as to why Tenneco should not repay immediately the above-described volumes owed to Tennessee. Such evidence should include, *inter alia*, a flow diagram of Tennessee's entire system showing all points of receipt and delivery from and to Tenneco and volumes of gas received or delivered from and to Tenneco or for its account.

(D) A formal hearing shall be convened in this proceeding in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. on February 25, 1975, at 10 a.m. (e.s.t.). The Chief Administrative Law Judge will designate an appropriate officer of the Commission to preside at the formal hearing on these matters, pursuant to the Commission's Rules of Practice and Procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4154 Filed 2-13-75; 8:45 am]

[Docket Nos. RP74-91-15, et al.; RP75-41-2]

TENNESSEE GAS PIPELINE CO.**Order Amending and Clarifying Previous Order and Granting Interim Relief**

FEBRUARY 7, 1975.

By order issued January 17, 1975,¹ we, *inter alia*, consolidated requests for relief from Tennessee Gas Pipeline Company's (Tennessee) and East Tennessee Natural Gas Company (East Tennessee) curtailment plans and denied requests for interim relief filed by Colonial Natural Gas Company (Colonial) on behalf of four of its customers, Hercules Incorporated, Harvey Hubbell Incorporated, Federal Mogul Corporation and Corning Glass Works. On January 24, 1975, Colonial filed a supplement to its request for interim relief and set forth therein additional information concerning the requirements of those four customer companies.

The supplemental request details the uses of the requested relief gas as it pertains to the subject four companies. It further shows the conservation and conversion efforts taken by those companies to reduce their gas requirements. The supplemental request justifies relief *pendente lite* to the four companies in the following amounts:

Customer	Daily volume in Mcf
Hercules Inc.....	255
Harvey Hubbell.....	50
Corning Glass Works.....	500
Federal Mogul Corp.....	100
Total	905

The relief granted herein is justified on the conditions granted in the January 17th order including, but not limited to, the 30-day period established in Ordering Paragraph (D) of that order. Accordingly, the relief granted herein will terminate February 17, 1975.

On January 24, 1975, East Tennessee filed a request seeking clarification of our January 17th order. East Tennessee asks whether our order was intended to require Tennessee to supply it with the 1500 Mcf per day interim relief granted for its customers, Natural Gas Utility District of Hawkins County, Tennessee (Hawkins). It was our intent, although not explicitly stated, to require Tennessee to supply East Tennessee the 1500 Mcf per day relief volumes to be distributed to Hawkins.

The Commission finds: Good cause exists to amend and clarify our order of January 17, 1975, in this consolidated proceeding as hereinafter ordered.

The Commission orders: (A) Ordering Paragraph (H) of order of January 17, 1975, is hereby amended to include therein the following additional relief volumes to be delivered by Tennessee to

East Tennessee for redelivery to Colonial for service to Colonial's customers *pendente lite* as follows:

Customer	Daily Volume in Mcf
Hercules Inc.....	255
Harvey Hubbell.....	50
Corning Glass Works.....	500
Federal Mogul Corp.....	100

The above relief *pendente lite* is in addition to the relief granted in Ordering Paragraph (H) of our order of January 17, 1975.

(B) Our order of January 17, 1975, is hereby clarified to reflect our intent to require Tennessee to deliver to East Tennessee a volume equivalent to 9,089 Mcf per day for redelivery by East Tennessee, 1,500 Mcf of which is attributable to the interim relief granted to Hawkins.

(C) In all other respects, our orders of January 17, 1975, and of January 24, 1975, issued in this consolidated proceeding, shall remain in full force and effect.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4155 Filed 2-13-75; 8:45 am]

[Docket Nos. RP74-20; RP74-83]

UNITED GAS PIPE LINE CO.**Conference**

FEBRUARY 7, 1975.

Take notice that on Tuesday, February 25, 1975, a conference of all interested parties in the above-referenced dockets will be convened at 10 a.m., in Room No. 5200 at the offices of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

The conference will be held pursuant to § 1.18 (Conferences, Offers of Settlement) of the Commission's rules of practice and procedure (18 CFR 1.18). Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, such attendance at the conference will not be deemed to authorize such intervention as a party in the proceedings.

In accordance with the provisions of § 1.18 of the rules, all parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of United Gas Pipe Line Company's proposed tariff changes, any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Failure to attend the conference shall constitute a waiver of all objections to stipulations and agreements reached by the parties in attendance at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4156 Filed 2-13-75; 8:45 am]

[Docket No. OP75-15]

UNITED GAS PIPE LINE CO.**Order Setting Matter for Hearing, Establishing Procedures and Granting Interventions**

FEBRUARY 7, 1975.

On July 16, 1974, United Gas Pipe Line Company (United) filed an application, as amended on December 18, 1974, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act [15 USC § 717(c)] to transport up to 5,000 Mcf of natural gas per day on behalf of the State of Louisiana (Louisiana) for delivery to New Orleans Public Service, Inc. (NOPSI).

Pursuant to a November 7, 1974, gas transportation agreement, Louisiana will deliver, or cause to be delivered gas for its account, to United at the tailgate of Exxon's Lirette Gasoline Plant in Terrebonne Parish, Louisiana. United will transport the gas to various points of redelivery at the outlet sides of United's several metering stations where United currently is delivering gas to NOPSI. At that point, NOPSI will purchase the gas from Louisiana in accordance with the terms of a letter agreement dated July 12, 1974, which specify that the gas will be utilized as boiler fuel to generate electricity. The stated purpose of this plan is to reduce the cost of electricity to NOPSI's customers by displacing fuel oil with natural gas. Louisiana and NOPSI anticipate that the total costs to NOPSI of such gas purchased and transported will be less than the present or future costs of fuel oil.

The gas to be transported by United will be purchased by Louisiana from T.N.T., Inc. (TNT) from acreage located in section 9 and 10-T21S-R21E, Lafourche Parish, Louisiana. The parties estimate recoverable reserves to be 20 billion cubic feet and initial daily deliverability to be 3,000 Mcf plus or minus 50 percent. Louisiana will pay TNT an initial rate of \$1.1729 per Mcf, subject to Btu adjustment and an escalation clause.

The transportation agreement between United and Louisiana provides for a rate of 10.73 cents which reflects United's Southern Zone jurisdictional cost of service as proposed in Docket No. RP74-83.¹ The term of the agreement is for a period extending from date of first deliveries to January 1, 1976, and year to year thereafter. It is further stated that United will effectuate the contemplated transportation arrangement through existing facilities.

Pursuant to notice of the instant application and of the amendment, petitions to intervene have been filed by NOPSI, Texas Eastern Transmission Corporation (TETCO), Consolidated Gas Supply Corporation (Consolidated), Entex, Inc. (Entex), and Peoples Natural Gas Company (Peoples).

The proposed end-use of the gas purchased by Louisiana for sale to NOPSI as

¹ On January 24, 1975, we modified that order by adding another petitioner therein.

² A proposal rate increase was filed in Docket No. RP74-83 on April 15, 1974.

boiler fuel in power generation raises the question as to whether interstate transportation facilities should be employed for this purpose. In this connection, we note that NOPSI is an existing power plant customer of United, whose boiler fuel requirements under the currently effective three-category curtailment plan have been accorded the lowest delivery priority.³ If the proposed transportation is approved, the gas purchased by NOPSI from Louisiana would not be subject to allocation, in whole or in part, to United's customers through operation of a present or future United curtailment tariff.

Were the proposed transportation one extending across state boundaries, our consideration of the application would be in accord with the principles of *F.P.C. v. Transcontinental Gas Pipe Line Corp.*, 365 U.S. 1 (1961) and *Arizona Public Service Co. v. F.P.C.*, 483 F.2d 1275 (CA9, 1973), and with the parties fully aware of our oft-stated findings that usage of natural gas for boiler fuel is inefficient, and, during times of shortage, is a misallocation of a wasting resource. However, here the gas to be transported for NOPSI is to be produced and consumed within the same state, so that the *Transco* and *APS* cases, *supra*, provide incomplete guidance. If, for example, the probable result of a denial by us of transportation authority to United is the construction of duplicative intrastate transportation facilities, then the public convenience and necessity may not be served by denial of authorization. We are aware that there is presently a high degree of underutilization of United's facilities through which this gas would flow, and United's jurisdictional ratepayers can be benefited if these facilities are put to use and compensation paid by NOPSI. Thus we must resolve a principal issue in this proceeding: Will the gas under contract to NOPSI move to NOPSI even if we disapprove use of United's facilities for that movement? If so, our inquiry here is whether or not the public convenience and necessity are served by permitting United to utilize more fully its existing interstate facilities and charge a fully compensatory rate therefor. If not, then our inquiry here is within the framework of the principles enunciated in *Transco* and *APS*.

For these reasons, we believe the instant application should be set for formal evidentiary hearing. Moreover, in light of the concurrent allegation by Louisiana in the United curtailment case that

human needs customers are threatened by deepening curtailments this winter,⁴ we shall establish procedures for expeditious hearing of this case. Finally, because this application does not involve the construction of facilities, we find that an environmental impact statement is not required by the National Environmental Policy Act of 1969.⁵

The Commission finds: (1) Good cause exists to set for formal hearing the application filed in the above-captioned docket.

(2) Participation of the above-named petitioners for intervention may be in the public interest.

The Commission orders: (A) The application filed by United pursuant to section 7(c) of the Natural Gas Act [15 USC § 717(c)] is hereby set for formal hearing.

(B) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15 and 16, and the Commission's rules and regulations under that Act, a public hearing shall be held commencing March 4, 1975, at 10 a.m. (est) at a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning whether or not the application for a certificate of public convenience and necessity should be granted, or upon what terms and conditions.

(C) United and all other parties in support of the application shall file their testimony on or before February 21, 1975.

(D) 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 or any of them might be aggrieved because of any order

³ United's implementation study of the program for the current winter period (1974-75) was filed on October 11, 1974.

⁴ Motion of State of Louisiana, *et al.*, filed January 21, 1975, in Dockets Nos. RP71-29 and RP71-120.

⁵ Section 102(2)(c), 42 USC 4321, *et seq.*

of the Commission entered in these proceedings.

By the Commission.

[SEAL] KENNETH F. PLUMS,
Secretary.

[FR Doc.75-4157 Filed 2-13-75;8:45 am]

[Docket No. E-8959]

UTAH POWER & LIGHT CO.
Compliance Filing

FEBRUARY 6, 1975.

Take notice that on January 27, 1975, Utah Power and Light Company (Utah) tendered for filing an "Amendment to Service Schedule F-1 to the Interconnection Agreement between Utah Power and Light Company and Arizona Public Service Company dated July 8, 1963," Utah states that it is filing the Amendment in compliance with Ordering Paragraph (B) of the Commission's November 15, 1974, order which required Utah, within 60 days of the date of issuance of that order, "to file a rate schedule supplement reflecting elimination of the provision for automatic adjustment of the material cost component of the O&M charge which is based upon the United States Department of Labor's "Industrial Commodities Index." The Amendment is dated January 20, 1975.

Utah states that a copy of the filing was served upon Arizona Public Service Company.

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 February 20, 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 filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMS,
Secretary.

[FR Doc.75-4158 Filed 2-13-75;8:45 am]

FEDERAL RESERVE SYSTEM

Federal Open Market Committee

AVAILABILITY OF INFORMATION

Domestic Policy Directive of

December 16-17, 1974

In accordance with 12 CFR 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on December 16-17, 1974.¹

The information reviewed at this meeting suggests that real output of goods and services is falling substantially further in the current quarter. Price and wage increases are continuing large, although not so large as earlier this year. In November declines in industrial production and employment were sharp and widespread, and the unemployment rate increased further, from 6.0 to 6.5 percent. In recent weeks additional production cutbacks and layoffs have been announced. The November rise in wholesale prices of industrial commodities, although substantial, remained well below the extraordinarily rapid rate in the first 8 months of the year.

Since mid-November the dollar has declined somewhat further against leading foreign currencies. In October the U.S. foreign trade deficit was reduced sharply for the second consecutive month, while there were continued net inflows of bank-reported private capital and of investments by oil-exporting countries.

Growth of the narrowly defined money stock increased in November to an annual rate of about 7 percent. Net inflows of consumer-type time and savings deposits remained strong at banks and continued to improve at nonbank thrift institutions, and the more broadly defined money supply measures again expanded appreciably. Bank loans increased only moderately. Most market interest rates, after rising in the second half of November, subsequently turned down again. Yields on State and local government securities, however, continued under upward pressure. Effective December 9, Federal Reserve discount rates were reduced from 8 to 7½ percent.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to resisting inflationary pressures, cushioning recessionary tendencies and encouraging resumption of real economic growth, and achieving equilibrium in the country's balance of payments.

To implement this policy, while taking account of developments in domestic and international financial markets, the Committee seeks to achieve bank reserve and money market conditions consistent with somewhat more rapid growth in monetary aggregates over the months ahead than has occurred in recent months.

By order of the Federal Open Market Committee, February 5, 1975.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.75-4124 Filed 2-13-75;8:45 am]

¹ The Record of Policy Actions of the Committee for the meeting of December 16-17, 1974, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20561.

RANGER FINANCIAL CORP.

Formation of Bank Holding Company

Ranger Financial Corporation, Ranger, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 92.2 percent of the voting shares of First State Bank, Ranger, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 28, 1975.

Board of Governors of the Federal Reserve System, February 6, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-4190 Filed 2-13-75;8:45 am]

INTERIM COMPLIANCE PANEL
(COAL MINE HEALTH AND SAFETY)

ELECTRIC FACE EQUIPMENT STANDARD

Renewal Permits; Opportunity for Public Hearings

Correction

In FR Doc. 75-2607, appearing on page 4366 in the issue for Wednesday, January 29, 1975, in the list of permits, the second entry, now reading "ICP Permit No. 4003-002 * * * Ser. No. 410)", should be changed to read "ICP Permit No. 4003-001 * * * Ser. No. 410)".

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION

[Notice (75-7)]

NASA RESEARCH AND TECHNOLOGY
ADVISORY COUNCIL COMMITTEE ON
AERONAUTICAL PROPULSION AD HOC
PANEL ON JET ENGINE HYDROCARBON
FUELS

Meeting

The NASA Research and Technology Advisory Council, Committee on Aeronautical Propulsion, Ad Hoc Panel on Jet Engine Hydrocarbon Fuels will meet on March 6 and 7, 1975, at the NASA Lewis Research Center, Cleveland, Ohio 44135. The meeting will be held in Room 225 of the Administration Building. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 40 persons including Panel members and other participants.

The NASA Research and Technology Advisory Council Committee on Aeronautical Propulsion's Ad Hoc Panel on Jet Engine Hydrocarbon Fuels was established to advise NASA's senior management on fuels research now being initiated by NASA in the areas of petroleum base, shale oil base and coal base

jet engine fuels. The Ad Hoc Panel will assess ongoing work and research plans, and will make recommendations to NASA on program content, timing and direction to insure greatest benefit to the nation. There are 11 members on the Ad Hoc Panel on Jet Engine Hydrocarbon Fuels. The current Chairman is Dr. John P. Longwell.

The following list sets forth the approved agenda and schedule for the meeting. For further information, please contact Mr. Harry W. Johnson, Area Code 202, 755-3003.

MARCH 6, 1975

- | Time | Topic |
|---------------|---|
| 8:15 a.m.--- | Preparation of Subpanel Reports (Purpose: To consolidate thoughts and ideas on specific issues relating to NASA's role in fuels research. These issues deal with combustion research, fuels safety and toxicity, specification broadening, alternate fuels economics and availability.) |
| 10:15 a.m.--- | Presentation of Subpanel Reports (Purpose: To afford Panel members an opportunity to comment on subpanel findings and identify areas of NASA participation.) |
| 3 p.m.----- | Presentation of Alternate Fuels Program Activities (Purpose: To permit members and invited guests to brief the Panel on program activities under way outside NASA which could impact NASA's fuels program plans.) |

MARCH 7, 1975

- | | |
|--------------|---|
| 8:15 a.m.--- | Discussion of Subpanel Reports and Fuels Program Activities Described on Previous Day (Purpose: To arrive at a set of recommendations establishing the scope and direction of NASA's jet engine hydrocarbon fuels research activities.) |
| 1 p.m.----- | Panel Discussion of Future Plans (Purpose: To develop a list of suitable topics for discussion at the next meeting, which will probably be the final one.) |
| 2 p.m.----- | Adjournment. |

Dated: February 10, 1975.

BOYD C. MYERS, II,
Assistant Associate Administrator
for Organization and
Management, National Aeronautics and Space Administration.

[FR Doc.75-4134 Filed 2-13-75;8:45 am]

NATIONAL FOUNDATION ON THE
ARTS AND THE HUMANITIES

National Endowment for the Arts

ARCHITECTURE AND ENVIRONMENTAL
ARTS ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public

Law 92-463), notice is hereby given that a closed meeting of the Architecture + Environmental Arts Advisory Panel to the National Council on the Arts will be held on March 6, 7, 1975 from 9 a.m.-5 p.m. in the 11th floor conference room, 2401 E Street, NW, Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-7144.

EDWARD M. WOLFE,
*Administrative Officer, National
Endowment for the Arts,
National Foundation on the
Arts and the Humanities.*

[FR Doc.75-4239 Filed 2-13-75;8:45 am]

DANCE ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Dance Advisory Panel to the National Council on the Arts will be held on March 9, 10, 11, 12, 1975 from 9 a.m.-5:30 p.m. in the 14th floor conference room, 2401 E Street, NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b) (4), (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-7144.

EDWARD M. WOLFE,
*Administrative Officer, National
Endowment for the Arts, National
Foundation on the Arts
and the Humanities.*

[FR Doc.75-4240 Filed 2-13-75;8:45 am]

LITERATURE ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Literature Advisory Panel to the National Council on the Arts will be held on March 7, 8, 1975 at the Essex House, 160 Central Park South, New York, New York.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-7144.

EDWARD M. WOLFE,
*Administrative Officer, National
Endowment for the Arts,
National Foundation on the Arts
and the Humanities.*

[FR Doc.75-4241 Filed 2-13-75;8:45 am]

PUBLIC MEDIA ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Public Media Advisory Panel to the National Council on the Arts will be held on March 3, 4, 5, 1975, from 9 a.m.-5:30 p.m. in Washington, D.C. A specific meeting place has not been determined as of this date. For those interested in attending the open sessions, please contact the Public Media Program, 634-6300.

A portion of this meeting will be open to the public on March 4 from 2 p.m.-5:30 p.m. and on March 5 from 9 a.m.-5:30 p.m.

The remaining sessions of this meeting on March 3 from 9 a.m.-5:30 p.m. and on March 4 from 9 a.m.-12 noon are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4) and (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from

EDWARD M. WOLFE,
*Administrative Officer, National
Endowment for the Arts, National
Foundation on the Arts
and the Humanities.*

[FR Doc.75-4242 Filed 2-13-75;8:45 am]

SPECIAL PROJECTS ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that closed meetings of the Special Projects Advisory Panel to the National Council on the Arts will be held on March 1, 1975, from 9 a.m.-5:30 p.m. in the 14th floor conference room and on March 3, 4, 5, 1975, from 9 a.m.-5:30 p.m. in the 13th floor conference room, 2401 E Street NW., Washington, D.C.

These meetings are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these meetings, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5)), will not be open to the public.

Further information with reference to these meetings can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-7144.

EDWARD M. WOLFE,
*Administrative Officer, National
Endowment for the Arts,
National Foundation on the Arts
and the Humanities.*

[FR Doc.75-4243 Filed 2-13-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR EARTH SCIENCES

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Earth Sciences to be held at 9 a.m. on March 3, 1975, in room 511 and at 8:30 a.m. on March 4, 1975, in room 517, 1800 G Street NW., Washington, D.C.

The purpose of the Panel is to provide advice and recommendations concerning earth sciences research as part of the review and evaluation process for specific proposals and projects.

The agenda for this meeting is as follows:

MARCH 3
9-10:30 a.m.

General Discussion of NSF Budget and Organization Changes.

Brief Review of Research Related to Mineral Resources Other Than Fossil Fuels.

10:45 a.m.-5:30 p.m.

Review and Evaluation of Research Proposals.

MARCH 4

Review and Evaluation of Research Proposals.

The March 3 session from 9-10:30 a.m. will be open to the public. The session on March 3 (10:45 a.m.-5:30 p.m.) and the entire session on March 4, will be devoted to reviewing, discussing, and evaluating individual research proposals. The proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552 (b) (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of Section 10(d) of Pub. L. 92-463.

Individuals who wish to attend the open portion of the meeting on March 3 or require further information concerning this Panel, should contact Dr. William E. Benson, Head, Earth Sciences Section, Room 312, National Science Foundation, Washington, D.C. 20550, telephone 202/632-4210, prior to the meeting. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Room K-720, National Science Foundation, Washington, D.C. 20550.

R. GAIL ANDERSON,
Acting Committee Management Officer.

FEBRUARY 11, 1975.

[FR Doc.75-4257 Filed 2-13-75; 8:45 am]

ADVISORY PANEL ON THE MATERIALS RESEARCH LABORATORIES

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel on the Materials Research Laboratories to be held at 9 a.m. on March 3 and 4, 1975, in room 540, 1800 G Street NW., Washington, D.C.

The purpose of the Panel is to review the current program and program policy, and to provide advice and recommendations for the continuation of the program. The agenda for this meeting is as follows:

MARCH 3

Review and Evaluation of the Individual Materials Research Laboratory Programs.

MARCH 4

Review and Evaluation of the Overall Materials Research Laboratory Program.

The March 3 session will not be open to the public because the Panel, based on actual site visits, will be critically reviewing and evaluating each university's materials research laboratory program. These matters are within the ex-

emptions of 5 U.S.C. 552(b), (4), (5), and (6). The closing of this portion of the meeting is in accordance with the determination of the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

The March 4 session shall be open to the public. Persons who wish to attend or would like more information about this Panel should contact Dr. R. J. Wasilewski, Head, Materials Research Laboratory Section, Room 336, National Science Foundation, Washington, D.C. 20550, telephone 202/632-7408.

Summary minutes of this meeting may be obtained from the Committee Management Coordination Staff, Management Analysis Office, Room K-720, National Science Foundation, Washington, D.C. 20550.

R. GAIL ANDERSON,
Acting Committee Management Officer.

FEBRUARY 11, 1975.

[FR Doc.75-4256 Filed 2-13-75; 8:45 am]

ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Subpanel on Minority Institutions Science Improvement Program (MISIP) to be held at 9 a.m. on March 6-7, 1975, in room 405, 5225 Wisconsin Avenue NW., Washington, D.C.

The purpose of this Subpanel is to provide advice and recommendations concerning the merit of specific proposals submitted for consideration by the Minority Institutions Science Improvement Program.

This meeting will not be open to the public because the Subpanel will be reviewing, discussing, and evaluating individual research proposals. Also, these proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b) (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Subpanel, please contact Dr. Art Diaz, Program Manager, Instructional Improvement Implementation Section, Room 448-W, National Science Foundation, Washington, D.C. 20550, telephone, 202/282-7760.

R. GAIL ANDERSON,
Acting Committee Management Officer.

FEBRUARY 11, 1975.

[FR Doc.75-4258 Filed 2-13-75; 8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-376]

PUERTO RICO WATER RESOURCES AUTHORITY (NORTH COAST NUCLEAR PLANT, UNIT 1)

Receipt of Application for Construction Permit and Facility License; Availability Environmental Report

Puerto Rico Water Resources Authority (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed on January 27, 1975, for authorization to construct and operate a generating unit utilizing a pressurized water nuclear reactor. The application was tendered on September 27, 1974. Following a preliminary review for completeness, the application was rejected on November 12, 1974, for lack of sufficient information. The applicant submitted additional information on December 27, 1974, and the application was found to be acceptable for docketing. Docket No. 50-376 which was previously assigned to Puerto Rico Water Resources' Aguirre application has been retained for this application, and should be referenced in any correspondence relating to the application.

The proposed nuclear facility, designated by the applicant as the North Coast Nuclear Plant, Unit 1, is located on the north central coast of Puerto Rico (Isote), and is designed for initial operation at 1785 megawatts (thermal), with a net electrical output of 583 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Arecibo City Hall Library, Arecibo, Puerto Rico.

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 January 27, 1975. 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 Planning Board, 1507 Ponce de Leon Avenue, Cond. Ponce de Leon, Box 9447, Sanjurjo, Puerto Rico 00908.

After the environmental report has been analyzed by the Commission's Director of Nuclear Reactor Regulation or his designee, a draft environmental statement will be prepared by the Commission's 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 staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 5th day of February 1975.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors,
Project Branch 1-3, Division
of Reactor Licensing.

[FR Doc. 75-3915 Filed 2-13-75; 8:45 am]

[Docket No. 50-376]

PUERTO RICO WATER RESOURCES AUTHORITY (NORTH COAST NUCLEAR PLANT, UNIT 1)

Hearing on Application for Construction Permit

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 Puerto Rico Water Resources Authority (the applicant), for a construction permit for a pressurized water nuclear reactor designated as the North Coast Nuclear Plant, Unit 1, (the facility), which will be designed for operation at 1785 thermal megawatts with a net electrical output of approximately 583 megawatts. The proposed facility is to be located on the north central coast of Puerto Rico (Isote).

The hearing, which will be scheduled to begin in the vicinity of the site of the proposed facility, 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. The Board consists of Dr. Richard F. Cole, Mr. Gustave A. Linenberger, and Daniel M. Head, Esq., Chairman.

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

Upon completion by the Commission's 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 Nuclear Reactor 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 a construction

permit to the applicant. 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 applicant has described the proposed design of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

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

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

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

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

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

4. Whether the issuance of a permit for construction of the facility 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 permit 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 hearing, makes favorable findings on such issues, the Director of Nuclear Reactor Regulation may, pursuant to 10 CFR 50.10(e) authorize the applicant to conduct certain onsite work entirely at its 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 staff has been adequate to support the proposed findings to be made by the Director of Nuclear Reactor 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 permit proposed by the Director of Nuclear Reactor Regulation; and (2) whether the NEPA review conducted by the Commission's 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 a construction permit should be issued to the applicant.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with § 51.52(c) of 10 CFR Part 51: (1) determine whether the requirements of section 102(2) (A), (C), and (D) of NEPA and 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 permit 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 a construction permit 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 Item 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 April 15, 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 applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by March 17, 1975. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a) (1)-(4) and 2.714(d).

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant by March 6, 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 Nuclear Reg-

ulatory Commission, Washington, D.C. 20555, 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 Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Esq. Rafael Betancourt Pulliza, General Counsel, Puerto Rico Water Resources Authority, G.P.O. Box 4267, San Juan, Puerto Rico 00936, and to Maurice Axelrad, Esq., Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue NW., Washington, D.C. 20036, attorneys for the applicant.

For further details, see the application for a construction permit dated January 27, 1975, and amendments thereto, and the applicant's environmental report dated January 27, 1975, which are or will be 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 these documents will also be available at the Arecibo City Hall Library, Arecibo, Puerto Rico, for inspection by members of the public between the hours of 9 a.m. and 9 p.m. Monday through Friday. As they become available, a copy of the safety evaluation report by the Commission's Division of Reactor Licensing, the Commission's draft and final environmental statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permit, 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 Division of Reactor Licensing's safety evaluation report, the Commission's final environmental statement, the proposed construction permit, and the ACRS report may be obtained, when available, by request to the Director, Division of Reactor Licensing, Office of Nuclear Reactor Regulation, United States Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Washington, D.C. this 6th day of February, 1975.

UNITED STATES NUCLEAR REGULATORY COMMISSION,

JOHN C. HOYLE,
Acting Secretary of the Commission.

[FR Doc.75-3916 Filed 2-13-75; 8:45 am]

[Docket Nos. 50-466, 50-467]

HOUSTON LIGHTING & POWER CO.
(ALLENS CREEK NUCLEAR GENERATING STATION, UNITS 1 AND 2)

Evidentiary Hearing

A hearing will commence at 10 a.m., March 11, 1975, in the auditorium at

Wallis Orchard Independent School, 6800 Main Street, Wallis, Texas, to receive evidence relating to the application of Houston Lighting and Power Company for a permit to construct two nuclear power reactors in Austin County, Texas. To be considered at this hearing are whether or not the site proposed for the reactors is suitable from the standpoint of radiological health and safety and issues relating to environmental matters.

The public is invited to attend. Any person who has asked to make a limited appearance may state his views or file a written statement at the time and place above set out or at such later time as the Board may designate.

It is so ordered.

Dated at Bethesda, Maryland, this 7th day of February, 1975.

ATOMIC SAFETY AND LICENSING BOARD,
FREDERIC J. COUFAL,
Chairman.

[FR Doc.75-4137 Filed 2-13-75; 8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 4.2, Revision 1, "Preparation of Environmental Reports for Nuclear Power Stations," provides guidance on the preparation of environmental reports for nuclear power plants. It identifies the information that should be included in environmental reports accompanying applications for construction permits or operating licenses for these facilities. This revision reflects numerous comments from the public, implements 10 CFR Part 51 which became effective August 19, 1974, and relates more directly to the staff's needs for environmental information.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 4.2, Revision 1, will, however, be particularly useful in evaluating the need for an early revision if received by April 11, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW.,

Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 4 regulatory guides currently being developed include the following:

- Cooling Water System—Protection of Aquatic Organisms (Entrapment).
- Cooling Water System—Protection of Aquatic Organisms (Entrapment).
- Cooling Water System—Protection of Aquatic Organisms (Cold Shock).
- Irreversible and Irretrievable Commitments of Materials Resources.
- Land Use Assessment—Agriculture.
- Nuclear Power Stations—Guide to Terrestrial Studies.
- Standard Format and Content of Site Certification Reports for Designated Sites.
- Environmental Technical Specifications for Nuclear Power Plants.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 5th day of February, 1975.

For the Nuclear Regulatory Commission,

ROBERT B. MINOGUE,
Acting Director,
Office of Standards Development.

[FR Doc.75-4138 Filed 2-13-75;8:45 am]

[Dockets Nos. 50-259 and 50-260]

**TENNESSEE VALLEY AUTHORITY
(BROWNS FERRY NUCLEAR PLANT,
UNITS 1 AND 2)**

**Issuance of Amendment to Facility
Operating License**

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 6 and 3 to Facility Operating License Nos. DPR-33 and DPR-52 issued to the Tennessee Valley Authority which revised technical specifications for operation of the Browns Ferry Nuclear Plant Units 1 and 2, located in Limestone County, Alabama. The amendment is effective as of its date of issuance.

The amendment revises sections 2.1 and 4.1.1 of Appendix B to the Facility Operating License Nos. DPR-33 and DPR-52. Revision of section 2.1 allows for backup procedures in case of thermal monitoring network failure. Revision of section 4.1.1 changes sample preservation procedures to comply with recent changes in EPA's approved procedures.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated May 17, 1974, and (2) Amendment Nos. 6 and 3 to License Nos. DPR-33 and DPR-52, with any attachments. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611.

A copy of items (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland, this 5th day of February, 1975.

For the Nuclear Regulatory Commission,

JOHN F. STOLZ,
*Chief, Light Water Reactors
Project Branch 2-1, Division
of Reactor Licensing.*

[FR Doc.75-4135 Filed 2-13-75;8:45 am]

[Docket Nos. 50-338, 50-339]

**VIRGINIA ELECTRIC & POWER CO.
(NORTH ANNA POWER STATION,
UNITS 1 AND 2)**

Notice of Reconstitution of Board

In the matter of 10 CFR Part 50, Appendix D, Section B, Proceeding.

John B. Farmakides, Esq., was Chairman of the Atomic Safety and Licensing Board established for the above proceeding. Mr. Farmakides, because of a schedule conflict, is unable to continue in his duties on this Board.

Accordingly, Frederic J. Coufal, Esq., whose address is Atomic Safety and Licensing Board Panel, Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board.

Reconstitution of the Board in this manner is in accordance with § 2.721 of the rules of practice, as amended.

Dated at: Bethesda, Md., this 7th day of February, 1975.

**ATOMIC SAFETY AND LICENSING
BOARD PANEL,**
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.75-4136 Filed 2-13-75;8:45 am]

**OFFICE OF MANAGEMENT AND
BUDGET**

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 10, 1975 (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 in-

formation; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

**DEPARTMENT OF HEALTH, EDUCATION, AND
WELFARE**

Social and Rehabilitation Service, evaluation of medical spend-down, single-time, medicaid recipients, Sunderhauf, M. B., 395-4911.

National Institutes of Health, medical library resources project grants, library data sheets and supplemental instructions to, NIH 398 and 2006-1 applications, NIH-LM-6, on occasion, public and private non-profit organizations, Lowry, R. L., 395-3772.

DEPARTMENT OF THE INTERIOR

Geological Survey, application for the establishment of royalty values, annually, oil and gas lessees, Caywood, D. P., 395-3443.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of the Census, special population census schedule, SC-19, on occasion, Spanish speaking in San Bernardino, California, Strasser, A. 395-3680.

EXTENSIONS

RAILROAD RETIREMENT BOARD

Report about student to railroad retirement board, G-317, annually, Evinger, S. K., 395-3648.

Request for hearing part B medicare claim, G-791, on occasion, Evinger, S. K., 395-3648.

Request for review part B medicare claim, G-790, on occasion, Evinger, S. K., 395-3648.

Annual policing questionnaires (of events which may affect annuitants benefits), G-19A, annually, Evinger, S. K., 395-3648. Application for substitution of payee for employee or spouse annuitant, AA-5, on occasion, Evinger, S. K., 395-3648.

PHILLIP D. LARSEN,

Budget and Management Officer.

[FR Doc.75-4285 Filed 2-13-75;8:45 am]

**SECURITIES AND EXCHANGE
COMMISSION**

[Rel. No. 8667]

PIONEER FUND, INC.

Application for Exemption Order for Sale of Securities at Other than the Public Offering Price

FEBRUARY 7, 1975.

Notice is hereby given that Pioneer Fund, Inc. ("Applicant"), 28 State Street, Boston, Massachusetts 02109, a Massachusetts corporation registered under the Investment Company Act of

1940 (the "Act") as an open-end diversified management investment company, filed an application on December 9, 1974, and amendments thereto on January 14, 1975 and January 29, 1975, pursuant to section 5(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus in exchange for substantially all of the assets of Munoz Corp. ("Munoz"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Munoz, a Colorado corporation, maintains a diversified portfolio of securities substantially in the form of investments in marketable securities, cash and cash items. Munoz is a personal holding company for tax purposes, all of its outstanding stock being owned of record and beneficially by twelve persons.

On December 5, 1974, Applicant and Munoz entered into a Plan and Agreement of Reorganization (the "Agreement") pursuant to which substantially all of the assets of Munoz, consisting of securities and cash, with a value of approximately \$4,737,684 as of November 30, 1974, are to be transferred to Applicant in exchange for shares of the Applicant's voting common stock. The number of Applicant's shares to be delivered to Munoz will be determined by dividing the net value of the assets of Munoz transferred to Applicant by the net asset value per share of Applicant, both to be determined as of the valuation time as defined in the Agreement.

Applicant expects to acquire all of the securities of Munoz except (1) Unmarketable Securities valued at an aggregate of \$5,000 and (2) securities with a market value not exceeding \$150,000 which will be retained by Munoz to cover its liabilities and costs. Applicant will not assume any liabilities of Munoz. Munoz will be liquidated as soon as practicable after the closing.

The transaction is contingent upon it being tax-free and a letter ruling has been requested from the Internal Revenue Service to that effect.

Section 22(d) of the Act, in pertinent part, prohibits a registered investment company from selling any redeemable security issued by it to any person except to or through a principal underwriter for distribution or at a current public offering price as described in the prospectus.

Applicant's shares are currently being offered for sale to the public through Fund Research and Management, Inc. (Underwriter), the Applicant's sole underwriter which is the owner of all of the outstanding capital stock of Pioneer Management Corp. (Adviser), the Applicant's investment adviser. The public offering price of Applicant's shares is net asset value per share plus varying sales charges dependent upon the amount purchased, the maximum being 8½ per-

cent and the minimum being 1 percent on sales in excess of \$600,000.

Since no sales charge will be made under the terms of the Agreement, the price at which the Applicant will issue its shares in exchange for assets of Munoz will be different from the public offering price described in Applicant's prospectus and an order exempting the proposed transaction from the provisions of section 22(d) of the Act is necessary.

Underwriter's share of the 1 percent sales charge on sales in sums of \$600,000 is ¼ of the 1 percent. If the exchange of Applicant's shares for the assets of Munoz had been subject to the sales charge set forth in Applicant's prospectus, Underwriter's share of such sales load would have been \$11,965. Underwriter has waived any sales loads on the proposed transaction.

Applicant has agreed to pay up to \$5,000 of the fees of Munoz's attorneys and auditors to the extent such fees are directly related to the proposed transaction. Adviser, Underwriter's subsidiary, has agreed to reimburse Applicant for any special expenses, for auditors, legal counsel, etc., of the proposed transaction allocable to Applicant, including the \$5,000 of Munoz's expenses, which Applicant has agreed to pay.

Adviser receives an advisory fee from Applicant of ½ percent per annum of Applicant's average daily net assets up to \$250,000,000, 48 percent of such assets between \$250,000,000 and \$300,000,000, and 45 percent of such assets in excess of \$300,000,000. As of November 30, 1974, Applicant had net assets of \$208,531,242.

Applicant represents that the benefit of the proposed transaction to it is that it will acquire portfolio securities without paying any brokerage commission therefor and thus "save" approximately \$40,000 that would have been paid in such commissions if securities in amounts equal to the value of the securities it intends to acquire from Munoz were acquired in the market.

Applicant has no present plans to sell any of the portfolio securities acquired from Munoz and each Munoz shareholder has represented to Munoz in writing that he has no present intention of selling, redeeming or otherwise disposing of the Applicant's stock to be received under the Agreement.

No tax adjustment formula has been provided since Applicant and Munoz had net unrealized capital losses as of November 30, 1974, of \$51,959,059 and \$404,325, respectively, neither Applicant nor Munoz has any Federal income tax loss carryforward, and Munoz will have no realized capital gain to be carried over to the Applicant.

Applicant states that no affiliation exists between Applicant or its affiliates and Munoz and its affiliates, and that the Agreement was negotiated at arm's-length by the two companies.

Section 5(c) of the Act permits the Commission, upon application, to exempt a transaction from any provision of the Act if it finds that such exemption is necessary or appropriate in the public interest and consistent with the protec-

tion of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice Is Further Given that any interested person may, not later than February 27, 1975 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following February 27, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4184 Filed 2-13-75; 8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 06/06-5178]

EDICT INVESTMENT CORPORATION

Filing of Application

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Edict Investment Corporation (applicant), with the Small Business Administration pursuant to 13 CFR 107.102 (1974).

The officers and directors of the applicant are as follows:

Rev. Roger P. Morin, 812 General Pershing Street, New Orleans, Louisiana; president, director.

Rev. Michael S. Haddad, 2705 State Street, New Orleans, Louisiana; vice president, director.

Rev. Clinton J. Doskey, 2916 Paris Avenue, New Orleans, Louisiana; secretary/treasurer, director.

Gregory G. Johnson, 1224 Broadway, New Orleans, Louisiana 70118; director.

John J. Dordis, 6321 South Robertson Street, New Orleans, Louisiana; director.

Alden J. McDonald, 8300 I-10 Service Rd., East, Court #1, Apt. 115, New Orleans, Louisiana; director.

Margaret Van Gundy, 2127 South Corralton, New Orleans, Louisiana; director.
Richard Axelland, 13051 Chateau Court, New Orleans, Louisiana; director.

The applicant, a Louisiana corporation, having its principal place of business located at 3453 Magazine Street, New Orleans, Louisiana 70115, will begin operations with \$150,000 of paid-in capital and paid-in surplus derived from the sale of 1,500 shares of common stock to Edict, Inc., a nonprofit corporation funded by grants from the Raskob Foundation and from Philmat, Inc., a nonprofit corporation operating as a source of funding for community service centers and projects in the Archdiocese of New Orleans.

As a small business investment company under section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economical disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owner and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and SBA rules and regulations.

Any person may, not later than March 3, 1975, submit to SBA written comments on the proposed applicant. Any such communication 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 in a newspaper of general circulation in New Orleans, Louisiana.

Dated: February 5, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.75-4125 Filed 2-13-75; 8:45 am]

FEDERAL ENERGY ADMINISTRATION

CONSULTATION CONCERNING VOLUN- TARY AGREEMENT AND PROGRAM Meeting

A meeting will be held on Thursday, February 20, 1975, at 9:30 a.m. in Room 1912, at the State Department, 21st and Virginia Avenue NW., Washington, D.C. The meeting is for the purpose of consulting with representatives of the petroleum industry pursuant to section 708(a) of the Defense Production Act with a view to encouraging the making by such

persons of a voluntary agreement and program. The agreement is intended to facilitate the participation of the petroleum industry in the implementation of the International Energy Program. Copies of a suggested agreement and program will be available in the Office of General Counsel, Federal Energy Administration, on Tuesday, February 18, in Room 5116, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C.

The meeting will be open. A transcript will be prepared and made available to the public. Persons desiring to attend should notify the Office of General Counsel no later than noon, Wednesday, February 19, by phone (202) 961-8201. Attendance may be limited depending upon available space.

Interested parties are invited to participate by submitting written data, views, or arguments, with respect to the proposed agreement. Such views should be submitted five copies each to the Office of General Counsel, Federal Energy Administration, and the Office of Legal Counsel, State Department (attention Phillip Trimble).

Dated: February 13, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

[FR Doc.75-4406 Filed 2-13-75; 12:43 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[ADMINISTRATIVE ORDER 637]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment to Investigate Conditions and Recommend Minimum Wage Rates; Hearings; Corrections

In FR Doc. 75-3586 appearing on page 5830 for the issue of Friday, February 7, 1975 make the following changes:

(1) In paragraph 1 appearing on page 5830 change Committee No. 125-A Chemical, Petroleum and Related Products Industry to read Committee No. 125-A Construction Industry.

(2) In paragraph 1 appearing on page 5830 change Committee No. 125-B Construction Industry to read Committee No. 125-B Chemical, Petroleum and Related Products Industry.

Signed at Washington, D.C., this 12th day of February 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-4327 Filed 2-13-75; 8:45 am]

INTERSTATE COMMERCE COMMISSION

RAYMOND R. MANION

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 FR 8769) "Providing for the appointment of certain persons under the Defense Production Act of 1950, as amended," I hereby

furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (30 FR 8809; 31 FR 930; 31 FR 13405; 32 FR 769; 32 FR 10786; 33 FR 522; 33 FR 10544; 33 FR 20067; 34 FR 11341; 35 FR 131; 35 FR 12175; 36 FR 1235; 36 FR 14359; 37 FR 3480; 37 FR 17100; 38 FR 3649; 38 FR 27248; 39 FR 6574; and 39 FR 390), for the six months' period ending January 3, 1975.

No changes since report for period ending July 3, 1974.

Dated: February 6, 1975.

R. R. MANION.

[FR Doc.75-4197 Filed 2-13-75; 8:45 am]

[AB 101]

DULUTH, MISSABE AND IRON RANGE RAILWAY CO.

Abandonment Portion of Z Branch Between (1) Sparta Junction and Largo Junction and (2) Eveleth Branch in the City of Eveleth, All in St. Louis County, Minnesota

FEBRUARY 11, 1975.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in St. Louis County, Minn., on or before February 26, 1975, 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 4th day of February, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 101]

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY ABANDONMENT PORTION OF Z BRANCH BETWEEN (1) SPARTA JUNCTION AND LARGO JUNCTION AND (2) EVELETH BRANCH IN THE CITY OF EVELETH, ALL IN ST. LOUIS COUNTY, MINNESOTA

The Interstate Commerce Commission hereby gives notice that by order dated

February 4, 1975, it has been determined that the proposed abandonment by the Duluth, Missabe and Iron Range Railway Company of its (1) line of railroad extending from Mile Post 5.18 at Sparta Junction near the City of Eveleth to Mile Post 11.31 at Largo Junction, a distance of 6.13 miles; and (2) its line of railroad extending from Mile Post 1.63 near Eveleth in a northerly direction to the end of the line in the City of Eveleth, a distance of 1.02 miles, all in St. Louis County, Minn., 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 there will be no significant adverse environmental effects associated with the proposed abandonment which is consistent with local land use plans to expand iron ore mining and related activities within the immediate area of the subject lines and trackage. In addition, there are nearby rail facilities and adequate alternate highways available for continued transportation services in the affected area. Bridge traffic which moves over this line will be diverted to an alternate rail line. Furthermore, any resultant diversion from rail to motor carrier services will have negligible impacts on air and water quality in the area.

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 March 12, 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. 75-4249 Filed 2-13-75; 8:45 am]

[AB 43 (Sub-No. 6)]

ILLINOIS CENTRAL GULF RAILROAD CO. Abandonment Between Valley and Redwood, in Yazoo and Warren Counties, Mississippi

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Warren and Yazoo Counties, Miss., on or before February 29, 1975 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 30th day of January, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

ILLINOIS CENTRAL GULF RAILROAD COMPANY Abandonment Between Valley and Redwood, in Yazoo and Warren Counties, Mississippi

The Interstate Commerce Commission hereby gives notice that by order dated January 30, 1975, it has been determined that the proposed abandonment by the Illinois Central Gulf Railroad Company of its line between Valley and Redwood, in Yazoo and Warren Counties, Miss., a distance of 20 miles, 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 abandonment are not considered significant because there has been no traffic over the subject line since August 1970, there are no development plans in the area which could be affected by the loss of rail service, and there are no major ecological, historic, or safety impacts associated with the proposed action.

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 March 17, 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. 75-4248 Filed 2-13-75; 8:45 am]

[Notice No. 698]

ASSIGNMENT OF HEARINGS

FEBRUARY 11, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but in-

terested 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 February 14, 1975.

MC 140005, Dependable Interline Transfers, Inc., now assigned March 11, 1975, at New York, N.Y., is canceled and application dismissed.

MC 128932 Sub 8, Robert L. Torrans, DBA Commercial Storage & Distribution Co., now assigned March 4, 1975, at Dallas, Tex., will be held in Room 5A15-17, Federal Office Building, 1100 Commerce Street.

MC 114211 Sub 233, Warren Transport, Inc., now assigned March 6, 1975, at Dallas, Tex., will be held in Room 5A15-17, Federal Office Building, 1100 Commerce Street.

MC 117574 Sub 248, Daily Express, Inc., now assigned March 11, 1975, at Columbus, Ohio, will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 107295 Sub 724, Pre-Pab Transit Co., now assigned March 13, 1975, at Columbus, Ohio; will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 73937 Sub 16, Hogan Storage & Transfer Company, now assigned March 17, 1975, at Columbus, Ohio; will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

No. 35956, Morell Overseas Export Service Of Wisconsin, Inc., v. Chicago and North Western Transportation Company, now assigned March 18, 1975, at Milwaukee, Wis., will be held in Room 301C, City Hall, 200 E. Wells St.

No. 35990, Maritime Shipping Agencies, Inc., v. Chicago and North Western Transportation Company, now assigned March 18, 1975, at Milwaukee, Wis., will be held in Room 301C, City Hall, 200 E. Wells St.

No. 35998, Hansen Seaway Service, Ltd. v. Chicago and North Western Transportation Company, et al. now assigned March 18, 1975, at Milwaukee, Wis., will be held in Room 301C, City Hall, 200 E. Wells St.

MC 127274 Sub 44, Sherwood Trucking, Inc., now assigned March 24, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 119656 Sub 27, North Express, Inc., now assigned March 27, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 128375 Sub 112, Crete Carrier Corp., now assigned March 25, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 124821 Sub 13, William Gilchrist, now being assigned April 16, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 117574 Sub 249, Daily Express, Inc., now being assigned April 22, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-12335, Roy A. Gerner & Sons, Inc.—Purchase—Joseph E. Davis, now being assigned April 22, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 128383 Sub 54, Pinto Trucking Service, Inc., now being assigned April 24, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-12331, Aero Trucking, Inc.—Purchase (Portion)—Miller's Motor Freight, Inc., now being assigned April 28, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-111545 Sub 203, Home Transportation Company, Inc., now being assigned May 5, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-118142 Sub 77, M. Bruenger & Co., Inc., now assigned April 7, 1975, at Kansas City, Mo. is transferred to April 7, 1975 (3 days), at Wichita, Kans., in a hearing room to be later designated.

No. 36073, Chrysler De Mexico, S.A. v. Penn Central Transportation Company, et al., now assigned March 17, 1975, at Dallas, Texas, is cancelled and transferred to modified procedure.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-4245 Filed 2-13-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 11, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42943—*Joint Water-Rail Container Rates—American President Lines, Ltd.* Filed by American President Lines, Ltd., (No. 17), for itself and interested rail carriers. Rates on general commodities, between ports in Japan, Korea, Hong Kong, Vietnam, The Philippines, Taiwan, Bangkok, Malaysia, Singapore, Indonesia, Sri Lanka, India, and Thailand, and rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-4246 Filed 2-13-75;8:45 am]

[Notice No. 231]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 13, 1975.

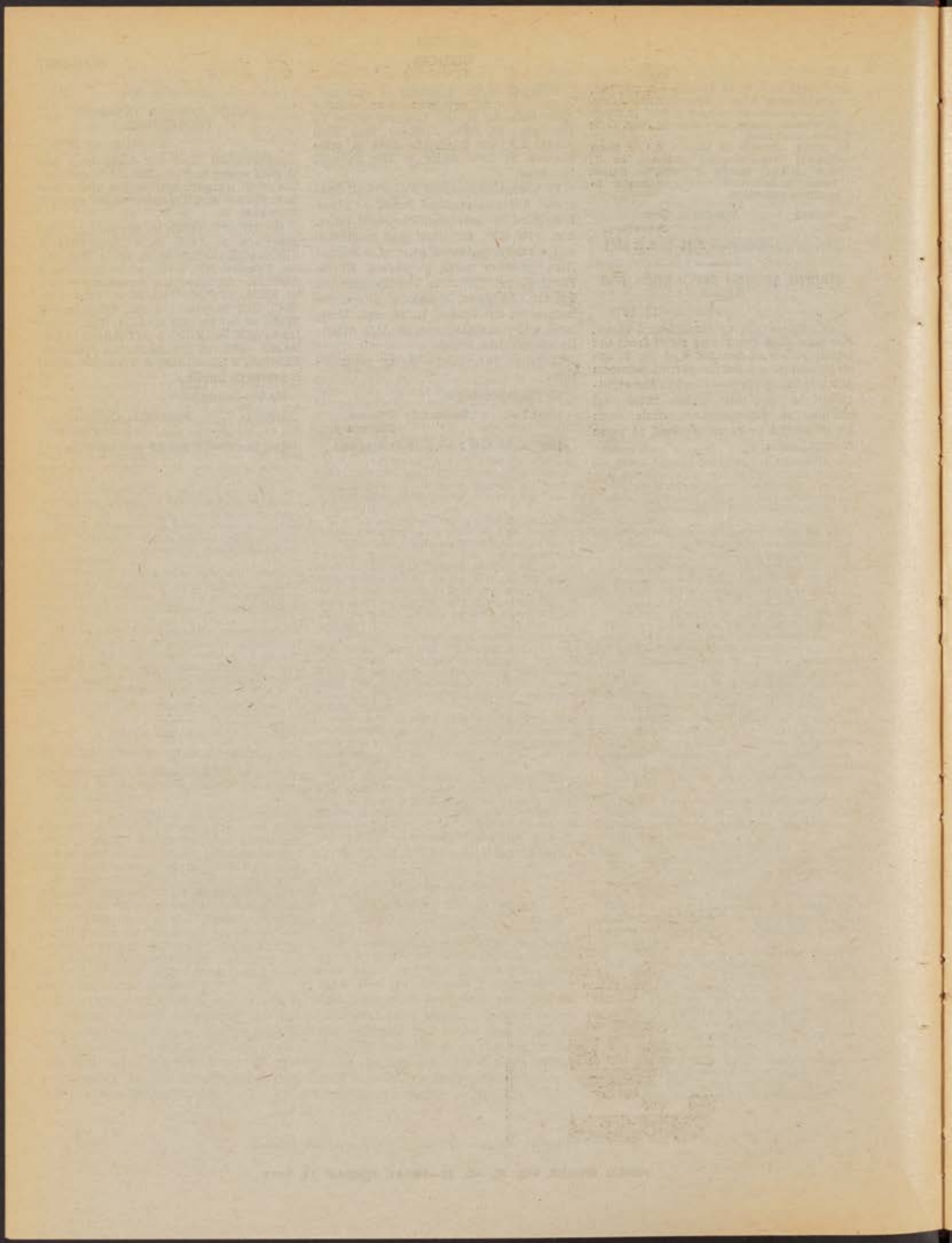
Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75672. By application filed February 4, 1975, ACE MOVING & STORAGE COMPANY, INC., 7820 "L" St., Omaha, NE 68127, seeks temporary authority to lease the operating rights of FIDELITY STORAGE & VAN CO., INC., 512 South 11th St., Omaha, NE 68102, under section 210a(b). The transfer to ACE MOVING & STORAGE COMPANY, INC., of the operating rights of FIDELITY STORAGE & VAN CO., INC., is presently binding.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-4247 Filed 2-13-75;8:45 am]



federal register

FRIDAY, FEBRUARY 14, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 32

PART II



FEDERAL HOME LOAN BANK BOARD

■

FEDERAL SAVINGS AND LOAN SYSTEM

Interest Rate Adjustments

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 541, 545]

[No. 75-118]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Amendments Relating to Interest Rate Adjustments

FEBRUARY 6, 1975.

The following summary of the amendments proposed by this Resolution is included for the reader's convenience and is subject to the full description in the preamble as well as the specific provisions in the regulations.

I. *Present regulation for Federal associations.*

A. Mortgage interest rates can be adjusted only by changing the length of the loan term.

B. The maximum loan term is 30 years.

II. *Proposed regulation for Federal associations.*

A. Mortgage interest rates could be adjusted by changing the amount of monthly payments, by changing the length of the loan term, or by a combination thereof. However, the loan term may not be decreased to less than the original loan term unless the borrower agrees.

B. The term of a loan having an adjustable interest rate could be extended to 35 years.

C. Increases would be optional and decreases would be required.

D. The overall contract rate increase could not exceed 2.50 percent and the rate of increase could not exceed an average rate of increase of 0.50 percent every six months.

E. The contract rate need not be decreased more than an average rate of 0.50 percent every six months.

F. Changes could not be made more often than every six months.

G. Forty-five days advance notice of any increase would be required.

H. Borrowers could prepay without penalty whenever the contract rate exceeds the initial contract rate.

I. Board approved index would be the standard for interest rate changes.

J. Advance disclosure of contract provisions would be required.

III. *Reasons for proposed changes.*

A. To provide a larger and more stable flow of funds for home mortgage lending.

B. To enable associations to pay more competitive rates of return on savings accounts.

C. To reduce the extent to which savers and new borrowers in effect subsidize the lower rates paid by existing borrowers.

IV. *Effects.*

A. The proposed amendments would apply to all loans having an interest rate adjustment provision closed on and after the effective date of the amendments including loans made pursuant to commitments entered into before such date.

B. The proposed amendments would not affect loans closed after the effective date of the amendments which have fixed rates of interest.

C. The proposed amendments would not affect existing mortgage contracts.

The Federal Home Loan Bank Board considers it desirable to propose amendments to Parts 541 and 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 541 and 545) in order to authorize and regulate the manner in which Federal savings and loan associations may adjust the interest rates on loans secured by improved real estate. Accordingly, the Board hereby proposes to amend said parts 541 and 545 as set forth below.

It is the Board's position that permitting savings and loan associations to adjust interest rates on home mortgage loans would benefit both borrowers and savers. Borrowers would be benefited because the flow of funds into home mortgage lending should become larger and more stable. Further, sharp interest rate increases for new borrowers during periods of tight money could be reduced which would lessen the extent to which new borrowers, in effect, subsidize the lower rates of existing borrowers. The continuing availability of mortgage funds would facilitate the resale of existing housing and aid in insuring a steady volume of activity in real estate markets. Savers and potential savers would be benefited by the ability of associations to pay competitive rates of return on savings accounts.

A savings and loan association typically makes most of its loans to home buyers. About 90 percent of an association's income is normally derived from the interest on its loans to borrowing customers. Correspondingly, the association obtains the money with which to make home mortgage loans primarily from deposits by savers. The interest which the association must pay to these people on their savings represents the association's basic cost of money. The difference between the borrowers' interest payments and the interest paid to savers must at least meet the association's other operating expenses and required reserve allocations. Otherwise the association would operate at a loss. If its losses were large enough and lasted long enough, the association would fail and account holders, prospective borrowers, the housing markets and the public generally would suffer. Hence, it is critical that an association's interest income over time always at least equal the association's average cost of money paid to savers plus its other operating expenses. Moreover, to remain a viable entity it is necessary that it maintain a reasonable margin between its interest income and its average cost of money and other operating expenses.

Most loans made by associations are long-term, frequently as long as 30 years. This is necessary if the monthly mortgage payments are to be within a borrower's income limits. However, the savings accounts of depositors have relatively short maturities. Thus, this creates an imbalance with the association in effect "lending long and borrowing short." There is a further imbalance since an association's income is relatively fixed and its cost of money is variable. This occurs for essentially two reasons: first the rate of interest on most loans is fixed

for the entire term of the loan; and second, the rate of interest on savings accounts must vary much more frequently in response to changes in the rates of interest on market instruments that compete with savings accounts for the savings dollar. Thrift institutions are limited in increasing savings rates by the income produced on mortgages.

However, if the difference between the rates of interest that can be paid on savings accounts and market instruments becomes too great, as once again has been the case in recent months, "disintermediation" occurs. This means that people take their money out of savings accounts and put it into higher yielding investments, or do not put it into savings accounts in the first place.

When disintermediation occurs, homebuyers are seriously harmed in three basic ways. First, individuals wishing to purchase homes may be unable to obtain mortgage loans because associations do not have the money with which to make the loans. Second, to the extent that the association may have mortgage money available, it will be able to make only smaller loans and down payment requirements will be correspondingly higher. Third, in order to attract or even retain savings account funds to be used for mortgage loans, the association must pay a higher rate of return on those funds, which results in substantially higher rates to new mortgage borrowers.

The lack of availability of housing funds or the restricted availability of housing funds and the increased cost of those funds cause other problems. The increased cost reduces the number of people that are able to afford a home. The increase in mortgage loan rates is especially sharp and applies exclusively to new mortgage loans because an association can use the higher interest rate only on the new loans to bring the average return on its entire mortgage portfolio into line with its new average cost of money on all of its savings accounts. In effect, persons who obtain mortgage loans at higher interest rate levels are subsidizing persons who previously obtained low interest rate mortgages. The ability of existing homeowners to readily sell their houses is reduced, and the lack of activity in the housing markets adversely affects the income of builders, realtors, construction workers, and many other working Americans.

One method of helping to reduce the undesirable effects of disintermediation is to permit associations to make mortgage loans having adjustable rates of interest. The use of adjustable rate mortgages in time would enable associations to pay their savers rates of return which are more competitive with the interest rates available on market instruments. Further, small savers who may not be able to purchase higher yielding market instruments will share in these higher rates of return.

The interest rates on mortgage loans with adjustable rates would generally change in the same manner and at approximately the same time that changes occur in interest rates on market instruments and savings accounts. If an associ-

ation has been making adjustable rate mortgages and market interest rates increase, the association would be able to offer its new borrowers mortgages at lower rates of interest than if the association's home mortgage portfolio was composed solely of loans having fixed interest rates. It would also be able to pay its savers rates more closely related to competitive market instruments. This would be possible because associations' income would be more nearly consonant with their costs and they would therefore not have to pass on the entire cost of higher savings account rates to their new borrowers. The use by associations of mortgage loans having adjustable rates of interest would thus significantly reduce the extent to which new borrowers and savers in effect subsidize existing borrowers. Because the use of adjustable rate mortgages would help lessen disintermediation, a greater supply of mortgage money would be available and would insure that more prospective homebuyers—including those who can afford to make only a modest down payment—would be able to purchase the homes they need. The following example illustrates these relationships; for the purposes of simplification, the example assumes that the association uses all its available funds to make home mortgage loans. If an association's average cost of money paid to savers increases from 6 percent to 6.25 percent, its average mortgage portfolio interest income must increase from 7 percent to 7.25 percent in order to maintain the income necessary to operate the association. However, in order to increase its average portfolio yield from 7 percent to 7.25 percent, an association whose mortgage portfolio consists solely of fixed-rate loans will have to increase the interest rate it charges on new mortgage loans to approximately 9.50 percent. This is due to the fact that only approximately 10 percent of the average mortgage portfolio is repaid in a given year. To increase the entire portfolio yield by 0.25 percent, this small portion of the portfolio must be replaced with loans of substantially higher yields.

While the Board believes that allowing savings and loan associations to adjust mortgage interest rates can moderate the effects of inflation in the housing sector, the Board emphasizes that adjustable interest rates do not operate on the root causes of inflation. Rather, adjustable interest rates are designed to help assure a continuing supply of mortgage money at fair prices.

With respect to the specifics of the regulatory proposal, Part 541 would be amended by revising the definitions of "installment loan" and "partially-amortized monthly installment loan" in §§ 541.14(a) and 541.14(b) to provide that interest rates on such loans could not be changed except in accordance with proposed § 545.6-2. The definition of "flexible payment loan" in § 541.14(c) would be amended: (1) By revising paragraph (c) (4) thereof, (2) by redesignating present paragraphs (c) (5) and (c) (6) as (c) (6) and (c) (7), and (3) by adding a new paragraph (c) (5) thereto. Section 541.14(c) (3) permits the payments on a

flexible payment loan to be as little as interest-only during an "initial period" of such loan—not to exceed five years—and requires that the interest rate remain constant during such period. Section 541.14(c) (4) requires the amount of the first payment after the end of such "initial period" to be fixed at the beginning of the loan term and provides that no payment thereafter may exceed such payment. Said § 541.14(c) (4) would be revised to except interest rate adjustments in accordance with § 545.6-2 from this requirement. New § 541.14(c) (5) would provide that the interest rate on a flexible payment loan could not be changed after the "initial period" of such loan except in accordance with § 545.6-2.

Part 545 would be amended by completely revising § 545.6-2 thereof—to be recaptioned *Interest rate adjustments*. Presently, said § 545.6-2 sets forth the lending powers of Federal associations having Charter E. Since Charter E is no longer in use by any Federal association, these provisions are obsolete.

Revised § 545.6-2(a), captioned *Definitions*, defines four terms which are used throughout the remainder of said § 545.6-2. These definitions will be discussed as they occur.

Section 545.6-2(b), captioned *General*, authorizes Federal associations to make loans secured by improved real estate having interest dates which are subject to adjustment if such adjustments are in accordance with § 545.6-2, but prohibits Federal associations from making such loans if the interest rates thereon are subject to adjustment on any other terms. Section 545.6-2(b) makes clear that interest rate adjustments in accordance with § 545.6-2 may be used in connection with any loan repayment plan authorized by Part 545. Section 545.6-2(b) also provides that loans secured by any type of improved real estate (generally homes, multi-family dwellings, and commercial property) having interest rates subject to adjustment must be in accordance with applicable usury laws, if any.

Section 545.6-2(c), captioned *Restrictions relating to single-family dwelling loans*, provides that all monthly installment loans secured by single-family dwellings occupied or to be occupied by the borrower having interest rates subject to adjustment must be in accordance with eight groups of restrictions in addition to the one set forth in § 545.6-2(b). First, such adjustments may be made only in accordance with changes in a Board-approved index. The index to be used in connection with a particular loan must be selected when such loan is made and may not be changed during the loan term, unless a substitution is approved by the Board if an index ceases to be publicly available.

In order to gain Board approval, the index must meet the standards set forth in § 545.6-2(c) (2) (i). That is, the index must be one which: (1) Has proven reliability in moving with market interest rates, (2) is beyond the influence of the Federal association using it, and (3) can be explained in clear and simple terms

to borrowers with the aid of publicly available information. The Board would publish the titles of approved indices in the FEDERAL REGISTER and would make other efforts to make the approved indices publicly available.

Second, as the index rate goes down, interest rate decreases on such a loan would be mandatory because of the operation of § 545.6-2(c) (2) (vii) and an association could make additional decreases if it wished to do so. However, an association would not be required to decrease the contract rate more rapidly than an average rate of 0.50 percent every six months. No maximum decrease would be established.

The association would have the option of implementing any interest rate increase permitted by § 545.6-2. Further, the interest rate on such a loan could not be increased by more than an average rate of 0.50 percent every six months and the association would have to establish a maximum interest rate for such loan at the beginning of the loan term. Such maximum could not be more than 2.50 percent above the initial contract rate on the loan. An association would not be required to make a permissible increase at the first time it became available. If it desired to do so, an association could choose not to take advantage of a particular permitted increase and could "save it" for use at another opportunity. A "saved" increase could be accumulated with subsequently available permitted increases (minus any subsequently required decreases).

Third, in order to simplify the operation of the interest rate adjustment feature of such loans and to eliminate minimal increases and decreases, § 545.6-2(c) (2) (vii) provides that the contract interest rate on such a loan could be changed only in increments of 0.25 percent and without upward rounding. In order to effect an increase or decrease of 0.25 percent or any multiple thereof, the index rate must have changed by the full amount of the increase or decrease. For example, an index increase of 0.38 percent may not be "rounded off" to 0.50 percent; a change to 0.25 percent is the most that could be made.

Fourth, an interest rate adjustment on such a loan could be effected by an adjustment of the loan term (so as to keep the loan payments the same), an adjustment of the loan payments, or a combination thereof. However, the loan term could not be shortened to less than the original loan term without the borrower's consent. This requirement ensures that the holder of the note will not automatically implement all required decreases by decreasing the loan term while implementing all permissible interest rate increases by increasing the amount of the monthly payments. Under § 545.6-2(c) the term of such a loan made pursuant to § 545.6-1(a) (1) (monthly installment loans on homes and combinations of home and business property), § 545.6-1(a) (4) (monthly installment loans on single-family dwellings in excess of 80 percent of value) or § 545.6-1(a) (5) (monthly installment loans on single-family dwellings in excess of 90 percent

of value) could be extended to not more than 35 years for the purpose of effecting adjustments in the interest rate of such loan.

Fifth, the contract rate on such a loan would be subject to change only at the beginning of an "adjustment period" and could not be changed again until the beginning of the next adjustment period. The term "adjustment period" is defined in § 545.6-2(a)(1). Adjustment periods could be of any length agreed to by the borrower and the association, except that they would have to be at least 6 months and would have to be of equal length. (The first adjustment period could be a different length so that, for example, the association could arrange to have the beginning of the adjustment periods for all of its loans having adjustable interest rates fall in a certain month. For example, for a loan closed on December 27, 1976, the borrower and the lender could agree that the first adjustment period would last until June 30, 1978, with all subsequent adjustment periods being 2 years.)

The initial contract rate and the initial index rate on such a loan would always have a particular relationship to one another—for example, the "initial contract rate" (defined in § 545.6-2(a)(2) as the contract interest rate for the first loan payment after the closing of the loan) may be 0.75 percent higher than the "initial index rate" (defined in § 545.6-2(a)(3) as the most recent index interest rate published at least 15 calendar days before the closing of the loan). This relationship would involve a quantitative and a qualitative aspect. In the above example, the initial contract rate is 0.75 percent different from the initial index rate (quantitative) and is higher than the initial index rate (qualitative). Section 545.6-2(c)(2)(vii) would require that this same relationship be maintained with respect to an "adjustment period contract rate" (defined in § 545.6-2(a)(4) as the contract interest rate for all loan payments due during an adjustment period) and the index rate for such adjustment period, subject to three qualifications which will be discussed later in this preamble.

The example set forth in the previous paragraph described the type of qualitative relationship between the initial contract rate and the initial index rate; i.e., that the initial contract rate was higher than the initial index rate. Two other qualitative relationships between these two rates are also possible; viz., the initial contract rate can be less than the initial index rate or it can equal the initial index rate. The following three examples will illustrate the operation of these three types of qualitative relationships between the initial contract and index rates.

If the initial contract rate on such a loan is higher than the initial index rate, then the difference between such rates could not be exceeded by the difference between an adjustment period contract rate and the index rate for such adjustment period. For example, if the initial contract rate is 8.50 percent and the ini-

tial index rate is 8 percent, then an adjustment period contract rate could not be more than 0.50 percent above the index rate for that adjustment period.

If the initial contract rate on such a loan is lower than the initial index rate, then an adjustment period contract rate would have to be less than the index rate for that adjustment period and the difference between such adjustment period contract rate and the index rate for such adjustment period could not be less than the difference between the initial contract rate and the initial index rate. For example, if the initial contract rate is 8.50 percent and the initial index rate is 9 percent, then an adjustment period contract rate would have to be at least 0.50 percent below the index rate for that adjustment period.

If the initial contract rate equals the initial index rate, then an adjustment period contract rate could not exceed the index rate for that adjustment period. For example, if the initial contract and initial index rates are both 8.50 percent, then the adjustment period contract rate would have to be equal to or less than the index rate for that adjustment period.

Earlier in this preamble, it was mentioned that whatever relationship exists between the initial contract and index rates would have to be maintained subject to three qualifications. First, contract interest rate adjustments could only be made in integral multiples of 0.25 percent. Second, an association making such a loan would not have to implement all permissible contract rate increases. Third, an association would be permitted to decrease the contract interest rate more than would be required.

If the contract interest rate for an adjustment period is to be changed from the rate for the preceding adjustment period, this change would have to be made during the first month of such adjustment period and would have to be in accordance with paragraph (c)(2)(vii). Whether an increase in the contract interest rate would be permitted or a decrease required for an adjustment period would be determined as follows. First, the association would have to determine which of the three qualitative relationships described above fits the particular loan; i.e., whether the initial contract rate is higher than, less than, or equal to the initial index rate. Second, the association must determine the difference between the initial contract rate and the initial index rate. For example, if the initial contract rate was 8.75 percent and the initial index rate was 7.75 percent, the difference would be 1 percent. Third, the association must look at the index rate for the upcoming adjustment period; i.e., the latest interest rate which was published at least 60 calendar days before the beginning of such adjustment period. (Using an index rate which is at least 60 days old means the association will have at least 15 calendar days during which to prepare and mail notices 45 calendar days early in the event that the association is increasing the contract

interest rate.) Continuing with the example, suppose the index rate for the upcoming adjustment period is 8 percent. The question then becomes: to what rate may the contract rate be increased so that the difference between such contract rate and the index rate for the adjustment period does not exceed the difference between the initial contract rate and the initial index rate. In terms of the example, the question is to what rate may the contract rate for the upcoming adjustment period be increased if the index rate for that period is 8 percent and if the contract rate cannot be more than 1 percent higher than index rate. In this example, the contract rate for the upcoming adjustment period could be increased to 9 percent. The last step is to check to see whether a contract rate increase to 9 percent would violate the rules requiring no more than an average increase of 0.50 percent every six months and no more than a 2.50 percent increase overall.

Returning to the description of the eight groups of restrictions on borrower-occupied single-family dwelling loans having interest rates which are subject to adjustment, the sixth such restriction is that the association would have to permit such loan to be prepaid (in whole or in part) without penalty whenever the contract interest rate exceeds the initial contract rate. This provision would permit the association to impose a prepayment penalty (subject to the limitations of § 545.6-12) in the event that the borrower prepaid at a time when the contract rate had been decreased below the initial contract rate.

Seventh, the association would have to notify the person or persons liable under the loan of any interest rate increase at least 45 calendar days before the effective date of such increase. An increase could not be made unless the 45 calendar day notice is properly given. The notice which is given would have to specify the amount of the interest rate adjustment, the effect of such adjustment on the loan payments and/or the loan term, the effective date of the adjustment, and must state that the loan may be prepaid without penalty whenever the contract rate exceeds the initial contract rate. Such notice would be deemed to have been given when it was deposited in the United States mail, postage prepaid, addressed to the owner of the property described in the note or other instrument evidencing the loan and to any other person liable on the loan as such persons' names and addresses appear in the records of the holder of such instrument.

Eighth, a Federal association making such a loan would, of course, have to comply with 12 CFR 226.810, *Disclosures—variable interest rates*, in addition to the other disclosure requirements set forth in the Federal Reserve Board's Truth in Lending regulations (12 CFR Part 226). In addition, the association would have to make two other types of disclosure to the borrower—one type at commitment and the other at least 12 calendar days before closing

in the event that the initial contract rate had not been determined at the time of commitment. The requirement as to the time of the pre-closing disclosure is intended to be consistent with the requirements of section 6 of the Real Estate Settlement Procedures Act of 1974 (Pub. L. 93-533; December 22, 1974) as to advance disclosure of loan settlement charges.

The association would be required to inform the borrower at the time of commitment: (1) The index with respect to which the contract rate could be adjusted, (2) that the contract rate cannot be increased at a rate greater than 0.50 percent every six months, (3) that the contract rate cannot be increased more than 2.50 percent above the initial contract rate, (4) the manner in which an adjustment in the contract rate may be effected, (5) the length of the adjustment periods of such loan, (6) the initial and maximum loan terms, (7) that at least 45 calendar days notice of any contract interest rate increase must be given, (8) that the loan may be prepaid without penalty whenever the contract rate exceeds the initial contract rate, (9) the initial and maximum contract rates, and (10) the initial and maximum total monthly payments of principal and interest.

Disclosures (9) and (10) must be based upon the actual initial contract rate if that has been determined at the time of commitment. If it has not been determined, then disclosures (9) and (10) may be based upon an initial contract rate assumed for the purpose of making the required computations, and disclosures (9) and (10) would have to be made again at least 12 calendar days before closing using the actual initial contract rate. This disclosure is intended to provide the borrower with a general understanding of the operation of interest rate adjustments.

The two-part disclosure requirement described above generally assumes that a loan commitment occurs at least 12 calendar days prior to the loan closing. However, the Board is aware that in some areas of the country loan closings frequently occur less than 12 calendar days after commitment. The Board does not want to disrupt this practice and therefore § 545.6-2(c)(2)(x) allows the pre-closing disclosures at commitment if disclosures (9) and (10) are based upon the actual initial index rate.

In addition to these two types of disclosure, the note or other instrument evidencing such a loan would have to set forth the information required for pre-closing disclosures including disclosures (9) and (10) based upon the actual interest rate. The association would be required to furnish a copy of this note or other instrument to the borrower.

If the Board adopts the proposed amendments which are set forth below, the Board further proposes that such amendments would be effective with respect to all loans closed by Federal associations after the effective date of such amendments, including loans resulting from commitments made before

such effective date. If adopted, the proposed such initial period of the loan term amendments would not alter the terms of any mortgage contract in effect before the effective date of such amendments.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552, by May 15, 1975, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

1. Section 541.14 is amended by revising paragraphs (a), (b), (c) (3) and (4), redesignating (c) (5) and (c) (6) as (c) (5) and (c) (7), and by adding a new (c) (5) as follows:

§ 541.14 Installment loan; partially-amortized monthly installment loan; flexible payment loan.

(a) *Installment loan.* The term "installment loan" means any loan repayable in regular periodic payments sufficient to retire the debt, interest and principal, within the loan term. The interest rate on an installment loan shall not be changed except in accordance with § 545.6-2 of this chapter. Except to the extent permitted by said § 545.6-2 in connection with an interest rate adjustment, no required payment after the first payment shall be more, but may be less, than any preceding payment.

(b) *Partially-amortized monthly installment loan.* The term "partially-amortized monthly installment loan" means any loan which is repayable in full in a lump sum at the end of a loan term of not less than 10 years, but which requires partial amortization during the loan term by regular monthly payments which include both principal and interest, beginning within not more than 60 days after disbursement of the loan proceeds. Such monthly payments may not be fixed at less than the amount of the monthly payments which would be required to amortize an entire loan of the same amount, principal and interest, within a 30-year loan term. The interest rate on a partially-amortized monthly installment loan shall not be changed except in accordance with § 545.6-2 of this chapter.

(c) *Flexible payment loan.* The term "flexible payment loan" means any loan meeting the following requirements:

(3) Each required payment during an initial period, not to exceed five years, is not less than one-twelfth of the annual interest rate times the unpaid principal balance of the loan, and such rate is not increased during such initial period unless pursuant to a subsequently negotiated agreement;

(4) Except with respect to a flexible payment loan made in accordance with

§ 545.6-2 of this chapter, the amount of the first required payment after the end is fixed at the beginning of the loan term, and no required payment after the end of such initial period shall be more, but may be less, than the first required payment after the end of such initial period;

(5) The interest rate on a flexible payment loan is not changed after the initial period of such loan except in accordance with § 545.6-2 of this chapter; and

2. Section 545.6-2 is revised as follows:

§ 545.6-2 Interest rate adjustments.

(a) *Definitions.* For the purposes of this section:

(1) *Adjustment period.* The term "adjustment period" means each period of time during a loan term at the beginning of which period an interest rate increase or decrease may be effected. Such an adjustment period shall be at least six months in length and all the adjustment periods of a loan shall be consecutive beginning with the month in which the first loan payment is due. All such adjustment periods except the first shall be of equal length.

(2) *Initial contract rate.* The term "initial contract rate" means the contract interest rate for the first loan payment due after the closing of a loan.

(3) *Initial index rate.* The term "initial index rate" means the most recent index interest rate for the index with respect to which the contract interest rate on a loan may be adjusted which was published at least 15 calendar days before the closing of such loan by the Federal Home Loan Bank Board or by an entity specified by the Board.

(4) *Adjustment period contract rate.* The term "adjustment period contract rate" means the contract interest rate for all loan payments due during an adjustment period.

(b) *General.* Federal associations may make loans secured by improved real estate which have provisions permitting contract interest rates which are subject to adjustment if such provisions are in accordance with this section. Contract interest rate adjustments in accordance with this section may be used in connection with any loan repayment plan authorized by this part. Any adjustment of the contract interest rate on a loan secured by any type of improved real estate shall be in accordance with applicable usury laws, if any.

(c) *Restrictions relating to single-family dwelling loans.* (1) *General.* Any increase or decrease of the contract interest rate on a monthly installment loan secured by a single-family dwelling occupied or to be occupied by the borrower shall also be in accordance with this paragraph (c). The term of any such loan made pursuant to §§ 545.6-1 (a) (1), (a) (4), or (a) (5) may be extended to not more than 35 years for the purpose of effecting adjustments in the contract interest rate on such loan in accordance with this section.

(2) *Restrictions.* (i) *Index.* Any adjustment of the contract interest rate on such a loan shall be related to changes in an index which has been approved in writing by the Board. An index will be approved by the Board only if the Board determines that such index: (A) has proven reliability in moving with market interest rates; (B) is beyond the influence of a Federal association using such index; and (C) can be explained in clear and simple terms to borrowers with the aid of publicly available information.

(ii) *Substitution of index.* The note or other instrument evidencing such a loan shall provide that if the index with respect to which the contract interest rate on such loan may be adjusted ceases to be publicly available as determined by the Board, a new index shall be substituted with prior approval by the Board. A substitute index will be approved by the Board only if the Board determines that such index meets the three criteria set forth in paragraph (c) (2) (i) of this section and reflects market factors comparable to the index for which it is being substituted.

(iii) *Operation of index.* An adjustment of the contract interest rate on such a loan may be made only with respect to the first loan payment due during each adjustment period of such loan and shall be based on the most recent index rate which is published by the Federal Home Loan Bank Board or by any entity specified by the Board at least 60 calendar days before the month in which such loan payment is due.

(iv) *Increases.* Subject to the provisions of this section, contract rate increases shall be at the option of the association. The contract interest rate on such a loan may not be increased by an amount: (A) Which would cause the sum of such increase and all previous contract interest rate increases (minus all contract interest rate decreases) to exceed an average rate of increase of 0.50 percent every six months beginning with the month in which the first payment on such loan is due, or (B) which would result in a contract interest rate more than 2.50 percent greater than the initial contract rate.

(v) *Decreases.* Notwithstanding the extent to which paragraph (c) (2) (vii) of this section requires contract interest rate on such a loan need not be decreased by an amount which would cause the sum of such decrease and all previous contract interest rate decreases (minus all contract interest rate increases) to exceed an average rate of decrease of 0.50

percent every six months, beginning with the month in which the first payment on such loan is due. The association may make contract interest rate decreases in amounts greater than those required by this section.

(vi) *Methods of adjustment.* An adjustment of the contract interest rate on such a loan may be effected by an adjustment of the loan term, an adjustment of the amount of the loan payments, or a combination thereof. However, no contract interest rate adjustment shall be effected by decreasing the loan term to less than the original loan term unless the borrower, at the time of a particular adjustment, specifically agrees that such adjustment may be so effected.

(vii) *Relationships between contract and index rates.* The contract interest rate on such a loan shall be adjusted only in integral multiples of 0.25 percent and without upward rounding. Subject to the provisions contained in the previous sentence and in paragraphs (c) (2) (iv) and (v) of this section, the relationship between an adjustment period contract rate and the index rate for such adjustment period shall be the same as the relationship between the initial contract rate and the initial index rate.

(viii) *Prepayment.* The association shall permit such loan to be prepaid (in whole or in part) without penalty whenever the contract interest rate exceeds the initial contract rate.

(ix) *Notice.* The contract interest rate on such a loan shall not be increased unless notice of such an increase is given at least 45 calendar days before the effective date of such increase. Each such notice shall specify the amount of the change in such contract interest rate, the effect of such change on the loan payments and/or the length of loan term, the effective date of such change, and shall state that such loan may be prepaid without penalty whenever the contract interest rate exceeds the initial contract rate. Any such notice shall be deemed to have been given when it is deposited in the United States mail, postage prepaid, addressed to the owner of the property who is described in the note or other instrument evidencing such loan and to any other persons liable on such loan (including any person liable as a result of an assumption of such loan) as such persons' names and addresses appear in the records of the association.

(x) *Disclosure.* (A) *Disclosure at commitment.* A Federal association making such a loan shall disclose to the borrower in writing at the time of commitment:

(1) The index with respect to which the contract interest rate on such loan may be adjusted; (2) that the contract interest rate cannot be increased at an average rate greater than 0.50 percent every six months, beginning with the month in which the first loan payment is due; (3) that the contract interest rate cannot be increased more than 2.50 percent above the initial contract rate; (4) the manner in which any adjustment in the contract interest rate may be effected; (5) the length of the adjustment periods of such loan; (6) the initial and maximum loan terms; (7) that at least 45 calendar days notice of any contract interest rate increase must be given; (8) that such loan may be prepaid without penalty whenever the contract interest rate exceeds the initial contract rate; (9) the initial and maximum contract interest rates on such loan; and (10) the initial and maximum total monthly payment of principal and interest. The disclosures required by paragraphs (c) (2) (x) (A) (9) and (10) of this section shall be based upon the actual initial contract rate if such rate has been determined at the time of commitment. If the actual initial contract rate has not been determined, then the disclosures required by such paragraphs shall be based upon an initial contract rate assumed for the purpose of making the required computations.

(B) *Disclosure before closing.* A Federal association making such a loan which makes the disclosures required by paragraphs (c) (2) (x) (A) (9) and (10) of this section based upon an assumed initial contract rate shall make these disclosures to the borrower in writing based upon the actual initial contract rate at least twelve calendar days before the closing of such loan.

(C) *Requirements as to notes.* The note or other instrument evidencing such a loan shall set forth the information required by paragraphs (c) (x) (A) (1) through (c) (x) (A) (8) of this section and the information required by paragraphs (c) (x) (A) (9) and (10) based upon the actual initial contract rate. A copy of such note or other instrument shall be provided to the borrower.

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

By the Federal Home Loan Bank Board.

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

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PART III



DEPARTMENT OF LABOR

Office of Workers'
Compensation Programs



EMPLOYEES' BENEFITS

Claims for Compensation Under the
Federal Employees' Compensation Act

Title 20—Employees' Benefits

CHAPTER I—OFFICE OF WORKERS' COMPENSATION PROGRAMS, DEPARTMENT OF LABOR

EMPLOYEES' BENEFITS

Claims for Compensation Under the Federal Employees' Compensation Act

On October 27, 1972, there was published in the FEDERAL REGISTER new Parts 01, 02, and 03 of subchapter A of Chapter I of 20 CFR (37 FR 22979) which parts set forth provisions establishing the Office of Federal Employees' Compensation (OFEC) within the Employment Standards Administration of the Department of Labor, and further set forth the operating procedures to be followed by the OFEC. On January 31, 1970, subchapter B of Chapter I of 20 CFR was amended by adding thereto newly revised Parts 1 and 2 (35 FR 1284). On June 12, 1971, Part 3 of such subchapter was substantially revised (36 FR 11432). Part 25 of such subchapter was promulgated on June 10, 1948 (13 FR 3112). Each of these parts contained in the said subchapter B set forth provisions governing the administration and enforcement of the Federal Employees' Compensation Act (FECA), as amended and extended 5 U.S.C. 8101 et seq.

Pursuant to Employment Standards Order 2-74, effective September 27, 1974 (39 FR 34722-34723), the responsibility for the administration and enforcement of the FECA, as well as the Longshoremen's and Harbor Workers' Compensation Act, as amended and extended (33 U.S.C. 901 et seq.), and Title IV of the Federal Coal Mine Health and Safety Act, as amended (30 U.S.C. 901 et seq.), was transferred to the Office of Workers' Compensation Programs (OWCP). This same order abolished the Office of Federal Employees' Compensation and established the Office of Workers' Compensation Programs. In addition, Pub. L. 93-416, approved September 7, 1974, added significant amendments to the FECA. Of particular note from among these amendments are (1) a new section 8118 which provides for the continuation of an injured employee's regular pay for up to 45 days subsequent to a traumatic injury under certain circumstances; (2) an extension of section 8107 to permit the Director of OWCP to expand the compensation schedule to include certain internal and external organs; and (3) certain other provisions relating to the payment of benefits to persons entitled to a civil service annuity or compensation and/or military retirement, retainer pay, or compensation.

In light of the organizational changes brought about by Employment Standards Order 2-74 as well as the aforementioned amendments to the FECA it is apparent that substantial changes in Chapter I are appropriate. The purpose of this document is, therefore, to make such changes as are necessitated as well as to reorganize and update the existing provisions of Chapter I governing the administration of the FECA.

The provisions of 5 U.S.C. 553 for notice, public participation and delayed

effective date are not applicable to rules of agency management or agency personnel. Further, since the provisions of this Chapter are designed to relieve a restriction by implementing the amendments made by Pub. L. 93-416 that are for the benefit of employees, I find that good cause exists for making these provisions effective immediately.

Accordingly, Chapter I of Title 20 CFR is revised as follows:

1. The title of Chapter I, which presently reads "Bureau of Employees' Compensation, Department of Labor", is revised to read "Office of Workers' Compensation Programs, Department of Labor."

PARTS 01, 02, 03 [REVOKED]

2. Parts 01, 02, and 03 of Subchapter A—Organization and Procedures—are revoked;

PARTS 1, 2, 3—[REVOKED]

3. Parts 1, 2, and 3 of Subchapter B—Federal Employees' Compensation Act—are revoked;

4. A new Part 1 is added to Subchapter A—Organization and Procedures—and reads as follows:

PART 1—PERFORMANCE OF FUNCTIONS UNDER THIS CHAPTER

Sec.

- 1.1 Establishment of the Office of Workers' Compensation Programs.
- 1.2 Assignment of functions.
- 1.3 Rules in this chapter.
- 1.4 Cross-references.
- 1.5 Abolition of Bureau of Employees' Compensation.
- 1.6 Historical background.

AUTHORITY: (5 U.S.C. 301), Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; (5 U.S.C. 8145, 8149); Secretary of Labor's Order No. 13-71, 36 FR 8155; Employment Standards Order No. 2-74, 39 FR 34722.

§ 1.1 Establishment of the Office of Workers' Compensation Programs.

The Assistant Secretary of Labor for Employment Standards, by authority vested in him by the Secretary of Labor in Secretary's Order No. 13-71, 36 FR 8755, established in the Employment Standards Administration (ESA) an Office of Workers' Compensation Programs (OWCP) by Employment Standards Order No. 2-74, 39 FR 34722. The Assistant Secretary has further designated as the head thereof a Director who, under the general supervision of the Assistant Secretary, shall administer the programs assigned to that Office by the Assistant Secretary.

§ 1.2 Assignment of functions.

By Employment Standards Order No. 2-74, 39 FR 34722, the Assistant Secretary has delegated authority and assigned responsibility to the Director, OWCP, for the Department of Labor's programs under the following statutes:

(a) Federal Employees' Compensation Act (FECA), (5 U.S.C. 8101 et seq.), except 8149 as it applies to the Employees' Compensation Appeals Board.

(b) War Hazards Compensation Act (WHCA), (42 U.S.C. 1701 et seq.).

(c) War Claims Act (WCA), (50 U.S.C. App. 2003).

(d) Longshoremen's and Harbor Workers' Compensation Act (LHWCA), (33 U.S.C. 901 et seq.), except 921 as it applies to the Benefits Review Board.

(e) District of Columbia Workmen's Compensation Act (DCWCA) (36 D.C. Code 501 et seq.).

(f) Defense Base Act (DBA) (42 U.S.C. 1651 et seq.).

(g) Outer Continental Shelf Lands Act (OCSLA) (43 U.S.C. 1331).

(h) Nonappropriated Fund Instrumentalities Act (NFIA) (5 U.S.C. 8171 et seq.).

(i) Title IV of the Federal Coal Mine Health and Safety Act (FCMHSA), 83 Stat. 742, as amended by the Black Lung Benefits Act of 1972 (BLBA) (30 U.S.C. 901 et seq.).

§ 1.3 Rules in this chapter.

The rules in this chapter are those governing the OWCP functions under the Federal Employees' Compensation Act, the War Hazards Compensation Act, and the War Claims Act.

§ 1.4 Cross-references.

(a) The rules of the OWCP governing its functions under the Longshoremen's and Harbor Workers' Compensation Act and its extensions, the District of Columbia Workmen's Compensation Act, Defense Base Act, Outer Continental Shelf Lands Act, and Nonappropriated Fund Instrumentalities Act are set forth in Subchapter A of Chapter VI of this title.

(b) The rules of the OWCP governing its functions under the Black Lung Benefits Act program are set forth in Subchapter B of Chapter VI of this title.

(c) The rules and regulations of the Employees' Compensation Appeals Board are set forth in Chapter IV of this title.

(d) The rules and regulations of the Benefits Review Board are set forth in Chapter VII of this title.

§ 1.5 Abolition of Bureau of Employees' Compensation.

By Secretary of Labor's Order issued September 23, 1974, 39 FR 34723, issued concurrently with Employment Standards Order 2-74, 39 FR 34722, the Secretary revoked the prior Secretary's Order No. 18-87, 32 FR 12979, which had delegated authority and assigned responsibility for the various workers' compensation programs enumerated in § 1.2, except the Black Lung Benefits Act program not then in existence, to the Director of the former Bureau of Employees' Compensation.

§ 1.6 Historical background.

(a) Administration of the Federal Employees' Compensation Act and the Longshoremen's and Harbor Workers' Compensation Act was initially vested in an independent establishment known as the U.S. Employees' Compensation Commission. By Reorganization Plan No. 2 of 1946 (3 CFR 1943-1949 Comp., p. 1064; 60 Stat. 1095, effective July 16, 1946), the Commission was abolished and its functions were transferred to the Federal Security Agency to be performed by a newly created Bureau of Employees'

Compensation within such Agency. By Reorganization Plan No. 19 of 1950 (15 FR 3178, 64 Stat. 1263) said Bureau was transferred to the Department of Labor, and the authority formerly vested in the Administrator, Federal Security Agency, was vested in the Secretary of Labor. By Reorganization Plan No. 6 of 1950 (15 3174, 64 Stat. 1263), the Secretary of Labor was authorized to make from time to time such provisions as he shall deem appropriate, authorizing the performance of any of his functions by any other officer, agency, or employee of the Department of Labor.

(b) In 1972 two separate organizational units were established within the Bureau: an Office of Workmen's Compensation Programs (37 FR 20533) and an Office of Federal Employees' Compensation (37 FR 22979). In 1974 these two units were abolished and one organizational unit, the Office of Workers' Compensation Programs (OWCP), was established in lieu of the Bureau of Employees' Compensation (39 FR 34722).

5. A new Part 10 is added to Subchapter B—Federal Employees' Compensation Act—and reads as follows:

PART 10—CLAIMS FOR COMPENSATION UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT, AS AMENDED

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INTRODUCTION

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- 10.2 Administration of the Act and this chapter.
- 10.3 Purpose and scope of this part.
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- 10.5 Definitions and use of terms.

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AUTHORITY: (5 U.S.C. 301); Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; (5 U.S.C. 8145, 8149); Secretary of Labor's Order No. 13-71, 36 FR 8155; Employment Standards Order No. 2-74, 39 FR 34722.

Subpart A—General Provisions

INTRODUCTION

§ 10.1 Statutory provisions.

(a) The Federal Employees' Compensation Act, as amended (5 U.S.C. 8101 *et seq.*) provides for the payment of workers' compensation benefits to civil officers and employees of all branches of the Government of the United States. The Act has been amended and extended a number of times to provide workers' compensation benefits to volunteers in the Civil Air Patrol, members of the Reserve Officer Training Corps, Peace Corps Volunteers, Job Corps enrollees, Volunteers In Service to America, members of the National Teachers Corps, certain student employees (see 5 U.S.C. 5351, 8144), employees of the Panama Canal Zone Government and the Panama Canal Company, employees of the Alaska Railroad, certain law enforcement officers not employed by the United States (see 5 U.S.C. 8191-8193), and various other classes of persons who provide or have provided services to the Government of the United States.

(b) The Act provides for the payment of dollar benefits to enumerated classes of persons who are injured or disabled while in the performance of their duties in service to the United States and to

persons within such classes who become sick or disabled as a result of their employment with or service to the United States. The Act further provides for the payment of dollar benefits to certain survivors of persons who have died as a result of or while in the performance of employment or services rendered to the United States. In addition to dollar benefits, eligible beneficiaries who have become disabled as a consequence of a service related injury, disability, disease, or other compensable condition, shall be entitled to receive the full range of medical benefits and services made necessary by the compensable condition, which shall be provided at the expense of the United States. In the case of death due to a compensable injury, disability, disease or other condition certain burial expenses shall be paid, subject to the provisions of 5 U.S.C. 8134. In appropriate cases vocational rehabilitation services shall be provided to eligible beneficiaries.

(c) Each of the types of benefits and conditions of eligibility enumerated in this section is subject to the applicable provisions of the Act and the provisions of this part. This section shall not be construed to modify or enlarge upon the provisions of the Act except to the extent that the provisions of the Act shall be construed to permit the payment of benefits to the victim of an employment related latent or progressive disease or disability if the nature and extent of such disease or disability and the circumstances surrounding the filing of a claim for benefits predicated upon such disease or disability may be reasonably construed to fall within the intent of the provisions of the Act.

§ 10.2 Administration of the Act and this chapter.

(a) Pursuant to 5 U.S.C. 8145 and Secretary of Labor's Orders 13-71 (36 FR 8755) and 16-73 (38 FR 19130) the responsibility for administering the provisions of the Act were delegated to the Assistant Secretary of Labor for Employment Standards. Pursuant to Employment Standards Order 2-74 effective September 27, 1974 (39 FR 34722-34723) the responsibility for the administration and implementation of the Federal Employees' Compensation Act, except for 5 U.S.C. 8149 thereof as it pertains to the Employees' Compensation Appeals Board, was delegated and assigned to the Director, Office of Workers' Compensation Programs. The Director, Office of Workers' Compensation Programs and his or her designees shall, therefore, except as is otherwise provided by law have the exclusive authority for the administration, implementation, and enforcement of the provisions of this chapter.

(b) In the case of employees of the Canal Zone Government and the Panama Canal Company, the Federal Employees' Compensation Act is administered by the Governor of the Canal Zone, and inquiries pertaining to such coverage and eligibility should be directed to the Governor of the Canal Zone.

§ 10.3 Purpose and scope of this part.

(a) This Part 10 sets forth the rules applicable to the filing, processing, and payment of claims for workers' compensation benefits under the provisions of the Federal Employees' Compensation Act, as amended. This part is applicable to all claims filed on or after November 6, 1974. The provisions of this part are intended to afford guidance and assistance to any person seeking compensation benefits under the Act, as well as to personnel within the Department of Labor and other agencies of the United States who are required to perform some function with respect to the administration of any provision of the Act or the processing of any claim filed under the Act.

(b) This Subpart A describes generally the statutory and administrative framework governing the manner in which claims under the Act shall be processed, contains a statement of purpose and scope, together with provisions pertaining to definition and use of terms, the disclosure of program information, and other miscellaneous provisions relating to the administration of the Act.

(c) Subpart B of this part describes the procedure by which an individual claimant shall file a notice of injury and claim for benefits under the Act and further describes the administrative procedures applicable to the processing of each individual claim and the rules governing the termination and continuation of eligibility for benefits with respect to certain previously approved claims.

(d) Subpart C of this part describes special procedures applicable to the continuation of pay provisions contained in 5 U.S.C. 8118 as amended by Pub. L. 93-416, 88 Stat. 1146.

(e) Subpart D of this part contains provisions relating to the procedures governing the payment of dollar benefits for disability or death and further contains additions to the compensation schedule mandated by the new paragraph 22 of 5 U.S.C. 8107(c), Pub. L. 93-416, 88 Stat. 1145.

(f) Subpart E of this part contains the rules governing an employee's rights to obtain medical evidence in support of such employee's claim and further contains information describing the rights of a beneficiary to medical benefits under the Act.

(g) Subpart F of this part is reserved.

(h) Subpart G of this part contains the rules governing the adjustment and recovery from a third person under 5 U.S.C. 8132.

§ 10.4 Applicability of other parts within this chapter.

This revised Part 10 replaces many provisions contained in Subchapter A of this chapter as well as all of Parts 1, 2, and 3 of Subchapter B of this chapter. The provisions of Subchapter A of this chapter are applicable to this part only in so far as such provisions do not conflict with the provisions of this part. This revised Part 10 is applicable to Part 25 of this chapter except as modified by said Part 25.

§ 10.5 Definitions and use of terms.

(a) *Definitions.* For purposes of this subchapter except where the content clearly indicates otherwise, the following definitions apply:

(1) "The Act" means the Federal Employees' Compensation Act, 5 U.S.C. 8101 *et seq.*, as amended by Pub. L. 93-416 and as it may be hereafter amended.

(2) "Secretary" means the Secretary of the United States Department of Labor or a person authorized to perform his functions under the Act.

(3) "Department" means the United States Department of Labor.

(4) "Office" or "OWCP" means the Office of Workers' Compensation Programs, Employment Standards Administration, of the Department.

(5) "Director" means the Director of OWCP or a person designated by him or her to carry out his or her functions under the Act.

(6) "Benefits" or "Compensation" means benefits or compensation paid or payable under the Act and includes money paid on account of a loss of wages, ability to earn wages, money paid in the form of scheduled compensation, medical diagnostic and treatment services supplied pursuant to the Act and this part, money paid on account of death, and certain payments to individuals participating in an approved vocational rehabilitation program.

(7) "Claim" means an assertion in writing of an individual's entitlement to benefits under or pursuant to the Act, submitted in a form and manner authorized by the provisions of this part.

(8) "Claimant" means an individual whose claim for entitlement to benefits under the Act has been filed in accordance with the Act and the provisions of this part.

(9) "Beneficiary" means an individual who is entitled to a benefit under the Act and this part.

(10) "Entitlement" means entitlement to benefits as determined pursuant to the provisions of the Act and the procedures set forth in this part. A beneficiary is entitled to benefits as so determined when the determination is final.

(11) "Employee" means:

(i) A civil officer or employee in any branch of the Government of the United States, including an officer or employee of an instrumentality wholly owned by the United States;

(ii) An individual rendering personal service to the United States similar to the service of a civil officer or employee of the United States, without pay or for nominal pay, when a statute authorizes the acceptance or use of the service, or authorizes payment of travel or other expenses of the individual;

(iii) An individual, other than an independent contractor or an individual employed by an independent contractor, employed on the Menominee Indian Reservation in Wisconsin in operations conducted under a statute relating to tribal timber and logging operations on that reservation;

(iv) An individual employed by the government of the District of Columbia;

(v) An individual appointed to a position on the office staff of a former President under section 1(b) of the Act of August 25, 1958 (72 Stat. 838);

(vi) An individual selected pursuant to Chapter 121 of Title 28, United States Code, and serving as a petit or grand juror and who is otherwise an employee for the purposes of this part as defined by subparagraphs (i), (ii), (iii), (iv), and (v) of this subsection;

(vii) Members of the Reserve Officers Training Corps;

(viii) Civil Air Patrol Volunteers;

(ix) Peace Corps Volunteers, volunteer leaders and volunteers with one or more minor children as defined in Section 2504 of Title 22, United States Code;

(x) Job Corps enrollees;

(xi) Youth Conservation Corps enrollees;

(xii) Volunteers In Service To America;

(xiii) Members of the National Teachers Corps;

(xiv) Members of the Neighborhood Youth Corps;

(xv) Student employees as defined in 5 U.S.C. 5351;

(xvi) Employees of the Canal Zone;

(xvii) Employees of the Alaska Railroad;

(xviii) Law enforcement officers not employees of the United States killed or injured under certain circumstances involving a crime against the United States; and,

(xix) Other persons performing service for the United States within the purview of the Act and all acts in amendments, substitution or extension thereof;

(xx) But does not include.

(A) A commissioned officer of the Regular Corps of the Public Health Service;

(B) A commissioned officer of the Reserve Corps of the Public Health Service on active duty;

(C) A commissioned officer of the Environmental Science Services Administration;

(D) A member of the Metropolitan Police or the Fire Department of the District of Columbia who is pensioned or pensionable under Sections 521-535 of Title 4, District of Columbia Code.

(12) "Official Superior" means officers and employees having responsibility for the supervision, direction or control of employees.

(13) "Employing Agency" or "agency" means any civil agency or instrumentality of the United States Government or any other organization, group or institution employing any individual defined as an "employee" by this section.

(14) "Injury" means injury induced by accident or trauma and includes a disease or latent disabling condition proximately caused by the employment for which benefits are provided under the Act. The term "injury" includes damage or destruction of medical braces,

artificial limbs, and other prosthetic devices which shall be replaced or repaired; except that eyeglasses and hearing aids would not be replaced, repaired, or otherwise compensated for, unless the damage or destruction is incident to a personal injury requiring medical services.

(15) "Traumatic Injury" means a wound or other condition of the body caused by external force, including stress or strain. The injury must be identifiable as to time and place of occurrence and member or function of the body affected, and be caused by a specific event or incident or series of events or incidents within a single day or work shift. Traumatic injuries are distinguished from occupational diseases or illnesses in that the latter are produced by systemic infections; continued or repeated stress or strain; exposure to toxins, poisons, fumes, etc., or other continued and repeated exposure to conditions of the work environment over a longer period of time. Traumatic injuries also include damage or destruction to prosthetic devices or appliances, exclusive of eyeglasses and hearing aids unless the eyeglasses and hearing aids were damaged incidental to a personal injury requiring medical services.

(16) "Monthly pay" means the monthly pay at the time of injury, or the monthly pay at the time disability begins, or the monthly pay at the time compensable disability recurs, if the recurrence begins more than 6 months after the injured employee resumes regular full-time employment with the United States, whichever is greater, except when otherwise determined under section 8113 of the Act with respect to any period.

(17) "Price index" means the Consumer Price Index (all items United States city average) published monthly by the Bureau of Labor Statistics.

(18) "Base month" means the month of July 1966 and each later month which is used as a basis for calculating an increase under 5 U.S.C. 8146a.

(19) "Organ" means a part of the body that performs a special function, and for purposes of this part excludes the brain, heart and back.

(20) "United States Medical Officers and Hospitals" means medical officers and hospitals of the Army, Navy, Air Force, Veterans' Administration, and United States Public Health Service, and any other medical officers or hospital designated as a United States medical officer or hospital by the Secretary.

(b) *Statutory terms.* The definitions contained in this part shall not be considered to derogate from the terms of the Act as amended.

(c) *Dependents and survivors.* In addition to basic disability benefits for employees the Act provides in section 8133 that certain monthly benefits shall be payable to certain enumerated survivors of employees who have died from an injury sustained in the performance of duty. Section 8110 of the Act provides that any employee who is found eligible for a basic benefit shall be entitled to

have such basic benefit augmented at a specified rate for certain persons living in the beneficiary's household or who are dependent upon the beneficiary for support. The provisions of 5 U.S.C. 8101, 8110, and 8133 defining the nature of such survivorship or dependency necessary to qualify a beneficiary for a survivor's benefit or augmented benefit shall be applicable as appropriate to the provisions of this part.

(d) *Inclusive terms.* As used in this part, the singular case includes the plural.

INFORMATION IN PROGRAM RECORDS

§ 10.10 Custody of records relating to Federal Employees' Compensation Act matters.

All records, medical and other reports, statements of witnesses and other papers relating to the injury or death of a civil employee of the United States or other person entitled to compensation or benefits from the United States under the Act and all amendments or extensions thereof, are the official records of the Office and are not records of the agency, establishment or department making or having the care or use of such records. Such records and papers pertaining to any such injury or death are confidential and no official or employee of a Government establishment who has investigated or secured statements from witnesses and others pertaining to a claim for benefits, or any person having the care or use of such reports, shall disclose information from or pertaining to such records to any person, except upon the written approval of the Office.

§ 10.11 Inspection and copying of records.

(a) *Confidentiality of records.* Records of the Office pertaining to an injury or death are confidential, and are generally exempt from disclosure to the public under Section 552(b)(6) of Title 5 U.S.C., the terms of which are applied in this section. (See also Part 70 of Title 29, Code of Federal Regulations regarding Department of Labor documents exempt from disclosure.)

(b) *Release to the employee or to his/her beneficiary.* If an employee or, in the case of death, such employee's beneficiary or the authorized representative of an employee or beneficiary requests information from the Office's records, such individual shall at the discretion of the Office be permitted to examine the records of the case in which such employee is an interested party or representative of such party. In considering any request for such information the Office shall judge the reasonableness thereof, and may in its discretion permit inspection of such record or part thereof, which in its opinion, will not result in damage or harm to the employee or beneficiary. Where the Office determines the release of information to the employee or to the employee's beneficiary is not in the best interest of the employee or his beneficiary, the Office may release the information to the employee's or beneficiary's representative or personal physician

upon receipt of written authorization from the employee or beneficiary. If the individual concerned is mentally incompetent, insane or deceased, the next of kin or legal representative must authorize in writing the release of records to the representative.

(c) *Release to other United States Government departments and agencies.*

(1) Information may be released to other departments and agencies which have proper need for the information upon request stating the specific purpose for which it will be used.

(2) In appropriate cases, the requesting department will be advised that the information will be withheld until the Department obtains the written request of the employee or beneficiary concerned.

(3) In honoring requests, the Office shall disclose only that information which is germane to the request.

(d) *Release to medical research or scientific organizations.* Information shall be released, upon the request of medical research or scientific organizations or other qualified researchers when the Office finds that the release of the requested information will not constitute a clearly unwarranted invasion of personal privacy. Where feasible, the Office shall delete identifying detail to prevent a clearly unwarranted invasion of personal privacy. The requesting organization or individual shall be advised that the information must be held in confidence and that any published reports resulting from such study shall not identify in any way the individuals whose records were examined.

(e) *Release to Federal or State courts or other administrative bodies.* Any officer or employee of the United States who is served with a demand for records or information relating to Federal Employees' Compensation Act matters, the disclosure of which has not been authorized, regardless of whether it may or may not be authorized by this section or Part 70 of Title 29, Code of Federal Regulations, shall promptly, and without awaiting appearance before the court or other authority, communicate through established channels the contents of the demand to the Solicitor of Labor. Such officer or employee shall await instructions concerning the response to the demand. If it is determined that the demand should be opposed, the United States attorney, his or her assistant or other appropriate legal representative shall be requested respectfully to inform the court or other authority that the Secretary of Labor has instructed the officer or employee to refuse to disclose the records or information sought. If instructions have not been received at the time when the officer or employee is required to appear before the court or other authority in response to the demand, the United States attorney, his or her assistant, or other appropriate legal representative shall be requested to appear with the officer or employee upon whom the demand has been served and request additional time in which to receive such instructions.

(f) *Release to parties involved in actions brought under 5 U.S.C. 8131.* When an employee or beneficiary is prosecuting an action for damages under 5 U.S.C. 8131, records shall be released as provided for in paragraph (b) of this section. Information from such records requested by other parties in interest in said action for damages may be released only upon the written authorization of the employee or beneficiary, or of the authorized representative, and all such requests shall be directed to the Office.

MISCELLANEOUS PROVISIONS

§ 10.20 Forms.

(a) Notice of injury, claims and certain specified reports required to be made with respect to any claim shall be made on approved forms as are prescribed by the Office. Supervisors are expected to maintain an adequate supply of the basic forms needed for the proper recording and reporting of injuries. Pamphlet CA-136, obtainable from OWCP, lists the forms to be stocked by the agencies; and also tells where the forms may be obtained.

(b) The basic forms cited in this chapter are:

Form No.	Title
(1) CA-1-----	Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation.
(2) CA-2-----	Federal Employee's Notice of Occupational Disease and Claim for Compensation.
(3) CA-2a-----	Notice of Employee's Recurrence of Disability and Claim for Pay/Compensation.
(4) CA-3-----	Report of Termination of Disability and/or Payment.
(5) CA-4-----	Claim for Compensation on Account of Occupational Disease.
(6) CA-5-----	Claim for Compensation by Widow, Widower and/or Children.
(7) CA-5b-----	Claim for Compensation by Parents, Brothers, Sisters, Grandparents, or Grandchildren.
(8) CA-6-----	Official Superior's Report of Employee's Death.
(9) CA-7-----	Claim for Compensation on Account of Traumatic Injury.
(10) CA-8-----	Claim for Continuing Compensation on Account of Disability.
(11) CA-16-----	Request for Examination and/or Treatment.
(12) CA-17-----	Duty Status Report.
(13) CA-20-----	Attending Physician's Report.
(14) CA-20a-----	Attending Physician's Supplemental Report.

(c) Copies of the forms enumerated in this paragraph are available for public inspection at the Office of the Federal Register.

§ 10.21 Waiver of compensation rights invalid.

No official superior or other person is authorized to require an employee or other claimant to enter into any agreement, either before or after an injury or death, to waive his or her right to claim

compensation under the Act. No waiver of compensation rights shall be valid.

§ 10.22 Exclusiveness of remedy.

The benefits provided to employees and to survivors of employees by the Act constitute the exclusive remedy against the United States for employment related injuries or deaths. The injury or death of an employee gives rise to no right to recover damages from the United States exclusive of the Act.

§ 10.23 Penalties.

(a) Any person who makes a false statement to obtain Federal employees' compensation or who accepts compensation payments to which he or she is not entitled is subject to a fine of no more than \$2,000 or imprisonment for no more than one year, or both.

(b) Any person charged with the responsibility of making reports in connection with an injury who willfully fails, neglects, or refuses to do so; knowingly files a false report; induces, compels, or directs an injured employee to forego filing a claim; or willfully retains any notice, report, or paper required in connection with an injury, is subject to a fine of no more than \$500 or imprisonment for no more than one year, or both.

Subpart B—Notice of Injury and Claim for Compensation, Administrative Procedures

NOTICE OF INJURY OR DEATH

§ 10.100 How to file a notice of injury.

(a) *Traumatic injury.* Whenever an employee sustains a traumatic injury which he or she believes to have occurred while in the performance of duty, such employee shall immediately give written notice of the injury to his or her official superior. If the employee is unable to give such notice for any reason, such notice may be given by any person with knowledge of the injury on behalf of the injured employee. Form CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation, is approved by the Office for the giving of such notice.

(b) *Occupational disease.* Whenever an employee has reason to believe that he or she is suffering from an employment related occupational disease or disability which has not been traumatic in onset, such employee or any person acting on behalf of such employee shall immediately give written notice of such disease or disability to such employee's official superior in the manner prescribed in paragraph (a) of this section, except that notice is given on Form CA-2, Federal Employees' Notice of Occupational Disease and Claim for Compensation. If for any reason it is impractical to give such notice to the employee's official superior in the case of an occupational disease or disability, notice of the disease or disability may be given to any official of the employee's employing agency or to the Office.

§ 10.101 Report of death.

(a) *Traumatic injury.* When an employee dies because of a traumatic injury

sustained while in the performance of duty, such employee's official superior shall immediately report such death to the Office by telephone or telegraph. As soon thereafter as is practicable such official superior shall complete and send to the Office a form CA-6, Official Superior's Report of Employees' Death.

(b) *Occupational disease.* When an employee dies while in the performance of duty as a result of an occupational disease such employee's official superior shall immediately report such death in the manner prescribed in paragraph (a) of this section. If for any reason it is impracticable for such employee's official superior to report such employee's death due to an occupational disease or disability, such report may be made by any official superior of the employing agency or any other person acting on behalf of the deceased employee's survivors.

§ 10.102 When a notice of injury or report of death must be given.

(a) *Traumatic injury.* In the case of a traumatic injury or death due to a traumatic injury notice of such injury or death must be given pursuant to 5 U.S.C. 8119, within 30 days from the date on which the injury or death occurred. The failure to give notice within the period specified by this paragraph may result in a loss of compensation rights.

(b) *Occupational disease.* In the case of the onset of an occupational disease or disability notice of such onset or death shall be given within 30 days from the date on which the claimant has been informed by competent medical authority or by the exercise of reasonable diligence should have been made aware that he or she is suffering from an occupational disease or disability or in the case of death, within 30 days from the date of such death. In the case of a death due to an occupational disease or disability the 30 day period specified in this section does not apply until such time as the deceased employee's survivors or official superior should by the exercise of reasonable diligence be aware that the employees' death was due to an employment related occupational disease or disability. The failure to give notice within the time period specified by this paragraph may result in a loss of compensation rights.

§ 10.103 Report of injury by official superior and physician.

(a) The official superior is required to promptly submit to the Office a written report of every injury or occupational disease when it is likely to (1) result in a medical charge against the Office, (2) result in disability for work beyond the day or shift of injury, (3) require prolonged treatment, (4) result in future disability, (5) result in permanent disability or (6) result in a continuation of pay pursuant to 5 U.S.C. 8118. Portions of Forms CA-1 or CA-2 are provided for this purpose. The official superior shall also furnish the Office with a report of any investigation made and any other statements or data which may properly relate to the circumstances of the injury. If the injury need not be

reported to the Office, the Form CA-1 or CA-2 shall be retained as a permanent record in the employee's personnel folder.

(b) In all cases reported, the Office shall be furnished with an immediate medical report from the attending physician. This report may be made: (1) on Part B of Form CA-16; (2) on Form CA-20, Attending Physician's Report; or (3) by narrative report on the physician's letterhead stationery.

(c) Other reports shall be submitted by the official superior and attending physician as described elsewhere in this part or as may be required by the Office.

CLAIMS FOR COMPENSATION

§ 10.105 Time for perfecting a claim for compensation.

(a) *Claim for disability compensation.* An injured employee is required to file a written claim for compensation within 3 years after the injury before compensation may be paid. If, however, the official superior had actual knowledge of the injury within 30 days, or if written notice was given within 30 days, compensation is allowed regardless of whether a written claim was made within 3 years after the injury. Actual knowledge must be such as to put the official superior reasonably on notice of an on-the-job injury.

(b) *Claim for death compensation.* If the employee dies, a written claim for compensation by or on behalf of the survivors is required before compensation may be paid. This claim is to be filed within 3 years after the death, unless within 30 days of such death, the official superior had actual knowledge of the death, due to an employment related injury or disease or written notice of such death was given to the official superior within 30 days of such death. The timely filing of a disability claim because of an on-the-job injury will satisfy the time requirements for a death claim based on the same injury.

(c) *Claim predicated upon a latent disability.* In a case of latent disability, or death due to a latent disability, the time for filing a claim does not begin to run until the employee has a compensable disability or dies and is aware or his survivors are aware, or by the exercise of reasonable diligence should have been aware, of the causal relationship of the compensable disability or death to the employment. In such a case, the time for giving notice of injury or death begins to run when the employee is aware or the survivors are aware, or by the exercise of reasonable diligence should have been aware that the employee's condition or death is causally related to his or her employment, whether or not there is a compensable disability or death.

(d) The time limitations described in this section do not begin to run against a minor until such minor reaches 21 years of age or has had a legal representative appointed; or run against an incompetent individual while such individual is incompetent and has no duly appointed legal representative; or run against any individual whose failure to comply is ex-

caused by the Secretary of Labor on the ground that notice could not be given because of exceptional circumstances.

§ 10.106 How to file a claim for disability compensation.

(a) A claim may be filed by delivering it to the Office, or to any person designated by the Office to receive claims. The employee's official superior is so designated to receive claims on behalf of the Office, and the injured employee may submit his claim to such official superior for transmission to the Office unless special circumstances require a different procedure. The official superior shall submit the injured employee's claim to the Office within 2 working days.

(b) Notwithstanding the filing of any document provided for by Paragraph (a) of this section, no disability compensation shall be payable unless the employee completes the front of a Form CA-4 and submits it to his or her official superior. The employee and the official superior shall complete the Form CA-4. The official superior also shall complete Items 1-4 on the front of the attached Form CA-20 and insert the appropriate Office address on the back thereof, and then detach the Form CA-20 and send it to the attending physician for completion and submission to the Office. The official superior shall forward the completed Form CA-4 to the Office within 2 working days.

(c) Except as provided in Subpart C of this part, whenever an employee, as a result of an injury in the performance of duty, is disabled with loss of pay for more than 3 days, the official superior shall furnish to the employee a Form CA-4 for the purpose of claiming compensation, and shall advise the employee of his or her rights under the Act.

(d) Claims for compensation for permanent disability which involve the loss, or loss of use, of a member or function of the body, or loss, or loss of use of any other important external or internal organ of the body excluding the heart, brain, and back, as listed in 5 U.S.C. 8107 (see § 10.304), shall be filed on Form CA-4 or CA-7 as appropriate which the official superior shall furnish.

(e) Claims for serious disfigurement of the face, head, or neck shall be made on Form CA-4 or CA-7 as appropriate (which shall be furnished by the official superior). If any compensation has been paid or is payable for any such prior disfigurement the date of such prior injury, the amount of compensation and the source thereof shall be stated in the said CA-4 or CA-7.

(f) Form CA-4 shall be filed with the Office upon termination of disability if the duration of disability should be less than 10 calendar days, or at the expiration of 10 calendar days from the date pay stops if disability continues beyond that date.

§ 10.107 Application for augmented compensation for disability.

(a) While the disabled employee has one or more dependents as defined in 5 U.S.C. 8110 such employee's basic compensation for disability shall be aug-

mented as provided in said section. Form CA-4 includes an application for such augmented compensation.

(b) Augmented compensation payable while a disabled employee has an unmarried child as defined by 5 U.S.C. 8110 which would otherwise terminate because the child reaches the age of 18, may be continued while the child is a student regularly pursuing a full-time course of study or training as defined by the above said section of the Act.

(c) The disabled employee claiming augmented compensation under this section shall furnish, when so required by the Office, proof of continuing entitlement to augmented compensation as set forth in paragraph (a) of this section.

(d) The disabled employee receiving augmented compensation under this section shall promptly notify the Office of the happening of any event which would terminate an employee's continued entitlement to augmented compensation under the provisions of 5 U.S.C. 8110. Any checks or payments received after the occurrence of such event shall be returned promptly to the Office.

§ 10.108 How to file an original claim for death benefits.

An original claim for death benefits may be filed by any survivor of a deceased employee (see section 8133 of the Act) or any other person acting on behalf of such survivor. Form CA-5 is provided by the Office for this purpose, and should be executed as provided therein. An original death claim may be filed by delivering a completed Form CA-5 to the Office, or to any person designated by the Office to receive such claim. The deceased employee's former official superior is so designated to receive such claims on behalf of the Office, and the person claiming benefits should submit the claim to such former official superior, unless special circumstances require a different procedure. The official superior shall, when it is practicable, furnish to all persons likely to be entitled to compensation for death of an employee, a Form CA-5 or CA-5b with information as to the use of the form for making claim for compensation and procedure in respect of filing such form. The furnishing of assistance in preparing such form or in obtaining evidence relating to the claim shall be without charge by the official superior. Any claim or paper purporting to claim compensation on account of death, submitted to the deceased employee's former official superior, shall be transmitted promptly to the Office.

§ 10.109 Claims for balance of schedule due at death from other causes.

(a) If an employee files a valid claim for a scheduled loss (permanent disability which involves the loss or loss of use of a member or function of the body as provided in 5 U.S.C. 8107) in his or her lifetime and dies from causes other than the injury, before the entire amount due for such schedule is paid, claim for such unpaid balance may be made on an application form approved by the Office as follows: By the widow, widower, or child

in the proportions and upon the conditions and in the order named in 5 U.S.C. 8109(a)(3)(D). If there is no surviving widow, widower, or child, then a claim for such unpaid balance may be made pursuant to § 10.108 in the proportions and upon the conditions and in the order as follows: To the parent or parents wholly dependent for support upon the decedent. If there is no parent wholly dependent then to a partially dependent parent or parents in equal shares with any partially dependent brother, sister, grandparent or grandchild. If one or more of the brothers, sisters, grandparents, or grandchildren are wholly dependent and a parent or parents and other brothers, sisters, grandparent, or grandchildren are partially dependent, then 75 percent will be awarded to such wholly dependent person or persons equally and the balance divided equally among such partially dependent persons. In the event there is no surviving widow, widower, child, or wholly dependent parent, and the foregoing apportionment of such compensation would result in injustice, the Office may, in its discretion, make such other apportionment as justice would require.

(b) The right of any survivor referred to in paragraph (a) of this section shall be conditioned upon his or her being alive to receive any payment and any such survivor shall not have a vested right to any such payment. Claims for continuation of payments under 5 U.S.C. 8109 shall be made in like manner and governed by § 10.124.

(c) The entitlement of any survivor to payments under 5 U.S.C. 8109 shall cease upon the happening of any event which would terminate such right under 5 U.S.C. 8133. The termination of such right shall be governed by § 10.125. In the event of any reapportionment made necessary by such termination prompt notification shall be made to the Office in accordance with § 10.126.

(d) As to the disposition of any balance not paid under the foregoing paragraphs see § 10.306.

EVIDENCE

§ 10.110 Affidavit or report by employee of employment and earnings.

The Office may require a partially disabled employee to submit an affidavit or other report as to his or her earnings either from employment or self-employment. If such individual, when required, fails within a reasonable time to submit such affidavit or report or if in such affidavit or report the employee knowingly omits or understates any part of such earnings or remuneration such employee shall forfeit his or her right to compensation with respect to any period for which such affidavit or report was required to be made, and any compensation already paid may be recovered by deducting the amount thereof from compensation payable to him or her or otherwise according to law. Earnings from employment referred to in this section or elsewhere in this part means gross earnings or wages before any deductions whatsoever have been taken out of such

wages, and include the value of subsistence, quarters, or other advantages received in kind as part of the wage or remuneration. In general, earnings from self-employment means the rate of pay the employee estimates it would cost him or her to have someone else perform the work the employee is performing.

§ 10.111 Submission of other evidence.

Any claimant or person acting on behalf of such claimant may submit to the Office such evidence including documentary evidence, statements of witnesses or physicians, and any other evidence, which the claimant deems pertinent to the final determination of his claim.

TERMINATION AND CONTINUATION OF ELIGIBILITY

§ 10.120 Report of termination of disability or return to work.

In all cases reported to the Office the official superior is required to notify the Office immediately when the injured employee returns to work or when his or her disability ceases. Form CA-3, Report of Termination of Disability and/or Payment, is provided for this purpose. It shall be used unless a report of termination of disability is made to the Office on Form CA-1 or CA-2, or CA-4, or CA-7 as appropriate, or in some other manner.

§ 10.121 Recurrence of disability for work.

(a) The official superior shall notify the Office if, after the employee returns to work, the same injury causes such employee to stop work again. This report shall be made on Form CA-2a, Notice of Employee's Recurrence of Disability and Claim for Pay/Compensation. If the injured employee does not return to duty prior to the date this form is submitted to the Office, an additional report shall be made on Form CA-3 or in a similar manner when the employee returns to work or his/her disability ceases.

(b) If the employee wishes to claim compensation as a result of the recurrence, a Form CA-4, CA-7, or CA-8 is required as appropriate. All parts of the appropriate form plus a medical report on Form CA-20 (or in narrative form), must be completed.

§ 10.122 Claims for continued compensation for disability.

Form CA-8, Claim for Continuing Compensation on Account of Disability, is provided to claim compensation for additional periods of time after Form CA-4 is submitted to the Office. While disability continues, claim on this form shall be submitted every 2 weeks until the employee is otherwise instructed by the Office. The employee shall complete and sign the face of the form, and the official superior shall complete the reverse side. The official superior also shall complete items 1-6 on the front of the attached Form CA-20a and insert the appropriate Office address on the back thereof, and then detach the Form CA-20a and send it to the attending physician for completion and submission to the Office. The official superior will for-

ward the completed Form CA-8 to the Office within 2 working days.

§ 10.123 Employee's obligation to return to work or to seek work when able.

When total disability to perform work ceases and the employee is able to perform a part of his usual duties, or to perform work of a different nature, the employee must seek such suitable work as he or she is able to perform, either in Government or private employment, unless it has already been provided for such employee, and shall accept such work or offer of work secured for him or her. An employee who has not been regularly employed during the period covered by such employee's claim, and who is only partially disabled, shall state in his or her claim what efforts he or she has made to obtain suitable employment giving the names and addresses of persons or concerns to whom the employee has applied for work. If the employee has not been offered or has not been able to secure work which he or she is able to do, he or she shall so state. If a partially disabled employee refuses to seek suitable work or refuses or neglects to work after suitable work is offered to, procured by, or secured for the employee, he or she shall not be entitled to any compensation.

§ 10.124 Continuance of compensation on account of death.

(a) A beneficiary to whom an award of compensation has been made on account of an employee's death, pursuant to his or her original claim, shall submit to the Office additional claims for continuance of compensation to the Office once each year. Form CA-12 is provided by the Office for this purpose, and will be sent to the beneficiary when an additional claim is required. Failure to submit the form may result in suspension of compensation.

(b) A beneficiary to whom an award of compensation has been made for a child, brother or sister, or grandchild after he or she has reached the age of 18 because he or she continues to regularly pursue a full-time course of study or training shall furnish, when so required by the Office, proof of continuing entitlement to such compensation. Failure to submit the proof may result in suspension of compensation.

(c) Compensation payable on behalf of a child, brother or sister, or grandchild under 5 U.S.C. 8133, which would otherwise be terminated because such individual reached 18 years of age, shall be continued if he or she is a student at the time he or she reaches age 18 for so long a period as he or she continues as a student or marries. An individual shall be considered a student while regularly pursuing a full-time course of study or training at an institution which is—

(1) A school or college or university operated or directly supported by the United States, or by any State and local government or political subdivision thereof, or

(2) A school or college or university which has been accredited by a State or by a State-recognized or nationally recognized accrediting agency or body, or

(3) A school or college or university not so accredited but whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited, or

(4) A technical, trade, vocational, business, or professional school accredited or licensed by the Federal, or a State government or any political subdivision thereof providing courses of not less than 3 months duration, that prepare the child for a livelihood in a trade, industry, vocation, or profession; but not after he or she reaches the age of 23 or has completed 4 years of education beyond the high school level, except that, where the child's 23rd birthday occurs during a semester or other enrollment period, he or she shall continue to be considered a student until the end of such semester or other enrollment period. A child shall not be deemed to have ceased to be a student (1) during any interim between school years if the interim does not exceed 4 months and the child shows to the satisfaction of the Office that he or she has a bona fide intention of continuing to pursue a full-time course of education or training during the semester or other enrollment period immediately following the interim or (2) during periods of reasonable duration during which, in the judgment of the Office the child is prevented by factors beyond his or her control from pursuing his or her education.

§ 10.125 Termination of right to compensation for death.

When a beneficiary who is receiving compensation on account of death ceases to be entitled to such compensation, by reason of remarrying before age 60, marrying, reaching the age of 18, ceasing to be dependent, or ceasing to be a student, or becoming capable of self-support, the beneficiary or someone in his or her behalf shall immediately notify the Office of such fact. If such beneficiary receives a check which includes payment of compensation for any period after the date when he or she ceased to be entitled to it, for any of the above reasons, he shall promptly return it to the Office. On remarriage before reaching age 60, a widow or widower entitled to compensation under 5 U.S.C. 8133, shall be paid a lump sum equal to twenty-four times the monthly compensation payments (excluding compensation on account of another individual) to which he or she was entitled immediately before the remarriage.

§ 10.126 Change in status of beneficiaries affecting compensation for death.

When two or more beneficiaries are receiving compensation on account of the death of an employee and any event occurs which may require a reapportion-

ment of the amount of compensation payable to one or more of them, such beneficiary, or someone on his or her behalf, shall promptly notify the Office giving the date of the event and all essential facts. Such reapportionment may become necessary when any such beneficiary dies or marries, when a child, grandchild brother, or sister of the decedent becomes 18 years old or if over 18, becomes capable of self-support or ceases to be a student, or when a parent or grandparent of the decedent ceases to be dependent, or when a posthumous child of the decedent is born.

DETERMINATIONS OF CLAIMS, HEARING AND REVIEW PROCEDURES

§ 10.130 Processing of claims.

Claims for compensation for disability and death are processed by claims examiners of the Office, whose duty it is to apply the law to the facts as reported, received, or obtained upon investigation. The Federal Employees' Compensation Act, as amended, requires determination of a claim, with findings of fact and a decision for or against the payment of compensation, upon consideration of the claim presented by the claimant, the report by his or her immediate official superior, and the completion of such investigation as the Office may deem necessary. There is no required procedure for the production of evidence, and evidence in written form is accepted. The final authority in the Office in the determination of a claim is vested in the Director of the Office. The decision shall contain findings of fact and a statement of reasons. A copy of the decision, together with information as to the right to a hearing, to a review, and to an appeal to the Employees' Compensation Appeals Board, shall be mailed to the claimant at his or her last known address.

§ 10.131 Request for a hearing.

Any claimant not satisfied with a decision of the Office shall, upon written request made within 30 days after the date of issuance of such decision, be afforded an opportunity for a hearing before an Office representative designated by the Director. The request for hearing shall be made to the Director, Office of Workers' Compensation Programs, U.S. Department of Labor, Washington, D.C. 20211. At such hearing, the claimant shall be afforded an opportunity to present evidence in further support of his or her claim.

§ 10.132 Time and place of hearing; prehearing conference.

(a) The Office representative shall set the time and place of the hearing, and shall mail written notice thereof to the claimant at least 10 days prior to the hearing. The hearing will, when practicable, be set at a time and place convenient for the claimant. The Office representative may, and when so requested by the claimant shall, afford the claimant a prehearing conference to clarify the issues in his or her claim and, when necessary, shall postpone the hearing for this purpose. Request for such confer-

ence may be made to the Office representative orally or in writing.

(b) A hearing may be postponed or cancelled upon the request of the claimant if such request is received by the Office or official of the Office assigned to conduct the hearing at least 48 hours prior to the time of the hearing or at the option of the Office. The unexcused failure of a claimant to appear at a hearing or late notice may result in the assessment of costs against such claimant.

§ 10.133 Conduct of hearing.

(a) In conducting the hearing, the Office representative shall not be bound by common law or statutory rules of evidence, by technical or formal rules of procedure, or by section 5 of the Administrative Procedure Act, but may conduct the hearing in such manner as to best ascertain the rights of the claimant. For this purpose the representative shall receive such relevant evidence as may be adduced by the claimant and shall, in addition, receive such other evidence as such representative may determine to be necessary or useful in evaluating the claim. Evidence may be presented orally or in the form of written statements and exhibits. The hearing shall be recorded, and the original of the complete transcript shall be made a part of the claims record.

(b) Pursuant to 5 U.S.C. 8126 the Office may whenever necessary: (1) Issue subpoenas for and compel the attendance of witnesses within a radius of 100 miles; (2) administer oaths; (3) examine witnesses; and (4) require the production of books, papers, documents, and other evidence, with respect to proceedings conducted for the purpose of determining the validity of any claim under this part.

§ 10.134 Termination of hearing; decision; review of decision.

The Office representative shall fix the time within which he or she will receive evidence, and shall terminate the hearing by mailing a copy of his tentative decision, setting forth the basis therefor, to the claimant at his or her last known address. Such tentative decision shall become the final decision unless revised within 30 days. A copy of any revision of the tentative decision, setting forth the basis therefor, shall be mailed to the claimant at his or her last known address within such 30 day period.

§ 10.135 Withdrawal of request for hearing; abandonment.

A claimant may withdraw his or her request for a hearing at any time prior to the mailing of the decision, by written notice to the Office representative so stating, or by orally so stating at the hearing. A claimant shall be deemed to have abandoned his or her request for a hearing if he or she fails to appear at the time and place set for the hearing and does not within 10 days after the time set for the hearing, show good cause for such failure to appear.

§ 10.136 Review of decision.

An award for or against the payment of compensation may be reviewed by the Office under 5 U.S.C. 8128(a) at any time, on its own motion or on application of the claimant. No formal application for review is required, but a written request for review, stating reasons why the decision should be changed and accompanied by evidence not previously submitted to the Office, is necessary to invoke action. Such request shall be made to the Director, Office of Workers' Compensation Programs, U.S. Department of Labor, Washington, D.C. 20211.

§ 10.137 Review by Employees' Compensation Appeals Board.

Final decisions of the Office are subject to review by the Employees' Compensation Appeals Board (ECAB), U.S. Department of Labor, under the rules of procedure set forth in Part 501 of this title.

§ 10.138 [Reserved]

§ 10.139 [Reserved]

§ 10.140 Participation in claims process by employing agency.

Procedures conducted with respect to claims filed under the Act are intended to be nonadversary in character. Accordingly, a claimant's employing agency shall not have the right, except as provided in Subpart C of this part, to actively participate in the claims adjudication process. An employing agency may, however, in its discretion, submit affidavits and other relevant and probative statements regarding any particular claim. Such evidence shall be reviewed by the Office and acted upon as appropriate.

§ 10.141 Representation of the Director.

The Director shall be represented in proceedings with respect to any claim conducted before the Employees' Compensation Appeals Board by attorneys from the Office of the Solicitor of Labor. The Office of the Solicitor may, pursuant to the Secretary of Labor's Order of September 23, 1974 (39 FR 34723), refuse to represent the Director with respect to any particular case or matter as appropriate.

§ 10.142 Representation of claimants.

Any claimant may appoint an individual to represent his or her interest in any proceeding for determination of a claim under this part. Such appointment shall be made in writing or on the record at the hearing. A written notice appointing a representative shall be signed by the claimant or his or her legal guardian and shall be sent to the Office. In any case such representative must be qualified under § 10.143.

§ 10.143 Qualification of representative.

(a) *Attorney.* Any attorney in good standing who is admitted to practice before a court of a State, territory, district, or insular possession or before the Supreme Court of the United States or

other Federal court and is not, pursuant to any provision of law, prohibited from acting as a representative may be appointed as a representative.

(b) *Other person.* Any other person with the approval of the Office may be appointed as a representative so long as that person is not, pursuant to any provision of law, prohibited from acting as a representative.

§ 10.144 Authority of representative.

A representative, appointed and qualified as provided in this part may make or give, on behalf of the claimant he or she represents, any request or notice relative to any proceeding before the Office under the Act, including formal hearing and review. A representative shall be entitled to present or elicit evidence and make allegations as to facts and law in any proceeding affecting the claimant he or she represents and to obtain information with respect to the claim of such claimant to the same extent as such party. Notice to any claimant of any administrative action, determination, or decision, or request to any party for the production of evidence may be sent to the representative of such claimant, and such notice or request shall have the same force and effect as if it has been sent to the claimant.

§ 10.145 Fees for services.

(a) No fee for representation services rendered in respect to a claim under this part shall be valid, unless prior approval of such fee has been obtained from the Office.

(b) The fee approved by the Office will be determined on the basis of the actual necessary work performed and will generally include but are not limited to the following factors:

- (1) Usefulness of the representative's services to the claimant.
- (2) The nature and complexity of the claim.
- (3) The actual time spent on development and presentation of the claim.
- (4) The amount of compensation accrued and potential future payments.
- (5) Customary local charges for similar services.
- (6) Professional qualifications of the representative.

(c) In every case where a representative's fee is desired, an application for approval of the fee shall be made to the Office. Each request for approval of a fee shall be accompanied by a complete itemized statement, in duplicate, describing the services rendered. Such itemization shall contain the following information:

- (1) The dates that services began and ended in addition to all dates on which conferences were held, documents or letters prepared, telephone calls made, etc.
- (2) A description of each service rendered with the amount of time spent on each type of service.
- (3) The amount of the fee which the representative desires for services performed.

(4) The amount of fees requested, charged or received for services rendered on behalf of the claimant before any State or Federal court or agency, in a similar or related matter.

(5) A statement explaining the basis for the amount of the fee requested.

(d) The Office will arrange for the claimant to review the request for a fee and to comment as to the services provided and as to the reasonableness of the fee.

(e) In considering any request for such a fee, the Office will not recognize such items as:

(1) Work performed before any other State or Federal agency or court including the Employees' Compensation Appeals Board, and any State or Federal Court.

(2) Any contract for the payment of an agreed sum or any contingent contract.

(3) Expenses incurred by the representative for services performed.

(f) The Office will not pay or assist in the collection of any representative fee. Neither will compensation payments be routinely forwarded to the representative with or without the claimant's approval.

(g) Any claimant aggrieved or adversely affected by an award of a fee, may request a hearing or reconsideration by the Office. Thereafter, the appeals procedure described in this subpart may be utilized by the claimant.

(h) A representative aggrieved or adversely affected by an award of a fee, may utilize the appeals procedure described in this subpart.

(i) Any person who receives a fee, other consideration or gratuity on account of services rendered with respect to a claim under this part, unless approved by the Office, or who solicits employment for himself or another in respect to a case or claim, under (or to be brought under) this Act shall be guilty of a misdemeanor and upon conviction of each offense, will be punished by a fine of not more than \$1,000 or imprisoned not to exceed 1 year or both such fine and imprisonment.

§ 10.146 [Reserved]

§ 10.147 [Reserved]

§ 10.148 [Reserved]

§ 10.149 [Reserved]

§ 10.150 Statement relative to substantive rules.

(a) The principal function of the Office and its subordinate parts is that of adjudicating claims for workers' compensation. This function is quasi-judicial in character and involves the application of statutes and principles of law to resolve factual situations. This field of activity is within the specialized branch of the law generally referred to as "workers' compensation," and has its own particularized principles which have general applicability to workers' compensation statutes (State and Federal), as such statutes have certain common or underlying similarity in respect to the meaning of terms and phrases, and in

respect to scope, jurisdiction, and general basic concepts of employer liability.

(b) In the administration of the Act, the Office has one general policy, which is to follow and to adhere to the principles of workers' compensation law as stated in the opinions of the Supreme Court, the Federal Circuit Courts of Appeal, and the District Courts of the United States, as they may appropriately be applied or have been determined by the Employees' Compensation Appeals Board (ECAB) to apply in like situations arising under the Act. In addition, decisions and opinions of the judicial tribunals of the several States furnish principles of law of general applicability in the specialized field of workers' compensation, which form parts of the foundation of general principles relied upon in the application and interpretation of the Act. The Office applies the provision of the Act applicable in respect to a particular case or situation, to the extent that such provision can readily be applied without extrinsic aid, but where such aid is necessary the source thereof is the body of principles embodied in authoritative decisions of the courts and the ECAB within such well-recognized branch of the law.

Subpart C—Continuation of Pay

GENERAL

§ 10.200 Statutory provisions.

(a) Pub. L. 93-416, approved September 7, 1974, significantly revised 5 U.S.C. 8118 to provide that an employee ["Employee" for the purposes of this subpart means only such employees as are enumerated in § 10.5(a)(11) (i), (iii), (iv), (vi)] who has filed a claim for a period of wage loss due to a traumatic injury shall be entitled under certain circumstances, to have his regular pay continued for a period not to exceed 45 days pending the OWCP's determination of such employee's claim for compensation under the Act.

(b) Pursuant to 5 U.S.C. 8118(e), pay continued under this subpart shall not be considered compensation and shall be subject to all applicable taxes and other payroll deductions.

PROCEDURES

§ 10.201 Right to continuation of pay.

(a) An employee who sustains a disabling, job-related traumatic injury is entitled to the continuation of his or her regular pay for a period not to exceed 45 days without a break in time unless such right is controverted by the employee's employing agency.

(b) The entitlement to compensation of any person excluded from the continuation of pay provisions of the Act shall begin from the date of pay loss, subject to other applicable sections of the Act.

§ 10.202 Controversion by employing agency.

(a) The employing agency may, on the basis of the information submitted by the employee, or secured on investiga-

tion, controvert a claim and terminate an employee's pay only if:

(1) The disability is a result of an occupational disease or illness; or

(2) The employee falls within the exclusions of 5 U.S.C. 8101(1) (B) or (E); or

(3) The employee is neither a citizen nor resident of the United States or Canada (i.e., a foreign national employed outside of the United States or Canada); or

(4) The injury occurred off the employing agency's premises and the employee was not engaged in official "off premise" duties; or

(5) The injury was caused by the employee's willful misconduct, the employee intended to bring about the injury or death on himself or herself or another person or the employee's intoxication was the proximate cause of the injury; or

(6) The injury was not reported on Form CA-1, within 30 days following the injury; or

(7) Work stoppage first occurred six months or more following the injury; or

(8) The employee initially reports the injury after his or her employment has terminated; or

(9) The employee is enrolled in the Civil Air Patrol, Peace Corps, Job Corps, Youth Conservation Corps, Work Study Programs, or other similar groups.

(b) In all other cases, the employing agency may controvert an employee's right to continuation of pay, however, such employee's regular pay shall not be interrupted during the 45 day period unless the controversion is sustained by the Office and until the employing Agency is so notified.

§ 10.203 Manner of controversion.

An employing agency may controvert a claim for purposes of this subpart by completing the indicated portion on Form CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation, and submitting detailed information in support of the controversion to the Office.

§ 10.204 Termination of continuation of pay.

(a) Where pay is continued after an employee stops work due to a disabling traumatic injury, such pay shall not be terminated until:

(1) The agency receives medical information from the attending physician to the effect that the employee is no longer disabled; or

(2) The agency receives notification from the Office that pay should be terminated; or

(3) The expiration of 45 days.

(b) The 45 days during which pay may be continued pursuant to this subpart are calendar days and if the employee has stopped work due to the disabling effects of the injury, the period starts at the beginning of the first full day or first full shift during which the disability begins provided such disability began within six months of the occurrence of the injury. The agency will keep the employee in a pay status for any fraction of a day or shift on which the disability

begins with no "charge" to the 45 day period. If the employee stops work for only a portion of a day or shift (other than the day or shift when disability begins), such day or shift will be considered as one calendar day. If the employee is not immediately disabled due to the injury, the 45 days will begin on the first full day or the first full shift when disability begins.

(c) Where pay is continued at a rate subsequently determined by the Office to be incorrect, the Office shall notify the agency of the correct pay rate and the agency will make the necessary adjustment.

§ 10.205 Regular pay defined.

(a) For a regular full time or part-time worker in the regular work force of the agency who works the same number of hours per week, the weekly pay rate shall be equal to the number of hours regularly worked each week times the hourly pay rate on the date of injury, exclusive of overtime.

(b) For a regular part-time worker in the regular work force of the agency who does not work the same number of hours per week the weekly pay rate shall be the average weekly earnings for the one year period prior to the date of injury, exclusive of overtime.

(c) For an irregular WAE, intermittent, etc., worker who is not a part of the agency's regular full or part-time work force, the weekly pay rate shall be the average of the employee's weekly earnings during the one year prior to the injury, but the average annual earnings may not be less than 150 times the average daily wage earned within one year prior to the date of injury. (The daily wage rate shall be the hourly rate times 8.) Premium, night or shift differential, Sunday or holiday pay, or other extra pay should be included in all instances; however, overtime pay must not in any instance (i.e., either regular or irregular employment) be made a part of the continuation of pay rate.

§ 10.206 Agency accounting and reporting of continuation of pay.

(a) Pending development of a system within the Office for directly capturing and tabulating data on continuing payments to employees under 5 U.S.C. 8118, each agency and instrumentality of the United States having an employee who was in a continuation of pay status during the calendar quarter shall submit a report to the Office within 30 days after the end of each quarter (address: Director, Office of Workers' Compensation Programs, U.S. Department of Labor, Washington, D.C. 20211).

(b) Quarterly reports are to include data on all continuation of pay cases paid in the quarter for only those employees who have returned to work or exceeded the 45-day period by the last pay date of the reporting agency or instrumentality during the quarter (employees who have not returned to work or exceeded the 45-day period by the

last pay date of the quarter are to be reported in the following quarter).

(c) Reported summary data for employees returning to work during the quarter is to include:

(1) Total number of employees provided such continuation of pay.

(2) Total number of workdays or shifts (full workdays) for which these employees were paid during the quarter (and the earlier quarter if return to work did not occur during such earlier quarter).

(3) Total amount paid to all employees during the quarter (and the earlier quarter if return to work did not occur during such earlier quarter).

OFFICIAL SUPERIOR'S AND BENEFICIARIES' RESPONSIBILITIES

§ 10.207 Official superior's responsibility in continuation of pay case.

(a) Upon receiving notice that an employee has suffered an employment related traumatic injury an official superior shall:

(1) Promptly authorize medical care in accordance with Subpart E of this part;

(2) Provide the employee with Form CA-1 for reporting the injury and upon receipt of the completed form, return to the employee the "Receipt of Notice of Injury";

(3) Advise the employee of the right to elect continuation of regular pay or use annual or sick leave, if the injury is disabling;

(4) Inform the employee whether continuation of pay will be controverted, and if so, whether pay will be terminated, and the basis for such action;

(5) Promptly submit Form CA-1 fully completed by both employee and official superior together with all other pertinent information and documents to the Office within two working days following the official superior's receipt of such completed form from the employee.

(6) If the official superior controverts the claim (whether or not pay is terminated), explanation for the controversion will be submitted to the OWCP on the official superior's portion of Form CA-1 and/or by separate narrative report.

(7) In addition, such official superior shall report to the Office any injury resulting in probable disability or death in accordance with this part, and thereafter make any additional reports as the Office may require.

(b) In the case of a traumatic injury for which the continuation of pay may be appropriate, the injured employee's official superior shall to the best of his or her ability inform such employee of the advantages and disadvantages of the continuation of pay provisions of the Act. Special attention shall be drawn to the fact that continued pay is subject to taxes and all other regular payroll deductions as well as to the fact that an employee who chooses not to elect continuation of pay may be without income for an undetermined period of time sub-

sequent to the onset of his or her disability.

§ 10.208 Recurrence of disability.

(a) Should an employee suffer a recurrence of disability, and again stop work and the initial claim has been approved by the Office, the official superior shall promptly complete Form CA-2a. The employee shall advise the official superior whether he or she wishes to continue to receive regular pay or charge the absence to sick or annual leave.

(b) If the employee so elects, the official superior shall again continue regular pay, providing the 45 calendar days were not all "used" during the initial period of disability. This is applicable, however, only during a six month period beginning from the date the employee first returned to work following the initial disability. If a recurrence happens after the six months have expired, the employing agency should not continue regular pay, although some of the 45 days may remain "unused". In such instances, the employee is entitled only to compensation payable by the Office.

(c) If the 45 day entitlement period has been exhausted, or six months have expired since the employee first returned to work, the employing agency is not required to continue regular pay. The Office shall be responsible for initiating payment of compensation. In such instance, the employee shall file claim for any wage loss on the appropriate Form CA-7 or CA-8.

(d) If the recurrence happens less than six months following the most recent prior medical treatment received by the employee, the official superior shall authorize required medical care by use of Form CA-16. If the recurrence happens more than six months after the most recent prior medical care, authorization for further medical care must be obtained from the Office.

§ 10.209 Employee's responsibilities in continuation of pay cases.

(a) When an employee sustains a traumatic, disabling injury in the performance of duty, the employee or someone acting on his or her behalf must give a written report on Form CA-1 to such employee's official superior within two working days following the injury. It must be shown on the form whether the employee wishes to receive sick or annual leave [see § 10.210(a)] or request continuation of regular pay for the period of disability.

(b) Upon reporting the injury, the employee will be authorized to obtain medical treatment if required. If treatment is obtained, the employee must inquire from the treating physician the earliest date that the employee is able to return to work.

(c) A "Duty Status Report," Form CA-17 will be used to obtain interim medical reports concerning the employee's duty status. If during the 45 day period the treating physician indicates the employee is able to return to work and the employee refuses to do so, the

continued absence from work may result in an overpayment. The period of absence from the job which resulted in the overpayment will be determined by the Office in the course of adjudication of the claim. The official superior and the employee will be notified of the period of disability which is approved by the Office and the official superior may then require the employee to resolve any overpayment.

(d) If medical evidence shows disability is expected to continue beyond 45 days and compensation is desired after expiration of the period, Form CA-7, must be completed and filed with the appropriate OWCP district office not more than 5 working days after the termination of the 45 days.

(e) The provisions of Subpart D of this part relating to the buy-back of leave and to collection of overpayments are applicable as appropriate to the provisions of this subpart.

§ 10.210 Election of annual or sick leave.

(a) In any case, an employee may use annual or sick leave to his credit at the time such employee's disability begins, but such employee's compensation for disability does not begin, and the time periods specified by 5 U.S.C. 8117 do not begin to run, until the termination of continuation of pay (see § 10.204) or until the use of annual or sick leave ends.

(b) If a claim for the continuation of pay is denied by the Secretary subsequent to the making of such payments, such payments shall, at the option of the employee, be charged to sick or annual leave or shall be deemed overpayments of pay within the meaning of Section 5584 of Title 5, United States Code.

**Subpart D—Payment of Compensation
COMPENSATION RATES**

§ 10.300 Maximum and minimum compensation.

(a) *Disability.* Compensation for disability may not exceed 75 percent of the monthly pay of the highest step of grade 15 of the General Schedule. For total disability, it may not be less than 75 percent of the monthly pay of the first step of grade 2 of the General Schedule or actual pay, whichever is less.

(b) *Death.* Compensation for death is computed on a minimum pay equal to the first step of grade 2 of the General Schedule. The total compensation may not exceed the employee's pay or 75 percent of the monthly pay of the highest step of grade 15 of the General Schedule, except that compensation is allowed to exceed the employee's monthly pay if such excess is created by authorized cost of living increases.

§ 10.301 Temporary total disability rate.

(a) Compensation based on loss of wages is payable, subject to the provisions of 5 U.S.C. 8117, after the 45th day in traumatic injuries or from the beginning of pay loss in all other types of injuries.

(b) When an injured employee loses pay due to temporary total disability resulting from an injury, compensation

is payable at the rate of 66 2/3 percent of the pay rate established for compensation purposes. The compensation rate is increased to 75 percent when there are one or more dependents. Dependents include a wife or husband; an unmarried child under 18 years of age or if over 18, incapable of self-support, or a student (until reaching 23 years of age or completing four years of school beyond the high school level); or a wholly dependent parent. Compensation begins when the employee starts to lose pay if the injury causes permanent disability or if there is pay loss for more than 14 days, otherwise compensation begins on the fourth day after pay stops. Compensation may not be paid while an injured employee receives pay for leave or is otherwise in a continuation of pay status. The employee has the right to elect whether to receive pay for leave or to receive compensation.

§ 10.302 Permanent total disability rate.

When the injury causes permanent total disability, an injured employee is entitled to compensation until death unless the employee is medically or vocationally rehabilitated. Some, although not all, of the examples of permanent total disability are loss, or loss of use, of both arms; or both feet; or both legs; or both eyes or the sight thereof. Compensation for total disability equals 66 2/3 percent of the employee's pay, and 75 percent when there is a dependent [see § 10.301(b)]. The employee may receive additional compensation, not to exceed \$500 per month, when the services of a full time attendant are needed because of the disability.

§ 10.303 Partial disability rate.

(a) *Loss of wage-earning capacity.* An injured employee may receive compensation computed on loss of wage-earning capacity when unable to return to usual employment because of partial disability as a result of the injury. The compensation will equal 66 2/3 percent of the employee's loss. It will equal 75 percent of the loss when there is a dependent [see § 10.301(b)]. The compensation will be paid so long as there is a loss of wage-earning capacity.

(b) *Scheduled awards.* Compensation is provided for specified periods of time for the permanent loss or loss of use, of each of certain members, organs, and functions of the body. Compensation for proportionate periods of time is payable for partial loss, or loss of use of each member, organ, or function. The compensation for scheduled awards will equal 66 2/3 percent of the employee's pay, and 75 percent of the pay when there is a dependent. Proper and equitable compensation, not to exceed \$3,500 may be paid for serious disfigurement of the face, head, or neck, if of a character likely to handicap a person in securing or maintaining employment. Compensation for loss of wage-earning capacity may be paid after the schedule expires.

§ 10.304 Schedule compensation rate.

(a) Pursuant to 5 U.S.C. 8107, compensation is provided for the permanent partial or permanent total loss of use of

specified members of the body and internal and external organs as well as for serious disfigurement of the face, head, or neck. A new section, 5 U.S.C. 8107(c) (22) added by Pub. L. 93-416, 88 Stat. 1145, provides that in addition to the member and organs specifically enumerated in the compensation schedule the Secretary may provide for the payment and schedule compensation not to exceed 312 weeks of compensation for such internal and external organs as is deemed appropriate. Pursuant to authority contained in 5 U.S.C. 8107(c) (22) certain specified internal and external organs are added to the compensation schedule as follows:

	Weeks
Breast (one)-----	52
Kidney (one)-----	156
Larynx-----	160
Lung (one)-----	156
Penis-----	205
Testicle (one)-----	52
Tongue-----	160

(b) The organs added to the compensation schedule in paragraph (a) of this section have been so added subsequent to studies undertaken by the OWCP. Continuing study in this area may, in the future, result in the further extension of the compensation schedule. Such further extensions shall have retroactive application back to the effective date of this section if such retroactive application is deemed appropriate by the Director.

(c) Schedule compensation rates shall be determined as provided in § 10.302 and § 10.303 of this part. Such amounts as are determined appropriate pursuant to the Act and this part are:

(1) Payable regardless of whether the cause of the impairment originates in a part of the body other than the impaired member or organ;

(2) Payable regardless of whether the disability also involves another impairment of the body; and

(3) In addition to compensation for temporary total or temporary partial disability.

§ 10.305 Death benefit rates, conditions of eligibility.

(a) When there are no children entitled to compensation the employee's widow or widower may receive compensation equal to 50 percent of the employee's pay until death or remarriage. Upon remarriage, a widow or widower will be paid a lump sum equal to 24 times the monthly compensation being paid on his or her own behalf, except that if such remarriage occurs on or after the age of 60, the lump sum payment shall not be made and compensation shall continue until the beneficiary's death.

(b) When there is a child entitled to compensation, the compensation for the widow or widower will equal 45 percent of the employee's pay plus 15 percent for each child, but shall not exceed 75 percent of the employee's pay. A child is entitled to compensation until he or she dies, marries, or reaches 18 years of age, or if over 18 and incapable of self-support, until he or she becomes capable of self-support. If an unmarried child is a

student when reaching 18 years of age, compensation may be continued for as long as the child remains a student or until he or she marries. It may not, however, be continued beyond the end of the semester or enrollment period after the child reaches 23 years of age or has completed four years of school beyond the high school level.

§ 10.306 Burial and transportation benefits.

In the case of an employment related death of an employee a sum, not to exceed \$800, may be paid for funeral and burial expenses. When an employee's home is within the United States, an additional sum may be paid for transporting the remains to the home if the employee dies away from home, official duty station, or outside the United States. An additional sum of \$200 is paid to the personal representative of the decedent for reimbursement of the costs of termination of the decedent's status as an employee of the United States.

ADJUSTMENTS TO BENEFITS

§ 10.310 Buy back of annual or sick leave.

An employee may decide to take sick and/or annual leave in order to avoid possible interruption of income. If such employee does so decide and his or her claim for compensation is subsequently approved, such employee may arrange with his or her employing establishment to "buy back" the leave used and have it reinstated to such employee's account. The compensation to which the employee is entitled, may be used to pay a part of the "buy back" cost and the employee shall be obligated to pay the balance. The amount the employee will be required to pay will depend on several factors such as length of the period of disability and the amount of Federal income tax which is withheld from his or her leave pay. The employing agency shall help the employee determine how much the "buy back" cost will be in his or her case. If an employee uses leave and decides to buy it back, such employee may file a claim for compensation on Form CA-4 while still in leave status. In the interim, the Office shall consider and resolve any points at issue. No compensation payments shall be paid, however, while the employee is still in leave status. Arrangements to "buy back" leave, shall be made with the employing agency. Such agency shall make arrangements to have compensation paid directly to its account for the part of the "buy back" cost which is covered. Salary continuation payments made under 5 U.S.C. 8118 shall not be considered compensation as defined by the Act. If an employee elects to use annual or sick leave during the initial 45 day period of salary continuation pursuant 5 U.S.C. 8118, such employee may not "buy back" his or her leave by claiming compensation for such period.

§ 10.311 Lump sum awards.

(a) The liability of the United States for compensation to a beneficiary in the case of death or of permanent total or

permanent partial disability may be discharged by a lump-sum payment equal to the present value of all future payments of compensation computed at 4 percent true discount compounded annually if—

(1) The monthly payment to the beneficiary is less than \$50 a month; or

(2) The beneficiary is or is about to become a nonresident of the United States; or

(3) The Secretary of Labor determines that it is for the best interest of the beneficiary.

(b) The probability of the death of the beneficiary before the expiration of the period during which he or she is entitled to compensation shall be determined according to the most current United States Life Tables, as developed by the United States Department of Health, Education, and Welfare, which shall be updated from time to time, but the lump-sum payment to a widow or widower of the deceased employee may not exceed 60 months' compensation. The probability of the happening of any other contingency affecting the amount or duration of compensation shall be disregarded.

(c) On remarriage, a widow or widower, entitled to compensation under 5 U.S.C. 8133, shall be paid a lump sum equal to 24 times the monthly compensation payment (excluding compensation on account of another individual) to which he or she was entitled immediately before the remarriage.

(d) No claimant possesses an absolute right to a lump sum award. Lump sum awards shall be made exclusively by the Director, acting within his or her discretion, and no lump sum award shall be made unless it is apparent to the Director that such an award is in the best interests of the claimant.

§ 10.312 Assignment of claim, claims of creditors.

An assignment of a claim for compensation is void. Compensation and claims for compensation are exempt from claims of creditors.

§ 10.313 Dual benefits.

(a) *Civil service annuity and compensation.* Except as is otherwise provided by law a person may not concurrently receive compensation pursuant to the Act and a retirement or survivor annuity from the Civil Service Commission. Such beneficiary shall elect to receive the more advantageous benefits.

(b) *Military retirement/retainer pay and compensation.* An employee may receive compensation concurrently with military retired pay, retirement pay, retainer pay or equivalent pay for service in the Armed Forces or other uniformed services, subject to the reduction of such pay in accordance with 5 U.S.C. 5532(b).

§ 10.314 Overpayments.

(a) Whenever by reason of an error of fact or law an overpayment has been made to an individual who is entitled to further payments, proper adjustment shall be made by decreasing subsequent

payments of compensation, having due regard to the probable extent of future payments, the rate of compensation, the financial circumstances of the individual, and any other relevant factors, so as to minimize any resulting hardship upon such individual. In the event such individual dies before such adjustment has been completed a similar adjustment shall be made by decreasing subsequent payments, if any, payable under this Act with respect to such individual's death.

(b) Where there are no further payments due and an overpayment has been made to an individual by reason of an error of fact or law such individual, as soon as the mistake is discovered or his attention is called to the same, shall refund to the Office any amount so paid, or upon failure to make such refund the Office may proceed to recover the same.

(c) There shall be no adjustment or recovery under paragraphs (a) or (b) of this section, by the United States in any case where incorrect payment has been made to an individual who is without fault and where adjustment or recovery would defeat the purpose of this Act or would be against equity and good conscience.

(d) If a claim for compensation is denied by the OWCP, continuation of pay made under 5 U.S.C. 8118, shall, at the option of the employee, be charged to sick or annual leave or shall be deemed overpayments of pay within the meaning of Section 5584, Title 5 U.S.C.

Subpart E—Furnishing Medical Treatment

§ 10.400 Medical treatment, hospital services, transportation, etc.

(a) All medical services, appliances, drugs, and supplies which in the opinion of the Office are necessary for treatment of an injury as provided by the Act shall be furnished to employees of the United States and to others covered by the Act. These may be furnished by or upon the order of either U.S. medical officers and hospitals, or at the employee's option, by or on the order of physicians or hospitals designated or approved by the Office, for injuries sustained while in the performance of duty, including diseases proximately caused by the conditions of employment, whether resulting in loss of time or not, as well as the necessary means of transportation incident to the securing of such services, appliances, drugs, and supplies. An injured employee will be furnished transportation, or be reimbursed for transportation expense, and shall be reimbursed for expenses incident to the securing of services, appliances and supplies necessary in the treatment of an injury related condition, when authorized by the Office or by the employee's official superior. All duly qualified physicians as defined in § 10.402 are considered designated or approved by the Office.

(b) An employee has only an initial choice of physicians. A change of physicians will be permitted only upon approval of the Office after the employee submits an explanation for his or her desire to change.

(c) The medical facilities of the U.S. Public Health Service generally are available at any time for the furnishing of medical treatment. The medical facilities of the Army, Navy, Air Force and Veterans Administration may be used when previous arrangements have been made on a case-by-case basis with the director of the hospital or clinic.

(d) Federal health service units or other occupational health service facilities established under the provisions of the Act of August 8, 1946, as amended (5 U.S.C. 7901), are not U.S. medical officers and hospitals as used in this part. Under criteria established by the Bureau of the Budget (now Office of Management and Budget) in Circular No. A-72 of June 18, 1965, these health service units or occupational health service facilities shall only provide emergency diagnosis and first (initial) treatment of injury or illness such as is necessary during working hours and that are within the competence of the professional staff and facilities of the health service unit or facility (see paragraph 4.a of OMB Circular A-72). Any other treatment and medical care by these units or facilities in instances of injury or illness sustained in the performance of duty must be specifically authorized by a physician providing medical care under the specific authorization of the Office (see paragraph 4.d of OMB Circular A-72).

(e) The official superior shall give the injured employee an opportunity to select the appropriate physician to whom he or she wishes to be referred. In medical emergencies, any qualified physician in the area shall be authorized to provide medical care as appropriate.

(f) The attending physician shall arrange for necessary hospital care at semi-private rates (unless the nature of the case requires care in a private room) special nursing services, x-ray examination, and consultations by specialists. In cases of an emergency nature or cases involving unusual circumstances the Office may in the exercise of its discretion authorize treatment otherwise than as provided for in this part, or it may approve payment for medical expenses incurred otherwise than as authorized in this part.

§ 10.401 Physician and medical services, etc., defined.

(a) The term "physician" as used in this subpart includes surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, and osteopathic practitioners within the scope of their practice as defined by State law. The term "physician" includes chiropractors only to the extent that their reimbursable services are limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist.

(b) The term "medical, surgical, and hospital services and supplies" as used in this part, includes services and supplies by surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, osteopathic practitioners and hospitals within the scope of their practice as defined by State law. Reimbursable

chiropractic services are limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist. Also included for payment or reimbursement are physical examinations (and related laboratory tests) and x-rays performed by or required by a chiropractor to diagnose a subluxation of the spinal column. A chiropractor may interpret his or her x-rays as may any other physician as used in this subpart.

§ 10.402 Official authorization for treatment.

(a) When an employee sustains an injury by accident under circumstances entitling the employee to medical treatment, the employee's official superior shall promptly issue to the employee a request for examination and/or treatment on Form CA-16. The employee shall carry the Form CA-16, where practical, from the place of employment to the physician. Form CA-16 shall be used primarily for an injury sustained by accident, but may also be used to authorize examination and treatment for disease or illness, provided the official superior has contacted the Office for instructions on authorizing examination and treatment. In emergency situations, the Office shall be contacted by telephone.

(b) In determining the use of medical facilities, consideration must be given to availability, the employee's condition, and the method and means of transportation. Generally, 25 miles from the place of injury, the employing agency, or the employee's home is a reasonable distance to travel but other pertinent factors must also be taken into consideration.

§ 10.403 Emergency treatment.

In cases of injury by accident where emergency treatment is necessary, any qualified local physician may render initial treatment. If oral authorization for such treatment is given by the official superior, Form CA-16 shall be issued within 48 hours thereafter. Animal bites and eye injuries are considered medical emergencies and medical care by the nearest qualified physician is permissible. Further treatment, if necessary, shall be obtained as soon as practicable at the employee's option as provided in this part. It is the duty of the official superior to authorize initial medical treatment for acute injuries, exclusive of disease or illness, and to transfer the employee at the employee's option to the care of a local U.S. medical officer or hospital or, at the employee's option, to a private physician or hospital designated or approved by the Office for any subsequent treatment needed. If unable to comply promptly with this requirement, the official superior shall communicate with the Office for instructions.

§ 10.404 Medical treatment for recurrence of disability.

If an injured employee complains of a recurrence of disability (whether or not he or she is disabled for work), after having recently been discharged from medical treatment, on account of an injury by accident recognized as compen-

sable by the Office under circumstances from which it may reasonably be inferred that such disability is the result of such injury, and the place of employment is the same as at the time of such injury, the official superior in his discretion may issue a Form CA-16, provided that not more than 6 months shall have elapsed since the final action of the Office upon the case. In any case in which the employee complains of a recurrence of disability with respect to which there may be doubt that the disability is the result of the injury or in any case in which the final action of the Office shall have been taken more than 6 months prior to complaint the official superior shall communicate with the Office and request instructions, stating all of the pertinent facts in the communication. In all other cases the employee shall communicate with the Office and request such treatment.

§ 10.405 Medical treatment in doubtful cases.

Cases of a doubtful nature, so far as compensability is concerned, shall be referred by the official superior to a United States medical officer or hospital, or at the employee's option, to a private physician or hospital designated or approved by the Office, or as otherwise provided in this part, using a Form CA-16 for medical services as indicated in 6B of the form. This authorizes the necessary diagnostic studies and emergency treatment pending receipt of advice from the Office. A statement of all pertinent facts relating to the particular case shall also be forwarded immediately to the Office for consideration. If the medical examination or other information received subsequent to the issuance of authorization for treatment discloses that the condition for which treatment was rendered is not due to an injury, the person issuing the authorization shall immediately notify the physician or hospital that no further treatment shall be rendered at the expense of the Office. In cases of an emergency or cases involving unusual circumstances, the Office may, in the exercise of its discretion, authorize treatment otherwise than as provided for in this part, or it may approve payment for medical expenses incurred otherwise than as authorized in this section. No authority for examination or for medical or other treatment shall be given by the official superior in any case already disallowed by the Office.

§ 10.406 Authority for dental treatment.

All necessary dental treatment, including repairs to natural teeth, false teeth, and other prosthetic dental devices, needed to repair damage or loss caused by an employment related injury shall be obtained at the employee's option from a U.S. Medical Officer or hospital, or from a private dentist, physician or hospital, upon authorization obtained in advance from the Office.

§ 10.407 Medical examination.

(a) An injured employee shall be required to submit to examination by a U.S. Medical Officer or by a qualified pri-

vate physician approved by the Office as frequently and at such times and places as in the opinion of the Office may be reasonably necessary. The injured employee may have a qualified physician, paid by him or her, present at the time of such examination. For any examination required by the Office an injured employee shall be paid all expenses incident to such examination which, in the opinion of the Office are necessary and reasonable, including transportation and actual loss of wages incurred in order to submit to the examination authorized by the Office.

(b) If the employee refuses to submit himself or herself for or in any way obstructs any examination, the employee's right to claim compensation under the Act shall be suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues, and the period of such refusal or obstruction shall be deducted from the period for which compensation is payable to the employee.

§ 10.408 Medical referee examination.

If there should be a disagreement between the physician making the examination on the part of the United States and the injured employee's physician, the Office shall appoint a third physician, qualified in the appropriate speciality, who shall make an examination. The physician appointed shall be one not previously connected with the case.

§ 10.409 Furnishing of orthopedic and prosthetic appliances, and dental work.

When an orthopedic or prosthetic appliance, such as an artificial eye or limb is deemed to be necessary by the attending physician by reason of an injury which has been found by the Office to have occurred in the performance of duty, application therefor may be made to the Office, stating the necessity therefor, the approximate cost of such appliance, and a brief description thereof. The term "injury" includes damage or destruction of medical braces, artificial limbs and other prosthetic devices which shall be replaced or repaired at Office expense, [see § 10.5(a) (14)]. Applications for repairs to such an appliance furnished by the Office will be made in the same manner. Where an artificial denture is necessary in such cases, application therefor may similarly be made.

§ 10.410 Recording and submission of medical reports.

(a) Medical officers and private physicians and hospitals shall keep adequate records of all cases treated by them so as to be able to supply the Office with a history of the employee's accident, the exact description, nature, location, and extent of injury, the x-ray findings or other studies, if x-ray examination or other studies have been made, the nature of the treatment rendered, and the degree of impairment arising from the injury.

(b) Form CA-16 provides for the furnishing of the initial medical report. Form CA-20 may also be used for the initial report and for subsequent report. The medical report Form CA-20a attached to Form CA-8 is to be utilized in instances where continued compensation is claimed on such form. These reports shall be forwarded promptly to the Office. In cases of disabling traumatic injuries Form CA-17 shall be used to obtain interim reports concerning the employee's duty status. These reports are necessary to support continuation of pay up to 45 days.

(c) Detailed supplementary reports in narrative form shall be made by the physician at approximately monthly intervals in all cases of serious injury or disease, especially injuries of the head and back, and including all cases requiring hospital treatment or prolonged care. The supplementary report shall show the date the employee was first examined or treated, the patient's complaint, the condition found on examination, the diagnosis and medical opinion as to any relationship between the impairment and the injury or employment factors alleged, report as to any other impairments found not due to injury, the treatment given or recommended for the injury alleged, the extent of impairment affecting the employment as a result of the injury, the actual degree of loss of active or passive motion of an injured member, the amount of atrophy or deformity in a member, the decrease, if any, in strength, the disturbance of sensation, the prognosis for recovery, and all other material findings. If the services of a specialist are required in the examination or treatment of the employee, a report of his findings upon examination, his diagnosis, his opinion as to the relationship between the impairment and the injury and/or conditions of employment, the medical rationale for his opinion, the treatment recommended by him, a statement of the extent of impairment as a result of the injury or employment and the prognosis shall be forwarded to the Office for consideration in conjunction with other reports. The requirement of this section or of any section in this part with respect to the form of medical, dental, hospital or other reports may be waived by the Office.

§ 10.411 Submission of bills for medical services, appliances and supplies.

All charges for medical, hospital, surgical, or other treatment or care of, or appliances and supplies furnished to injured employees, supported by medical evidence as provided in § 10.410 shall be itemized on the physicians, billhead stationery hospital's or supplier's as appropriate and shall be forwarded promptly to the Office for consideration. Charges may also be submitted at the time of submission of the initial report by completing item 14 on the back of Form CA-16. A separate bill shall be submitted when the employee is discharged from treatment except when treatment extends for

more than 30 days, in which event, bills shall be submitted at the end of each 30 day period.

§ 10.412 Reimbursement for medical expenses, transportation costs, loss of wages, and incidental expenses.

If bills for medical, surgical, nursing, dental, or hospital services or supplies, or appliances, have been paid by an injured employee on account of an injury incurred while in the performance of duty, an itemized bill, receipted and signed by the person who has received payment, together with a medical report as provided in § 10.410 may be submitted to the Office for consideration. If payment has been made to a hospital, corporation or firm, the receipted bill shall bear the signature or initials of the person acting for the payee. If receipted by a mechanical stamp or device, which shows clearly its intent and purpose, the usual formalities attendant to the receipting of bills may be dispensed with. Where the means of transportation is not furnished by the United States Government, a claim for reimbursement of the cost of necessary transportation, and of necessary incidental expenses incurred by an injured employee for travel for the purpose of securing medical or hospital treatment, appliances or supplies, or for medical examination, should be submitted promptly to the Office for consideration. Standard Forms 1012 and 1012a properly executed, shall be used for this purpose. Where transportation by automobile is used, reimbursement may be made at the rate per mile fixed by law, executive administrative, or other order for employees of the United States authorized to travel at Government expense.

Subpart F—[Reserved]

Subpart G—Cases Involving the Liability of a Third Party

§ 10.500 Prosecution of third party action by beneficiary.

If an injury or death for which benefits are payable under the Act is caused under circumstances creating a legal liability upon some person other than the United States to pay damages therefor, the Office may require the beneficiary to prosecute an action for damages against such third person. When so required, such cause of action shall be prosecuted in the name of the injured employee or of his or her personal representative by an attorney of the beneficiary's choice.

§ 10.501 Assignment of third party.

If an injury or death for which benefits are payable under the Act is caused under circumstances creating a legal liability upon some person other than the United States to pay damages therefor, the beneficiary shall, if required by the Office assign any right of action he may have to the United States. All such assignments shall be in writing and no such cause of action shall vest in the United States unless and until the assignment is accepted by the Office.

§ 10.502 Refusal to assign or prosecute claim when required; effect.

Refusal on the part of a beneficiary to assign his right of action to the United States or to prosecute an action in his own name when required to do so pursuant to § 10.500 or § 10.501, shall deprive the beneficiary of all rights to benefits under the Act.

§ 10.503 Distribution of damages recovered by beneficiary.

If an injury for which benefits are payable under the Act is caused under circumstances creating a legal liability upon some person other than the United States to pay damages therefor, and, as a result of suit brought by the beneficiary or by someone on his or her behalf, or as a result of settlement made by him or her or on his or her behalf in satisfaction of the liability of such other person, the beneficiary shall recover damages or receive any money or other property in satisfaction of the liability of such other person on account of such injury or death, the proceeds of such recovery shall be applied as follows:

(a) If an attorney is employed, a reasonable attorney's fee and cost of collection, if any, shall first be deducted from the gross amount of the settlement;

(b) The beneficiary is entitled to retain one-fifth of the net amount of the money or other property remaining after the expenses of a suit or settlement have been deducted, plus an amount equivalent to a reasonable attorney's fee proportionate to any refund to the United States;

(c) There shall then be remitted to the Office, the benefits which have been paid on account of the injury, which shall include payments made on account of medical or hospital treatment, funeral expense, and any other payments made under the Act on account of the injury or death;

(d) Any surplus then remaining may be retained by the injured employee or his dependents, and the net amount of damages received by the beneficiary shall be credited against future payment of benefits to which the beneficiary may be entitled under the Act on account of the same injury or death.

§ 10.504 Distribution of damages where cause of action is assigned.

If recovery is realized upon a cause of action assigned to the United States pursuant to 5 U.S.C. 8131, the money or other property so received shall be applied in the following manner: After deducting the amount of any payments made under the Act in respect of the injury or death on account of which the cause of action arose, and the expense of such realization or collection, which sum shall be placed to the credit of the proper fund of the Office, the surplus, if any, of such amount received shall be paid to the beneficiary and credited pro tanto upon any future payment of benefits payable to him on account of the same injury. However, the beneficiary is entitled to not less than one-fifth of the net amount of a settlement or recovery

remaining after the expenses of such realization or collection have been deducted.

§ 10.505 Office may require beneficiary to settle or compromise third party suit.

Where a beneficiary under the Act has commenced an action in his or her own name or has initiated such action through an administrator of a deceased person to recover damages against the third party liable for the injury or death, the Office shall, at all times, have authority to require the beneficiary or such administrator to settle or compromise such action whenever it shall determine that further prosecution of the cause of action is not warranted. Refusal on the part of such beneficiary or other person acting in the interest of the beneficiary to make such settlement or to effect such compromise when so directed shall be deemed to be sufficient cause for refusal on the part of the Office to pay or cause to be paid any benefits under the Act on account of the same injury or death, or the Office may suspend or cause to suspend the payment of benefits under the Act during the period of such refusal.

6. Part 25 of Subchapter B—Federal Employees' Compensation Act—is revised to read as follows:

PART 25—COMPENSATION FOR DISABILITY AND DEATH OF NONCITIZEN FEDERAL EMPLOYEES OUTSIDE THE UNITED STATES

Subpart A—General Provisions

- Sec. 25.1 General statement.
- 25.2 General adoption of local law.
- 25.3 General provisions relating to special schedule.
- 25.4 Authority to settle and pay claims.
- 25.5 Applicable criteria.
- 25.6 Third and fourth country nationals.
- 25.7 Non-citizen residents of possessions.

Subpart B—Special Schedule of Compensation

- 25.11 Compensation for disability.
- 25.12 Compensation for death.
- 25.13 General provisions.

Subpart C—Extensions of Special Schedule of Compensation

- 25.21 Republic of the Philippines.
- 25.22 Australia.
- 25.23 [Reserved]
- 25.24 [Revoked]
- 25.25 Republic of Korea.
- 25.26 Japanese seamen.
- 25.27 Territory of Guam (nonresident aliens).

AUTHORITY. (Sec. 32, 39 Stat. 749, as amended; (5 U.S.C. 8145, 8149); 1946 Reorg. Plan No. 2, sec. 3, 3 CFR 1943-1948 Comp., p. 1064; 60 Stat. 1095; 1950 Reorg. Plan No. 19, sec. 1, 3 CFR 1949-1953 Comp., p. 1010; 64 Stat. 1271, unless otherwise noted)

Subpart A—General Provisions

§ 25.1 General statement.

The provisions of this part shall apply in respect to compensation, under the Federal Employees' Compensation Act, payable only to employees of the United States who are neither citizens nor residents of the United States, any territory, or Canada, or payable to any dependents of such employees. It has previously been determined, pursuant to 5 U.S.C. 8137, that the amount of com-

ensation, as provided under such Act, is substantially disproportionate to the compensation for disability or death which is payable in similar cases under local law, regulation, custom, or otherwise, in areas outside the United States, any territory, or Canada. Therefore, in respect to cases of such employees whose injury (or injury resulting in death) has occurred subsequent to December 7, 1941, or may occur, the following provisions shall be applicable.

§ 25.2 General adoption of local law.

(a) Pursuant to the provisions of 5 U.S.C. 8137, the benefit features of local workers' compensation laws, or provisions in the nature of workers' compensation, in effect in the areas referred to in § 25.1, shall, effective as of December 7, 1941, by adoption and adaptation, as recognized by the Director, Office of Workers' Compensation Programs, apply in the cases of the employees specified in § 25.1: *Provided, however,* That there is not established and promulgated under this part, for the particular locality, or for a class of employees in the particular locality, a special schedule of compensation for injury or death.

(b) The benefit provisions as thus adopted or adapted are those dealing with the money payments for injury and death (including provisions dealing with medical, surgical, hospital and similar treatment and care), as well as those dealing with services and purposes forming an integral part of the local plan, provided they are of a kind or character similar to services and purposes authorized by the Federal Employees' Compensation Act. Procedural provisions, designations of classes of beneficiaries in death cases, limitations (except those affecting amounts of benefit payments), and any other provisions not directly affecting the amounts of the benefit payments, in such local plans, shall not apply, but in lieu thereof the pertinent provisions of the Federal Employees' Compensation Act shall apply, unless modified by further specification in this section. However, the Director may at any time modify, limit or redesignate the class or classes of beneficiaries entitled to death benefits, including the designation of persons, representatives, or groups entitled to payment under local statute or custom whether or not included in the classes of beneficiaries otherwise specified by this subchapter.

(c) Compensation in all cases of such employees paid and closed prior to the effective date of the regulations in this part shall be deemed compromised and paid under 5 U.S.C. 8137; in all other cases compensation may be adjusted to conform with the regulations in this part, or the beneficiary may by compromise or agreement with the Director have compensation continued on the basis of a previous adjustment of the claim.

(d) Persons employed in a country or area having no well-defined workers' compensation benefits structure shall be accorded the benefits provided—either by local law or special schedule—in a nearby country as determined by the

Director. In selecting the benefit structure to be applied, equity and administrative feasibility shall be given due consideration, as well as local custom.

(e) Compensation for disability and death of noncitizens outside the United States under this part, whether paid under local law or special schedule, shall in no event exceed that generally payable under the Federal Employees' Compensation Act.

§ 25.3 General provisions relating to special schedule.

The special schedule established by Subpart B of this part is intended as the vehicle of general basic provisions, to be adapted, with such modifications as may be necessary, and as local conditions outside the United States require. The application of this special schedule will be by specific and appropriate provision in the regulations in this part, such provision specifying the locality to which applied, and the particular modifications of or additions to the schedule, as may be made.

§ 25.4 Authority to settle and pay claims.

In addition to the authority to receive, process, and pay claims, when delegated such representative or agency receiving delegation of authority shall, in respect to cases adjudicated under this part, and when so authorized by the Director, have authority (a) to make lump sum awards (in the manner prescribed by 5 U.S.C. § 135) whenever such authorized representative shall deem such settlement to be for the best interest of the United States, and (b) to compromise and pay claims for any benefits provided for under this part, including claims in which there is a dispute as to jurisdiction or other facts, or questions of law. The Director shall, in administrative instructions to the particular representative concerned, establish such procedures in respect to action under this section as may be deemed necessary, and may specify the scope of any administrative review of such action.

§ 25.5 Applicable criteria.

The following criteria shall apply to cases of employees specified in § 25.1 and such cases, if otherwise compensable, shall be approved only upon evidence of the following nature without regard to the date of injury or death for which claim is made:

- (a) Appropriate certification by the Federal employing establishment, or;
- (b) An armed service's casualty or medical record, or;
- (c) Verification of the employment and casualty by military personnel, or;
- (d) Recommendation of an armed service's "Claim Service" based on investigations conducted by it.

(79 Stat. 592)

§ 25.6 Third and fourth country nationals.

(a) Definitions.

- (1) A third country national is a per-

son who is neither a citizen nor resident of the United States who is hired by the United States in the person's country of citizenship or residence for employment in another foreign country, or in a possession or territory of the United States.

(2) A fourth country national is a person who is neither a citizen nor resident of either the country of hire or the place of employment, but otherwise meets the definition of third country national.

(3) "Benefits applicable to local hires" are the benefits provided in this part by local law or special schedule, as determined by the Director. In relation to a United States territory or possession, local law means only the law of the particular territory or possession.

(b) Benefits payable.

(1) Third and fourth country nationals shall be paid the benefits applicable to local hires in the country of hire or the place of employment, whichever benefits are greater, provided that all benefits payable on account of one injury must be paid under the same benefit structure.

(2) Where no well-defined workers' compensation benefits structure is provided in either the country of hire or the place of employment, the provisions of § 25.2 (d) shall apply.

(3) Where equitable considerations as determined by the Director so warrant, a fourth country national may be awarded benefits applicable to local hires in his home country.

§ 25.7 Noncitizen residents of possessions.

An employee who is a bona fide permanent resident of any United States possession, territory, commonwealth or trust territory shall be accorded the full benefits of the basic law (Federal Employees' Compensation Act, as amended), provided that the application of the minimum benefit provisions therein shall be governed by the restrictions set forth in 5 U.S.C. § 8138.

Subpart B—Special Schedule of Compensation

§ 25.11 Compensation for disability.

Compensation for disability shall be paid to the employee as follows:

(a) *Permanent total disability.* In case of disability, total in character and permanent in quality, 66⅔ per centum of the monthly pay during the continuance of such disability.

(b) *Temporary total disability.* In case of disability, total in character and temporary in quality, 66⅔ per centum of the monthly pay during the continuance of such disability.

(c) *Permanent partial disability.* In case of disability, partial in character and permanent in quality, 66⅔ per centum of the monthly pay, for the following losses and periods:

- (1) Arm lost, 280 weeks' compensation.
- (2) Leg lost, 248 weeks' compensation.

(3) Hand lost, 212 weeks' compensation.

(4) Foot lost, 173 weeks' compensation.

(5) Eye lost, 140 weeks' compensation.

(6) Thumb lost, 51 weeks' compensation.

(7) First finger lost, 28 weeks' compensation.

(8) Great toe lost, 26 weeks' compensation.

(9) Second finger lost, 18 weeks' compensation.

(10) Third finger lost, 17 weeks' compensation.

(11) Toe, other than great toe, lost, 8 weeks' compensation.

(12) Fourth finger lost, 7 week' compensation.

(13) Loss of hearing: One ear, 52 weeks' compensation; both ears, 200 weeks' compensation.

(14) Phalanges: Compensation for loss of more than one phalanx of a digit shall be the same as for the loss of the entire digit. Compensation for loss of the first phalanx shall be one-half of the compensation for the loss of the entire digit.

(15) Amputated arm or leg: Compensation for an arm or a leg, if amputated at or above the elbow or the knee, shall be the same as for the loss of the arm or leg; but, if amputated between the elbow and the wrist, or between the knee and the ankle, the compensation shall be the same as for the loss of the hand or the foot.

(16) Binocular vision or per centum of vision: Compensation for loss of binocular vision, or for 80 per centum or more of the vision of an eye shall be the same as for the loss of the eye.

(17) Two or more digits: Compensation for loss of two or more digits, one or more phalanges of two or more digits of a hand or foot may be proportioned to the loss of use of the hand or foot occasioned thereby, but shall not exceed the compensation for the loss of a hand or a foot.

(18) Total loss of use: Compensation for permanent total loss of use of a member shall be the same as for loss of the member.

(19) Partial loss or partial loss of use: Compensation for permanent partial loss or loss of use of a member may be for proportionate loss of use of the member.

(20) Consecutive awards: In any case in which there shall be a loss or loss of use of more than one member or parts of more than one member, set forth in sections (1) to (19), inclusive, of this paragraph but not amounting to permanent total disability, the award of compensation shall be for the loss or loss of use of each such member or part thereof, which awards shall run consecutively, except that where the injury affects only two or more digits of the same hand or foot, paragraph (c) (17) of this section shall apply.

(21) Other cases: In all other cases within this class of disability the com-

pensation during the continuance of disability shall be that proportion of compensation for permanent total disability, as determined under paragraph (a) of this section, which is equal in percentage to the degree or percentage of physical impairment caused by the disability.

(22) Compensation under paragraph (c) (1) to (21), inclusive, of this section for permanent partial disability shall be in addition to any compensation for temporary total or temporary partial disability under this section, and awards for temporary total, temporary partial, and permanent partial disability shall run consecutively.

(d) *Temporary partial disability.* In case of disability, partial in character and temporary in quality, during the continuance of disability that proportion of compensation for temporary total disability, as determined under paragraph (b) of this section, which is equal in percentage to the degree or percentage of physical impairment caused by the disability.

§ 25.12 Compensation for death.

If the disability causes death the compensation shall be payable in the amount and to or for the benefit of the persons, determined as follows:

(a) To the undertaker or person entitled to reimbursement, reasonable funeral expenses not exceeding \$200.

(b) To the widow, if there is no child, 35 per centum of the monthly pay until her death or remarriage.

(c) To the widower, if there is no child and if wholly dependent for support upon the deceased employee at the time of her death, 35 per centum of the monthly pay until his death or remarriage.

(d) To the widow or widower, if there is a child, the compensation payable under paragraph (b) or (c) of this section, and in addition thereto 10 per centum of the monthly wage for each child, not to exceed a total of 66 2/3 per centum for such widow or widower and children. If a child has a guardian other than the surviving widow or widower, the compensation payable on account of such child shall be paid to such guardian. The compensation of any child shall cease when he or she dies, marries, or reaches the age of 18 years, or if over such age, and incapable of self-support, becomes capable of self-support.

(e) To the children, if there is no widow or widower, 25 per centum of such monthly pay for one child and 10 per centum thereof for each additional child, not to exceed a total of 66 2/3 per centum thereof, divided among such children share and share alike. The compensation of each child shall be paid until he or she dies, marries, or reaches the age of 18, or if over such age, and incapable of self-support, becomes capable of self-support. The compensation of a child under legal age shall be paid to its guardian, if there is one, otherwise to the person having the custody or care of such child, for such child, as the Director in his or her discretion shall determine.

(f) To the parents, if one is wholly dependent for support upon the deceased

employee at the time of his death and the other is not dependent to any extent, 25 per centum of such monthly pay; if both are wholly dependent, 20 per centum thereof to each; if one is or both are partly dependent, a proportionate amount in the discretion of the Director. The compensation to a parent or parents in the percentages specified shall be paid if there is no widow, widower, or child, but if there is a widow, widower, or child, there shall be paid so much of such percentages for a parent or parents, as, when added to the total of the percentages of the widow, widower, and children, will not exceed a total 66 2/3 per centum of such pay.

(g) To the brothers, sisters, grandparents, and grandchildren, if one is wholly dependent upon the deceased employee for support at the time of his or her death, 20 per centum of such pay to such dependent if more than one are wholly dependent; 30 per centum of such pay, divided among such dependents share and share alike; if there is no one of them wholly dependent, but one or more are partly dependent, 10 per centum of such pay divided among such dependents share and share alike. The compensation to such beneficiaries shall be paid if there is no widow, widower, child, or dependent parent. If there is a widow, widower, child, or dependent parent, there shall be paid so much of the above percentages as, when added to the total of the percentages payable to the widow, widower, children, and dependent parents, will not exceed a total of 66 2/3 per centum of such pay.

(h) The compensation of each beneficiary under paragraphs (f) and (g) of this section shall be paid until he or she, if a parent or grandparent, dies, marries, or ceases to be dependent, or, if a brother, sister, or grandchild, dies, marries, or reaches the age of 18 years, or if over such age and incapable of self-support becomes capable of self-support. The compensation of a brother, sister, or grandparent under legal age shall be paid to his or her guardian, if there is one, otherwise to the person having the custody or care of such child, for such child, as the Director in his or her discretion shall determine.

(i) Upon the cessation of any person's compensation for death under this subpart, the compensation of any remaining person entitled to the continuation of compensation in the same case shall be adjusted, so that the continuing compensation shall be at the same rate such person would have received, had no award been made to the person whose compensation was terminated.

(j) In case there are two or more classes of persons entitled to compensation for death under this subpart, and the apportionment of such compensation as above provided would result in injustice, the Director may in his or her discretion modify the apportionments to meet the requirements of the case.

§ 25.13 General provisions.

(a) The definitions of terms in the Federal Employees' Compensation Act of

September 7, 1916, as amended shall apply to terms used in this subpart.

(b) The provisions of such Act unless modified by this subpart, or unless otherwise inapplicable, shall be applied whenever possible in the application of this subpart.

(c) The provisions of the regulations for the administration of the Federal Employees' Compensation Act, as amended, and as supplemented from time to time by instructions applicable to this subpart, shall apply in the administration of compensation under this subpart, whenever they can reasonably be applied.

Subpart C—Extensions of Special Schedule of Compensation

§ 25.21 Republic of the Philippines.

(a) *Modified special schedule of compensation.* The special schedule of compensation established in Subpart B of this part shall apply, with the modifications or additions specified in paragraphs (b) through (k) of this section, in the Republic of the Philippines, to injury or death occurring on or after July 1, 1968, with the following limitations:

(1) *Temporary disability.* Benefits for payments accruing on and after July 1, 1969, for injuries causing temporary disability and which occurred on and after July 1, 1968, shall be payable at the rates in the special schedule as modified in this section.

(2) *Permanent disability and death.* Benefits for injuries occurring on and after July 1, 1968, which cause permanent disability or death shall be payable at the rates specified in the special schedule as modified in this section for (i) all awards not paid in full before July 1, 1969, and (ii) any award paid in full prior to July 1, 1969: *Provided,* That application for adjustment is made, and the adjustment will result in additional benefits of at least \$10. (In the case of injuries or death occurring on or after December 8, 1941, and prior to July 1, 1968, the special schedule as modified in this section may be applied to prospective awards for permanent disability or death, provided that the monthly and aggregate maximum provisions in effect at the time of injury or death shall prevail. These maxima are \$50 and \$4,000, respectively.)

(b) *Death benefits.* 400 weeks' compensation at two-thirds of the weekly wage rate, shared equally by the eligible survivors in the same class.

(c) *Death beneficiaries.* Benefits are payable to the survivors in the following order of priority (all beneficiaries in the highest applicable cases are entitled to share equally):

(1) Widow, dependent widower, and unmarried children under 18, or over 18 and totally incapable of self-support.

(2) Dependent parents.

(3) Dependent grandparents.

(4) Dependent grandchildren, brothers and sisters who are unmarried and under 18, or over 18 and totally incapable of self-support.

(d) *Burial allowance.* 14 weeks' wages or \$400, whichever is less, payable to the eligible survivor(s), regardless of the

actual expense. If there is no eligible survivor, actual burial expenses may be paid or reimbursed, in amount not to exceed what would be paid to an eligible survivor.

(e) *Permanent total disability.* 400 weeks' compensation at two-thirds of the weekly wage rate.

(f) *Permanent partial disability.* Where applicable the compensation provided in subparagraphs (1) through (19) of paragraph (c) of the special schedule, subject to an aggregate limitation of 400 weeks' compensation. In all other cases, provided for permanent total disability that proportion of the compensation (paragraph (e) of this section) which is equivalent to the degree or percentage of physical impairment caused by the disability.

(g) *Temporary partial disability.* Two-thirds of the weekly loss of wage-earning capacity.

(h) *Compensation period for temporary disability.* Compensation for temporary disability is payable for a maximum period of 80 weeks.

(i) *Maximum compensation.* The total aggregate compensation payable in any case, for injury or death or both, shall not exceed \$8,000, exclusive of medical costs and burial allowance. The weekly rate of compensation disability or death shall not exceed \$35.

(j) *Method of payment.* Only compensation for temporary disability shall be payable periodically. Compensation for permanent disability and death shall be payable in full at the time extent of entitlement is established.

(k) *Exceptions.* The Director in his or her discretion may make exceptions to these regulations by:

(1) Reapportioning death benefits, for the sake of equity.

(2) Excluding from consideration potential death beneficiaries who are not available to receive payment.

(3) Paying compensation for permanent disability or death on a periodic basis, where this method of payment is considered to be in the best interest of the beneficiary.

§ 25.22 Australia.

(a) The special schedule of compensation established by Subpart B of this part shall apply with the modifications or additions specified in paragraph (b) of this section, as of December 8, 1941, in Australia, in all cases of injury (or death from injury) which occurred between December 8, 1941 and December 31, 1961, inclusive, and shall be applied retrospectively in all such cases of injury (or death from injury). Compensation in all such cases pending as of July 15, 1946, shall be readjusted accordingly, with credit taken in the amount of compensation paid prior to such date. Refund of compensation shall not be required if the amount of compensation paid in any such case, otherwise than through fraud, misrepresentation, or mistake, and prior to July 15, 1946, exceeds the amount provided for under

this paragraph; and such case shall be deemed compromised and paid under 5 U.S.C. 8137.

(b) The total aggregate compensation payable in any case under paragraph (a) of this section, for injury or death or both, shall not exceed the sum of \$4,000, exclusive of medical costs. The maximum monthly rate of compensation in any such case shall not exceed the sum of \$50.

(c) The benefit amounts payable under the provisions of the Commonwealth Employees' Compensation Act of 1930-1964, Australia, shall apply as of January 1, 1962, in Australia, as the exclusive measure of compensation in cases of injury (or death from injury) according on and after January 1, 1962, and shall be applied retrospectively in all such cases, occurring on and after such date: *Provided*, That the compensation payable under the provisions of this paragraph shall in no event exceed that payable under the Federal Employees' Compensation Act.

(5 U.S.C. 8137, 8138, 8145, 8149); Reorganization Plan No. 19 of 1950 (64 Stat. 1271, 3 CFR 1949-1953 Comp., p. 1010); and General Order No. 46 (Rev.), (24 FR 8472)

§ 25.23 [Reserved]

§ 25.24 [Reserved]

§ 25.25 Republic of Korea.

(a) *Modified special schedule of compensation.* The special schedule of compensation established in Subpart B of this part shall apply, with the modifications or additions specified in paragraphs (b) through (k) of this section in the Republic of Korea, to injury or death occurring on or after July 1, 1968, with the following limitations:

(1) *Temporary disability.* Benefits for payments accruing on and after July 1, 1969, for injuries causing temporary disability and which occurred on and after July 1, 1968, shall be payable at the rates specified in the special schedule as modified in this section.

(2) *Permanent disability and death.* Benefits for injuries occurring on and after July 1, 1968, which cause permanent disability or death shall be payable at rates specified in the special schedule as modified in this section for (i) all awards not paid in full before July 1, 1969, and (ii) any award paid in full prior to July 1, 1969: *Provided*, That application for adjustment is made, and the adjustment will result in additional benefits of at least \$10. (In the case of injury or death occurring on or after December 1, 1954, and prior to July 1, 1968, the special schedule as modified in this section may be applied to prospective awards for permanent disability or death: *Provided*, That the monthly and aggregate maximum provisions in effect at the time of injury or death shall prevail. These maxima are \$50 and \$4,000, respectively.)

(b) *Death benefits.* 400 weeks' compensation at two-thirds of the weekly wage rate, shared equally by the eligible survivors in the same class.

(c) *Death beneficiaries.* Benefits are payable to survivor or survivors in the following order of priority:

(1) Spouse.

(2) Unmarried children who were supported by or lived with the deceased employee at the time of death.

(3) Parents who were supported by or lived with the deceased employee at the time of death.

(4) Unmarried grandchildren who were supported by or lived with the deceased employee at the time of death.

(5) Grandparents who were supported by or lived with the deceased employee at the time of death.

(6) Unmarried brothers and sisters who were supported by or lived with the deceased employee at the time of death.

(d) *Burial allowance.* 14 weeks' wages or \$400, whichever is less, payable to the eligible survivor(s), regardless of the actual expense. If there is no eligible survivor, actual burial expenses may be paid or reimbursed, in an amount not to exceed what would be paid to an eligible survivor.

(e) *Permanent total disability.* 400 weeks' compensation at two-thirds of the weekly wage rate.

(f) *Permanent partial disability.* Where applicable, the compensation provided in subparagraphs (1) through (19) of paragraph (c) of the special schedule, subject to an aggregate limitation of 400 weeks' compensation. In all other cases, that proportion of the compensation provided for permanent total disability (paragraph (e) of this section) which is equivalent to the degree or percentage of physical impairment caused by the disability.

(g) *Temporary partial disability.* Two-thirds of the weekly loss of wage-earning capacity.

(h) *Compensation period of temporary disability.* Compensation for temporary disability is payable for a maximum period of 80 weeks.

(i) *Maximum compensation.* The total aggregate compensation payable in any case, for injury or death or both, shall not exceed \$8,000, exclusive of medical costs and burial allowance. The weekly rate of compensation for disability or death shall not exceed \$35.

(j) *Method of payment.* Only compensation for temporary disability shall be payable periodically. Compensation for permanent disability and death shall be payable in full at the time extent of entitlement is established.

(k) *Exceptions.* The Director may in his or her discretion make exception to these regulations by:

(1) Reapportioning death benefits, for the sake of equity.

(2) Excluding from consideration potential death beneficiaries who are not available to receive payment.

(3) Paying compensation for permanent disability or death on a periodic basis, where this method of payment is considered to be in the best interest of the beneficiary.

§ 25.26 Japanese seamen.

(a) The special schedule of compensation established by Subpart B of this part shall apply, with the modifications or additions specified in paragraphs (b) through (i) of this section, as of November 1, 1971, to injuries sustained outside the continental United States or Canada by direct-hire Japanese seamen who are neither citizens nor residents of the United States or Canada and who are employed by the Military Sealift Command in Japan.

(b) *Temporary total disability.* Weekly compensation shall be paid at 75 percent of the weekly wage rate.

(c) *Temporary partial disability.* Weekly compensation shall be paid at 75 percent of the weekly loss in wage-earning capacity.

(d) *Permanent total disability.* Compensation shall be paid in a lump sum equivalent to 360 weeks' wages.

(e) *Permanent partial disability.* (1) The provisions of § 25.11 shall apply to the types of permanent partial disability enumerated in paragraph (c), subparagraphs (1)-(19) of that section. *Provided,* That weekly compensation shall be paid at 75 percent of the weekly wage rate, and *Further provided,* That the number of weeks allowed for specified losses shall be changed as follows:

- (i) Arm lost, 312 weeks.
- (ii) Leg lost, 288 weeks.
- (iii) Hand lost, 244 weeks.
- (iv) Foot lost, 205 weeks.
- (v) Eye lost, 160 weeks.
- (vi) Thumb lost, 75 weeks.
- (vii) First finger lost, 46 weeks.
- (viii) Second finger lost, 30 weeks.
- (ix) Third finger lost, 25 weeks.
- (x) Fourth finger lost, 15 weeks.
- (xi) Great toe lost, 38 weeks.
- (xii) Toe, other than great toe lost, 16 weeks.

(2) In all other cases, that proportion of the compensation provided for permanent total disability [paragraph (d) of the section] which is equivalent to the degree or percentage of physical impairment caused by the injury.

(f) *Death.* If there are two or more eligible survivors, compensation equivalent to 360 weeks' wages shall be paid to the survivors, share and share alike. If there is only one eligible survivor, compensation equivalent to 300 weeks' wages shall be paid. The following survivors are eligible for death benefits:

- (1) Spouse who lived with or was dependent upon the employee.
- (2) Unmarried children under 21 who lived with or were dependent upon the employee.

(3) Adult children who were dependent upon the employee by reason of physical or mental disability.

(4) Dependent parents, grandparents and grandchildren.

(g) *Burial allowance.* \$1,000 payable to the eligible survivor(s), regardless of actual expenses. If there are no eligible survivors, actual expenses may be paid or reimbursed, up to \$1,000.

(h) *Method of payment.* Only compensation for temporary disability shall be payable periodically, as entitlement accrues. Compensation for permanent disability and death shall be payable in a lump sum.

(i) *Maxima.* In all cases (temporary disability, permanent disability, and death) the maximum weekly benefit shall be \$130. Also, except in cases of permanent total disability and death, the aggregate maximum compensation payable for any injury shall be \$40,000.

(j) *Prior injury.* In cases where injury or death occurred prior to November 1, 1971, benefits will be paid in accord with regulations previously promulgated.

§ 25.27 Territory of Guam (nonresident aliens).

(a) The special schedule of compensation established by Subpart B of this part shall apply, with the modifications or additions specified in paragraphs (b) through (k) of this section, to injury or death occurring on or after July 1, 1971 in the Territory of Guam to nonresident alien employees recruited in foreign countries for employment by the military departments in the Territory of Guam. However, the Director may, in his or her discretion, adopt the benefit features and provisions of local workers' compensation law as provided in Subpart A of this part, or substitute the special schedule in Subpart B of this part or other modifications of the special schedule in this Subpart C, if such adoption or substitution would be to the advantage of the employee or his beneficiary. This schedule shall not apply to any employee who becomes a permanent resident in the Territory of Guam prior to the date of his or her injury or death.

(b) *Death benefits.* 400 weeks' compensation at two-thirds of the weekly wage rate, shared equally by the eligible survivors in the same class.

(c) *Death beneficiaries.* Beneficiaries of death benefits shall be determined in accordance with the laws or customs of the country of recruitment.

(d) *Burial allowance.* 14 weeks' wages or \$400, whichever is less, payable to the

eligible survivor(s), regardless of the actual expense. If there is no eligible survivor, actual burial expenses may be paid or reimbursed, in an amount not to exceed what would be paid to an eligible survivor.

(e) *Permanent total disability.* 400 weeks' compensation at two-thirds of the weekly wage rate.

(f) *Permanent partial disability.* Where applicable, the compensation provided in subparagraphs (1) through (19) of paragraph (c) of § 25.11, subject to an aggregate limitation of 400 weeks' compensation. In all other cases, that proportion of the compensation provided for permanent total disability (paragraph (e) of this section) which is equivalent to the degree or percentage of physical impairment caused by the disability.

(g) *Temporary partial disability.* Two-thirds of the weekly loss of wage-earning capacity.

(h) *Compensation period for temporary disability.* Compensation for temporary disability is payable for a maximum period of 80 weeks.

(i) *Maximum compensation.* The total aggregate compensation payable in any case, for injury or death or both, shall not exceed \$24,000, exclusive of medical costs and burial allowance. The weekly rate of compensation for disability or death shall not exceed \$70.

(j) *Method of payment.* Compensation for temporary disability shall be payable periodically. Compensation for permanent disability and death shall be payable in full at the time extent of entitlement is established.

(k) *Exceptions.* The Director may in his or her discretion make exception to the regulations in this section by:

(1) Reapportioning death benefits for the sake of equity.

(2) Excluding from consideration potential beneficiaries of a deceased employee who are not available to receive payment.

(3) Paying compensation for permanent disability or death on a periodic basis, where this method of payment is considered to be in the best interest of the employee or his beneficiary(s).

(5 U.S.C. 8137, 8145, 8149)

Signed at Washington, D.C. this 7th day of February, 1975.

HERBERT A. DOYLE, JR.,
Director, Office of Workers'
Compensation Programs.

[FR Doc. 75-4173 Filed 2-13-75; 8:45 am]

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FRIDAY, FEBRUARY 14, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 32

PART IV



DEPARTMENT OF LABOR

Employment Standards
Administration



MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration
**MINIMUM WAGES FOR FEDERAL AND
 FEDERALLY ASSISTED CONSTRUCTION**
 General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and the Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for

performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended (40 U.S.C. 276a)) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures pre-

scribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:		
AQ-4125	-----	June 14, 1974
AR-4033	-----	Sept. 13, 1974
AR-4043	-----	Oct. 4, 1974
AR-4067	-----	Dec. 20, 1974
Arizona:		
AR-1008; AR-1009; AR-1010	-----	Aug. 9, 1974
Arkansas:		
AR75-4019	-----	Jan. 17, 1975
Georgia:		
GA75-1005	-----	Do.
Iowa:		
IA75-4034; IA75-4035; IA75-4037; IA75-4039; IA75-4040; IA75-4041; IA75-4042; IA75-4043; IA75-4044; IA75-4045; IA75-4046	-----	Jan. 31, 1975
Oklahoma:		
AR-85	-----	Dec. 6, 1974
AR-88; AR-89	-----	Jan. 17, 1975
Louisiana:		
LA75-4033	-----	Jan. 24, 1975
Massachusetts:		
MA75-2003; MA75-2009	-----	Jan. 17, 1975
Nebraska:		
AR-77	-----	Nov. 15, 1974
AR-94	-----	Dec. 27, 1974
Tennessee:		
AQ-4094	-----	Mar. 22, 1974
AR-4021; AR-4022	-----	Aug. 30, 1974
AR-4061; AR-4062	-----	Dec. 6, 1974
TN75-1006	-----	Jan. 17, 1975

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.

Alabama:		
AR-4015 (AL75-1022)	-----	Aug. 9, 1974
AR-4060 (AL75-1023)	-----	Dec. 6, 1974
California:		
AR-1047 (CA75-5020); AR-1048 (CA75-5021)	-----	Nov. 22, 1974
Illinois:		
AR-3061 (IL75-2015)	-----	Aug. 2, 1974
AR-3174 (IL75-2016)	-----	Nov. 29, 1974
New York:		
AQ-2112 (NY75-3012)	-----	May 3, 1974
AR-2062 (NY75-3013)	-----	Oct. 11, 1974
AR-2071 (NY75-3014)	-----	Nov. 1, 1974
Pennsylvania:		
AQ-2016 (PA75-3015)	-----	Aug. 17, 1974

Signed at Washington, D.C., this 7th day of February 1975.

RAY J. DOLAN,
 Assistant Administrator,
 Wage and Hour Division.

MODIFICATIONS P. 2

DECISION #AR-1008 - Mod. #3 (39 FR 28773 - August 9, 1974) Statewide, Arizona	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & V	Pensions	Variation	
Change: Electricians (Tucson Area) Zone A Electricians Cable Splicers Zone B Electricians Cable Splicers Zone C Electricians Cable Splicers Zone D Electricians Cable Splicers Painters (Tucson & Yuma Areas) Zone A Brush Spray Steel, brush Steel, spray Zone B Brush Spray Steel, brush Steel, spray Plumbers; Steamfitters Zone I Zone II Zone III Zone IV	\$10.43	.45	7%		1/2%
	10.68	.45	7%		1/2%
	11.13	.45	7%		1/2%
	11.38	.45	7%		1/2%
	11.73	.45	7%		1/2%
	11.98	.45	7%		1/2%
	12.43	.45	7%		1/2%
	12.68	.45	7%		1/2%
	7.43	.47	.35		.04
	7.93	.47	.35		.04
	8.43	.47	.35		.04
	8.93	.47	.35		.04
8.18	.47	.35		.04	
8.93	.47	.35		.04	
9.18	.47	.35		.04	
9.68	.47	.35		.04	
9.39	.65	1.24	1.25	.10	
9.74	.65	1.24	1.25	.10	
10.16	.65	1.24	1.25	.10	
10.46	.65	1.24	1.25	.10	

MODIFICATIONS P. 1

DECISION #AR-1009 - Mod. #4 (39 FR 28781 - August 9, 1974) Maricopa County, Arizona	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & V	Pensions	Variation	
Change: Plumbers; Steamfitters Zone I Zone II Zone III Zone IV	\$ 9.39	.65	1.24	1.25	.10
	9.74	.65	1.24	1.25	.10
	10.16	.65	1.24	1.25	.10
	10.46	.65	1.24	1.25	.10
	7.49	.03			.03
	7.88	.03			.03
	7.60	.20			.05
	8.85	.35			.05
	.30				
	.30				
	.30				
	.20				
6.45	.20			.10	

DECISION #AR-1010 - Mod. #1
(39 FR 28787 - August 9, 1974)
Pima County, Arizona

Change:

Electricians

Zone A

Zone B

Zone C

Zone D

Painters, brush

Zone A

Zone B

Zone C

Zone D

Painters, structural steel, brush

Zone A

Zone B

Zone C

Zone D

Plumbers; Steamfitters

Zone I

Zone II

Zone III

Zone IV

DECISION NO. AR25-4019 - Mod. #1
(40 FR 3090 - January 17, 1975)
Union County, Arkansas

Change:

GLAZIERS:

Millwrights & Piledriver

ELECTRICIANS:

Electrical contracts \$20,000 or less:

Electricians

Cable splicers

Electrical contracts over \$20,000:

Electricians

Cable splicers

IRONWORKERS

ROOFERS

SHEET METAL WORKERS

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & V	Pensions	Vacation	
\$8.11	.45	1%		1/72
8.61	.45	1%		1/72
9.11	.45	1%		1/72
9.61	.45	1%		1/72
7.43	.47	.35		.04
8.10	.47	.35		.04
8.93	.47	.35		.04
9.43	.47	.35		.04
8.43	.47	.35		.04
9.18	.47	.35		.04
9.93	.47	.35		.04
10.43	.47	.35		.04
9.39	.65	1.24	1.25	.10
9.74	.65	1.24	1.25	.10
10.16	.65	1.24	1.25	.10
10.46	.65	1.24	1.25	.10
\$7.50	.25			.04
8.40		1%		1/42
8.70		1%		1/42
9.12		1%		1/42
9.42		1%		1/42
7.95	.20	.25		.04
6.40		.05		
7.25	3%+.40	.25		.05

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & V	Pensions	Vacation	
6.30				
ADD: Building Construction: Line Construction: Cable Splicers; Millwrights; Welders; Technicians; Mill rigs setting assembled "sp" fixtures & steel transmission structures. Groundsman; Truck Driver (without watch); Dryer-enclosed (not less than 6 nos.). Groundsman; Truck Driver (with winch). Blaster; Special Equipment Operator (Hole Digging Machines, all tractors, transmission lines equipment other than assembled "sp" fixtures). Groundsman-1st 6 nos.	.35	1%		1%
5.38	.35	1%		1%
5.55	.35	1%		1%
6.62	.35	1%		1%
4.55	.35	1%		1%
ADD: Building Construction: Marble, Tile, Terrazzo			.30	
\$8.75				

DECISION #AR75-1005 - Mod. #1
(40 FR 3091 - January 17, 1975)
Richmond County, Georgia

Change:
Domestic Macons

DECISION #IA75-4026 - Mod. #1
(40 FR 3233 - January 14, 1975)
Blair Hawk County (City of Sberloo and abutting municipalities), Iowa

DECISION #IA75-4026 - Mod. #1
(40 FR 3233 - January 14, 1975)
Clinton County (City of Clinton & abutting municipalities), Iowa

ADD:
Building Construction:
Marble, Tile, Terrazzo

NOTICES

MODIFICATIONS P. 6

MODIFICATIONS P. 5

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Retireme	Vacatio	
DECISION #IA75-4037--WOB. #1 (100-PR-8831--January 31, 1975) Des Moines County (City of Burlington & abutting municipalities & Burlington Trussess Plant), Iowa				
ADD: Building Construction: Line Construction: Cable Splicers; Linemen; Welder; Technicians; all rigs setting assembled up fixtures & steel transmission structures. Groundman; Truck Driver (without winch); Expert- enced (not less than 6 mos.). Groundman; Truck Driver (with winch). Blaster; Special Equipment Operator (hole digging Machines, all tractors, transmission lines equip- ment other than assembled up fixtures). Groundman--lat 6 mos.	.35	1%		1%
	5.28			1%
	5.38			1%
	5.55			1%
	6.62			1%
	4.55			1%
CHANGE: Building Construction: Carpenters; Soft Floor Layers Millwrights				
	7.29	.20		.01
	7.54	.20		.01

MODIFICATIONS P. 8

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Provision	Variable	
53.28	.35	14		14
5.38	.35	14		14
5.55	.35	14		14
6.62	.35	14		14
4.55	.35	14		14

DECISION #1A-75-4000--WOT. #1
 (10-75-4319--January 31, 1975)
 Linn County, Iowa

ADD:
 Building Construction:
 Line Construction:
 Cable Splicers;lineman;
 Welder; Technicians;all
 rigs setting assembled
 "H" fixtures & steel
 transmission structures.
 Groundman;Truck Driver
 (without winch);Experi-
 enced (not less than 6
 mos.).
 Groundman;Truck Driver
 (with winch).
 Blaster;Special Equipment
 Operator (hole Digging
 Machines, all tractors,
 transmission lines equip-
 ment other than assembled
 "H" fixtures).
 Groundman-1st 6 mos.

MODIFICATIONS P. 7

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Provision	Variable	
53.28	.35	14		14
5.38	.35	14		14
5.55	.35	14		14
6.62	.35	14		14
4.55	.35	14		14

DECISION #1A-75-4000--WOT. #2
 (10-75-4319--January 31, 1975)
 Johnson County (City of Iowa City
 & adjoining municipalities), Iowa

ADD:
 Building Construction:
 Line Construction:
 Cable Splicers;lineman;
 Welder; Technicians;all
 rigs setting assembled
 "H" fixtures & steel
 transmission structures.
 Groundman;Truck Driver
 (without winch);Experi-
 enced (not less than 6
 mos.).
 Groundman;Truck Driver
 (with winch).
 Blaster;Special Equipment
 Operator (hole Digging
 Machines, all tractors,
 transmission lines equip-
 ment other than assembled
 "H" fixtures).
 Groundman-1st 6 mos.

MODIFICATIONS P. 10

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & V	Provision	Vacation	
DECISION # 1A75-4002--NOV. #1 (10-28-80)---January 31, 1975 Pottawatomie County (City of Council Bluffs & the area within 3 miles from the city limits), Iowa				
ADD: Building Construction:				
Line Construction: Cable Splicers;linemen; Welder; Technicians;All rigs setting assembled # fixtures & steel transmission structures. Groundman;Truck Driver (without winch);Experi- enced(not less than 6 mos.).	.35	1%		1%
Groundman;Truck Driver (with winch). Blaster;Special Equipment Operator (Hole Digging Machines, all tractors, transmission lines equip- ment other than assembled # fixtures). Groundman-1st 6 mos.	.35	1%		1%
Groundman;Truck Driver (with winch). Blaster;Special Equipment Operator (Hole Digging Machines, all tractors, transmission lines equip- ment other than assembled # fixtures). Groundman-1st 6 mos.	.35	1%		1%
6.62 4.55				1% 1%
DECISION #1A75-4003--NOV. #1 (10-28-80)---January 31, 1975 Scott County, Iowa				
ADD: Building Construction:				
Marble, Tile, Terrazzo			.30	
\$8.75				

MODIFICATIONS P. 9

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & V	Provision	Vacation	
DECISION #1A75-4001--NOV. #1 (10-28-80)---January 31, 1975 Polk County, Iowa				
CHANGE: Building Construction:				
Painters: Brush;roller;Drywall Finish- er.	\$8.39 8.64			.03 .03
Paperhangers. Spray;Sandblasting;Struc- tural Steel;Sewing Stage. Stacks;Tower over 100'	8.39 9.49			.03 .03
ADD: Building Construction:				
Line Construction: Cable Splicers;linemen; Welder; Technicians;All rigs setting assembled # fixtures & steel transmission structures. Groundman;Truck Driver (without winch);Experi- enced(not less than 6 mos.).	.35	1%		1%
Groundman;Truck Driver (with winch). Blaster;Special Equipment Operator (Hole Digging Machines, all tractors, transmission lines equip- ment other than assembled # fixtures). Groundman-1st 6 mos.	.35	1%		1%
Groundman;Truck Driver (with winch). Blaster;Special Equipment Operator (Hole Digging Machines, all tractors, transmission lines equip- ment other than assembled # fixtures). Groundman-1st 6 mos.	.35	1%		1%
6.62 4.55				1% 1%

NOTICES

DECISION #175-6045--WCD. #1
 (MD-PR-6045--January 31, 1975)
 Story County (City of Ames and
 abutting municipalities, Iowa

CHANGE:
 Building Construction:

Line Construction:
 Cable Splicers;Linemen;
 Welder; Technicians;All
 rigs setting assembled
 "g" fixtures & steel
 transmission structures.
 Groundman;Truck Driver
 (without winch);Experi-
 enced(not less than 6
 mos.).
 Groundman;Truck Driver
 (with winch).
 Blaster;Special Equipment
 Operator (Hole Digging
 Machines, all tractors,
 transmission lines equip-
 ment other than assembled
 "g" fixtures).
 Groundman-1st 6 mos.

Base Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Payments	Vacation	
\$3.28	.35	14		14
5.38	.35	14		14
5.55	.35	14		14
6.62	.35	14		14
4.55	.35	14		14

DECISION #175-6045--WCD. #1
 (MD-PR-6045--January 31, 1975)
 Webster County (City of Fort
 Dodge), Iowa,

CHANGE:
 Building Construction:

Painters:
 Brush;Roller;Drywall
 Finisher
 Paperhangers
 Spray;Sandblasting;Struc-
 tural Steel;Siding Stage
 Stack;Over 100'

ADD:
 Building Construction:
 Line Construction:
 Cable Splicers;Linemen;
 Welder; Technicians;All
 rigs setting assembled
 "g" fixtures & steel
 transmission structures.
 Groundman;Truck Driver
 (without winch);Experi-
 enced(not less than 6
 mos.).
 Groundman;Truck Driver
 (with winch).
 Blaster;Special Equipment
 Operator (Hole Digging
 Machines, all tractors,
 transmission lines equip-
 ment other than assembled
 "g" fixtures).
 Groundman-1st 6 mos.

Base Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Payments	Vacation	
\$6.39				.03
8.66				.03
8.89				.03
9.49				.03
\$3.28	.35	14		14
5.38	.35	14		14
5.55	.35	14		14
6.62	.35	14		14
4.55	.35	14		14

MODIFICATIONS P. 13

DECISION NO. AR-85 - Mod. #1
(39 FR 42301 - December 6, 1974)
Garfield County, Oklahoma

Change:
Asbestos workers
Boilermakers
Bricklayers-Stonemasons
CARPENTERS:
Carpenters
Millerights-Pile driverman
Ironworkers
LABORERS:
Group I
Group II
Group III
Marble setters
Roofers
Soft floor layert (sufficient
floor layers & Carpet layers)
Terrazzo workers
Terrazzo workers helper
Terrazzo workers helper, floor
machine operator
Terrazzo workers helper, base
machine operator
Tile layers
Tile and marble helpers
(experienced helpers)

Basic Monthly Rates	Fringe Benefits Payments			App. Tr.
	M & V	Provision	Yearling	
\$8.95	.30	.60		.02
8.00	.50	.76		.02
6.85				
6.85				
7.40	.30	.35		.08
8.49				
4.40	.25	.20		
4.60	.25	.20		
5.25	.25	.20		
8.05	.20	.20		
7.25	.25	.25		.04
7.45		.40		
8.05		.20		
6.28				
6.38				
6.58				
8.05		.20		
5.95				

MODIFICATIONS P. 14

DECISION #1A05-1006--MOD. #1
(40 FR 1052--January 31, 1975)
Woodbury County (City of Sioux
City & abutting municipalities),
Iowa

ADD:
Building Construction:
Line Construction:
Cable Splicers;linemen;
Weldery Technicians;all
rigs setting assembled
"w" fixtures & steel
transmission structures,
ground;ah;truck driver
(without winch);exper-
enced (not less than 6
mos.);
Groundman;Truck Driver
(with winch);
Blaster;Special Equipment
Operator (Hole Digging
Machines, all tractors,
transmission lines equip-
ment other than assembled
"w" fixtures).
Groundman-1st 6 mos.

Basic Monthly Rates	Fringe Benefits Payments			App. Tr.
	M & V	Provision	Yearling	
\$8.28	.35	1%		1%
5.38	.35	1%		1%
5.55	.35	1%		1%
6.62	.35	1%		1%
4.55	.35	1%		1%

DECISION NO. AR-59 - Mod. #1
(39 FR 43456 - December 13, 1974)
McIntosh County, Oklahoma

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & V	Payments	Vacation	
\$8.90	.35	.50		.015
8.00	.30	.76		.02
7.93	.445	.29	31-44b	.02
70.72	.445	.29	31-44b	.02
50.12	.30	.35		.08
5.00	.25	.20		
5.30	.25	.20		
5.50	.25	.20		
7.25	.25	.25		.04
6.15				
6.25				
6.35				
6.30				
6.45				

Change:
Asbestos workers
Boilermakers
Elevator constructors
Elevator constructors' helper
Elevator constructors helper
(probationary 6 months)
Ironworkers
LABORERS:
Group I
Group II
Group III
Roofers
TRUCK DRIVERS:
Group I
Group II
Group III
Group IV
Group V

DECISION NO. AR-58 - Mod. #2
(39 FR 43454 - December 13, 1974)
Pittsburg County, Oklahoma

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & V	Payments	Vacation	
\$8.90	.35	.50		.015
8.00	.30	.76		.02
6.55				
7.35				
6.49	.30	.35		.08
5.00	.25	.20		
5.30	.25	.20		
5.50	.25	.20		
4.75	.25	.20		
5.05	.25	.20		
5.25	.25	.20		
7.25	.25	.25		.04
6.15				
6.25				
6.35				
6.30				
6.45				

Change:
Asbestos workers
Boilermakers
CARPENTERS:
Carpenters
Millwrights-Electricians
Ironworkers
LABORERS:
Five mile strip along the North border
Group I
Group II
Group III
All of Pittsburg County, except a five mile strip along the North border
Group I
Group II
Group III
Roofers
TRUCK DRIVERS:
Group I
Group II
Group III
Group IV
Group V

MODIFICATIONS P. 18

MODIFICATIONS P. 17

DECISION #/LAT-5-4-033 (CONT'D.)	Basic Monthly Rates				Fringe Benefits Payments				App. Tr.	
	H & W	Pensions	Vacation	Apr. Tr.	H & W	Pensions	Vacation	Apr. Tr.		
DECISION #LAT-5-4-033 - Mod. #1										
(40 FR 3898 - January 24, 1975)										
Statewide Louisiana										
Change:										
Carpenters:										
Zone 1	\$6.91	.30	.20	.05						
Zone 10	6.90	.35								
Electricians:										
Zone 1	9.00	.30	15+.35	3/10%						
Zone 8	8.25		1%	.30						
Cable splicers:										
Zone 1	9.25	.30	15+.35	3/10%						
Zone 8	8.50		1%	.30						
Laborers (Building Construction):										
Zone 2:										
Group 1	4.52	.15		.05						
Group 2	4.72	.15		.05						
Zone 9:										
Group 1	4.50	.15	.10							
Group 2	4.60	.15	.10							
Group 3	4.65	.15	.10							
Group 4	4.70	.15	.10							
Zone 10:										
Group 1	4.42	.15	.10	.05						
Group 2	4.52	.15	.10	.05						
Group 3	4.67	.15	.10	.05						
Laborers (Highway Construction):										
Group 1:										
Zone 1	4.65	.15	.10	.05						
Zone 2	4.55	.15	.10	.05						
Zone 3	4.15	.15	.10	.05						
Zone 4	4.85	.15	.10	.05						
Zone 5	4.10	.15	.10	.05						
Zone 6	3.65	.15	.10	.05						
Zone 7	3.75	.15	.10	.05						
DECISION #LAT-5-4-033 (CONT'D.)										
Laborers (Highway Construction) (Cont'd.):										
Group 2:										
Zone 1	\$4.85	.15	.10	.05						
Zone 2	4.65	.15	.10	.05						
Zone 3	4.25	.15	.10	.05						
Zone 4	4.95	.15	.10	.05						
Zone 5	4.20	.15	.10	.05						
Zone 6	3.95	.15	.10	.05						
Zone 7	3.85	.15	.10	.05						
Group 3:										
Zone 1	5.40	.15	.10	.05						
Zone 2	5.10	.15	.10	.05						
Zone 3	4.70	.15	.10	.05						
Zone 4	5.40	.15	.10	.05						
Zone 5	4.65	.15	.10	.05						
Zone 6	4.40	.15	.10	.05						
Zone 7	4.30	.15	.10	.05						
Group 4:										
Zone 1	5.65	.15	.10	.05						
Zone 2	5.35	.15	.10	.05						
Zone 3	4.95	.15	.10	.05						
Zone 4	5.65	.15	.10	.05						
Zone 5	4.85	.15	.10	.05						
Zone 6	4.60	.15	.10	.05						
Zone 7	4.50	.15	.10	.05						
Line Construction:										
Zone 2:										
Linemen, equipment operators	9.00	.30	15+.35	3/10%						
5 line truck operators	9.25	.30	15+.35	3/10%						
Cable splicers										
Zone 3:										
Linemen & equipment operators	8.25		1%	.30						
Cable splicers	8.50		1%	.30						
Groundman	6.75		1%	.30						
Marble setters' helpers:										
Zone 2	4.52	.15	.10	.05						
Millwrights:										
Zone 4	7.635	.30	.20	.05						
Zone 8	7.80	.35	.20	.05						
Filedriverman:										
Zone 8	7.40	.35	.20	.05						

DIVISION #EA75-4093 (CONT'D)

- Plumbers & Pipefitters:
- Zone 3
- Zone 4
- Soft floor layers:
- Zone 8
- Terrazzo workers' helpers:
- Zone 2
- Tile setters' helpers:
- Zone 2
- Truck drivers (Building Construction):
- Zone 3:
- Group 1
- Group 2
- Group 3
- Group 4
- Group 5
- Group 6
- Group 7

Basic Hourly Rates	Fringe Benefits Payments		App. Tr.
	W & V	Pensions	
97.65	.40	.25	.10
7.82	.35	.55	.02
6.90	.35	.20	.05
4.52	.15	.10	.05
4.52	.15	.10	.05
5.17			
5.25			
5.80			
5.55			
5.00			
6.00			
6.35			

Basic Hourly Rates	Fringe Benefits Payments		App. Tr.
	H & V	Pensions	
8.085	.40	.50	.04
9.005	.45	.29	.02
7.06R	.45	.29	.02
5.05R			
7.00	.50	.45	.01
7.25	.50	.45	.10
7.50	.50	.45	.10
7.75	.50	.45	.10
7.00	.50	.45	.10
7.12	.50	.45	.10
7.75	.50	.45	.10
7.87	.50	.45	.10
7.00	.50	.45	.10
7.25	.50	.45	.10
7.50	.50	.45	.10
7.75	.50	.45	.10
8.61	.75	.97	.02

DIVISION #EA75-4093 - 1975, #1
 (40 FR 3699 - January 17, 1975)
 Berkshire County, Massachusetts

Class 1:
 Carpenters & Soft Floor Layers;
 No. Adams, Glouceburg, Savoy,
 Florida, Adams & Williamstown
 Elevator constructors
 Elevator constructors' helpers
 Elevator constructors' helpers
 (prob.)
 Laborers (Building)
 Laborers; Carpenter helpers;
 Cement finisher tenders;
 Knocking laborers
 Jackhammer op.; Pavement
 breakers; Sagon drills;
 Asphalt makers; Carbide core
 drilling machine; Chain saw
 op.; Pipelayer; Baroc type
 tamping tamper; Laser beam;
 Concrete pump; Mason tenders;
 Mortar mixers; Ride-on
 motorized buggy
 Air track; Block pavers,
 Rammer; Curb setters
 Blasters; Powderman
 Open air caisson; Cylindrical
 work & boring crew;
 Laborer; Top man
 Helper
 Bottom man
 Driller

Class 2:
 Laborers (Heavy and Highway):
 Class I
 Class II
 Class III
 Class IV
 Sheet metal workers

MODIFICATIONS P. 24

DECISION NO. MA75-2009 - Mod #1
(40283125 - January 17, 1975)
Middlesex County, Massachusetts

Channel:
Carpenters; soft floor layers;
Ashland, Framingham, Millis-
ton, Hopkinton, Hudson, Wey-
mouth, Needham Heights, Nor-
folk, Norwood, Quincy, Roslind-
den, Salem, Weymouth, Win-
chester, Woburn
Remainder of County
Cement masons:
Arlington, Cambridge, Ever-
ett, Malden, Needham, Wal-
pole, Weymouth, Weymouth, Win-
chester, Woburn
Electricians:
North Reading
Laborers (hullifm):
Laborers; carpenter tenders;
cement finisher tenders;
wrecking laborers
Jackhammer ops; pavement
breakers; wagon fills, es-
chault rakers; corvize core
drilling machine; chain saw
ops; pipelayers; harco type
jumping tamps; laser beam
concrete pump; mason tender;
mortar mixers; ride-on rot-
oxized boggy
Air track; block pavers; ran-
ners; curb setters
Blasters; moulder
Open air cranes; cylindrical
work & boring crew:
Laborers; top man
Helper
Bottom man
Driller
Laborers (Heavy & Highway):
Class I
Class II
Class III
Class IV

DECISION NO. AR-77 - Mod. #4
(39 FR 46465 - November 15, 1974)
Douglas and Sary Counties,
Nebraska

Channel:
Plasterers
DECISION NO. AR-78 - Mod. #2
(39 FR 44918 - December 27, 1974)
Douglas and Sary Counties,
Nebraska

Channel:
Plasterers

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & V	Features	Variable	
59.15	.60	.50		.07
5.65	.80	.50		.07
9.62	.70	.60		.05
9.72	.25	15+.20		.02
7.00	.50	.65		.10
7.25	.50	.45		.10
7.50	.50	.45		.10
7.75	.50	.45		.10
7.00	.50	.45		.10
7.12	.50	.45		.10
7.25	.50	.45		.10
7.87	.50	.45		.10
7.00	.50	.45		.10
7.25	.50	.45		.10
7.50	.50	.45		.10
7.75	.50	.45		.10

Basic Hourly Rates

H & V

Features

Variable

App. To

	Basic Hourly Rates	Fringe Benefits Payments		App. To
		H & V	Vacation	
<p>DECISION #AU-6094 - Mod. #2 (39 FR 10997 - March 22, 1974) Madison County, Tennessee</p> <p>Change: Carpenters Cement masons Lathers Plasterers</p>	\$5.85 6.00 8.30 6.00	.25		.01
<p>DECISION #AS-6011 - Mod. #6 (39 FR 31888 - August 30, 1974) Davidson County, Tennessee</p> <p>Change: Ironworkers: Structural, ornamental & reinforcing</p>	7.40	.65	.30	.10
<p>DECISION #AS-6022 - Mod. #4 (39 FR 31869 - August 30, 1974) Knox County, Tennessee</p> <p>Change: Asbestos workers Carpenters Lathers Millwrights Piledrivers</p>	8.40 7.04 7.91 7.56 7.29	.30	.20 .30 .20 .30 .30	.01 .02 .01 .02 .02
<p>DECISION #AP-6061 - Mod. #2 (39 FR 42826 - December 6, 1974) Anderson and Roane Counties, Tennessee</p> <p>Change: Asbestos workers Carpenters; Soft floor layers Lathers Millwrights Piledrivers</p>	8.40 7.04 8.16 7.56 7.29	.30	.20 .30 .20 .30 .30	.01 .02 .01 .02 .02

DECISION #AS-6062 - Mod. #2
(39 FR 42826 - December 6, 1974)
Hamilton County, Tennessee

Change:
Asbestos workers
Carpenters:
Carpenters; Soft floor layers
Piledriverman
Millwrights
Cement masons:
Cement masons
Power machine operator:
Swinging scaffold & box 'n
Chair
Plasterers
Plumbers; Steamfitters

Unit:
Power equipment operators'
schedule

Add:
Power equipment operators'
schedule

GROUP A
GROUP B
GROUP C
GROUP D

	Basic Hourly Rates	Fringe Benefits Payments		App. To
		H & V	Vacation	
	\$8.40	.30	.20	.01
	7.33	.35	.30	.03
	7.655	.35	.30	.03
	7.78	.35	.30	.03
	7.15			
	7.35			
	7.45			
	8.20	.25	.30	.07
	\$7.10	.25	.20	
	6.30	.25	.20	
	5.70	.25	.20	
	5.40	.25	.20	

GROUP A: Backhoes, Cableways, Boss carrier, Clamshells, Cranes, Terricks, Drumlies, Tarpalls, Pans, Scrapers, Scoops, Etc., Head tower machines, Endloaders, Locomotives (over 20 tons), Shovels, Dozers, Fork-lifts with over 8' lift, Core drills, Foundation drills, Graders, Mechanics, Welders, Winch truck with 4 frame, Skimmer scoops, Locomotive cranes, Overhead cranes, Skid rigs, Pile drivers, Side boom tractors, Excit loaders, Derrick boat, Drags boats, Hoist (any size handling steel or stone), Engines used in connection with hoist material with an attached device on tower or engine, Mocking-machines, Hi-lifts or end loaders, Finish graders on blastop, Trenching machin Cherrypickers, Tower crane, Skylift, Cradall

GROUP B: Tractors, Farm type tractors with attachments, Central compressor plants, Elevators used for hoisting building materials, Central mixing plants, Hoist, Pump crete machine, Concrete pump, Backfillers (other than cranes), Tracmobile, Crushing plant operators, Elevating graders, Earth augers, Forklifts, Paving machines (blacktop paving machines (concrete), Road operator or engineer (30 tons or over), Blacktop rollers, Switchman, Locomotive under 20 tons and maintainers

DECISION #AP-4062 Cont'd

MODIFICATIONS P. 27

GROUP C: Asphalt plant operators, Barber green type loaders, Engine tender other than steam, Mixers (over 2 bags, not to include central plants), Pumps (2 not more than 3, 3 not more than 4), Spreaders (Bituminous), Asphalt mixers, Portable compressors (2 not more than 3), Rollers, Sub-grader machine, Tractors (Farm-type without attachments), Cable back cover engineman, Dredge booster pump operator, Boat operator or engineer (under 30 tons), Finishing machine, Fireman & Oiler (Combination), Motor crane oiler & driver, Welding machine (2 not more than 3), Excavators, Stationary or portable (to 3), Compressors (Portable, 2 not more than 3), Greaser or fuel trucks

GROUP D: Air compressor (1 portable), Fireman, Portable crushers, Welding machine (1), Conveyors, Pumps (1), Oiler, Heater (1)

DECISION #TNT5-1006 - Mod. #1
(40 FR 3155 - January 17, 1975)
Shelby County, Tennessee

Change:
Bricklayers; Stonemasons
Lathers
Millwrights
Plasterers.

Omit:
Power equipment operators' schedule

Add:
Tower equipment operators' schedule

CLASS A
CLASS B
CLASS C
CLASS D

Basic Monthly Rates	Fringe Benefits Payments			App. To
	H & W	Vacation	App. To	
\$9.25	.35	.20		.05
8.30	.25			.01
8.60	.36			.09
8.60				.01
8.10	.30		.35	
7.67	.30		.35	
6.97	.30		.35	
6.57	.30		.35	

CLASS A: Shovels; Backhoes; Draglines; Cranes; Derricks; Gantries; Grapple; Winch with boom; Motor patrol; Trenching machine (18" & over); Pile driver; Log boat operator; Mechanics (heavy); General mixing plant; Locomotive engineer; Skid steer carriers; Core drills (over 3"); Tower cranes; Hydro cranes; Austin Western (and similar type cranes); Drilling of piling; Tugger; Earth freezing equipment; 3 drum hoist; Side boom; Dredge operator (engineer); Hapro; Pumpcrete; Mucking machines; Cableways; Central compressor plant; Derrick boat; Concrete pump; Welders (man from the craft); Helicopter operator; Wall point systems; Swooper; Ballast; Sump; Scrapers; Translocators; Fork lift; Front end loader

CLASS B: Trenching machines (18" and smaller); Tandem rollers; Favers; Mobile mixers (rubber tires, mobile, mixed on job); Back filler; Blade graders; Dinky operator over 10 tons; Elevating graders; Winches (operated from trucks or tractors, without booms and powered by other than the truck); Distributors; Bituminous surfaces, 1 and 2 drum hoist; Grout pumps; Motor boat; Switching; Breakdown; Earth compactors (motorized-Buffalo-Springfield type)

DECISION #TNT5-1006 Cont'd

MODIFICATIONS P. 28

CLASS C: Locomotive fireman (on boilers 100 h.p. and over); Operator; Air compressor (stationary); Earth drills; Scale operators; Tractors (40 h.p. and less); Motor crane driver and oiler; Pumps (larger than 4"); Dinky operators (10 tons and less); Oilers on Gantries; Greasers

CLASS D: Air compressor operators; Mechanic helper; Locomotive fireman; Welding machine operators; Deck hand; Elevator operators

STATE: Alabama
 DECISION NO.: AL75-1022
 SUPRESEAS DECISION NO. 42-6075 dated August 9, 1974, in 39 FR 25772
 DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTY: *See below
 DATE: Date of Publication

*Colbert and Lauderdale.

- Asbestos workers
- Boilermakers
- Bricklayers
- Bricklayers; Blocklayers;
- Stonemasons
- Saw operator
- Carpenters:
- Carpenters: Soft floor layers
- Piledrivers
- Millwrights
- Cement masons:
- Cement masons
- Power equipment operators
- Electricians:
- Electricians
- Cable splicers
- Elevator constructors
- Elevator constructors' helpers
- Elevator constructors' helpers (Prob.)
- Glassiers
- Ironworkers
- Labors:
- Common
- Air tool operator (Jackhammer, vibrator)
- Plasterers' tenders
- Mason tenders
- Mortar mixers
- Pipelayers
- Painters
- Plasterers
- Plumbers: Steamfitters
- Roofers
- Sheet metal workers
- Sprinkler fitters
- Truck drivers:
- 4 to 3 tons
- 3 to 5 tons
- 5 tons & over including special equipment such as euclids, dumper, dumpsters, etc.

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Retire	Vacation	
	7.71	.30	.30		.05
	7.50	.40	.50		.02
	8.345				
	8.595				
	7.59	.30	.25		
	7.74	.30	.25		
	7.84	.30	.25		
	7.00				
	7.25				
	8.35	.30	.25		.05
	8.60	.30	.25		.05
	8.02	.29	.29		.02
	7.05	.29	.29		.02
	5.60				
	5.60				
	8.005	.40	.30		.03
	4.75	.15	.20		
	4.95	.15	.20		
	4.75	.15	.20		
	4.75	.15	.20		
	4.95	.15	.20		
	4.95	.15	.20		
	5.40	.20	.20		
	7.25	.35	.35		.05
	7.40	.35	.35		.05
	6.10	.20	.20		.08
	9.00	.45	.40		.10
	8.75	.50	.70		.05
	3.70				.08
	3.97				
	4.37				

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. 6 paid holidays: A through F
- b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

POWER EQUIPMENT OPERATORS

GROUP	Basic Hourly Rates	H & W	Fringe Benefits Payments		App. Tr.
			Retire	Vacation	
GROUP A	\$7.98	.25	.25		
GROUP B	6.78	.25	.25		
GROUP C	6.13	.25	.25		

GROUP A - Backhoe, bulldozer, crane, crane car, central mixing plant, concrete pump, derrick, dragline, dredge, drill, elevating grader, finishing machine (concrete), forklift, front end loader, gradall, grout pump, helicopter pilot, hoist, locomotive engineer, mechanic, motor patrol, mucking machine, piledriver, post hole digger, scraper (pull type & self prop.) shovel, sweeper, tractor (spec. equip.), trenching machine, well point & winch truck operators

GROUP B - Bituminous dist., central air comp., concrete mixer (port.) fireman floating equip., front end loader, rubber tire, 3 cu. yd. & under, locomotive brakeman, locomotive flagman, locomotive switchman, oiler-driver (35 ton crane & over outboard motor boat (when used for towing), paving machine, portable hoist "Truck hoist type", post hole digger mounted on farm type tractor & walk behind type trenching machine operators

GROUP C - Air compressor (port.) conveyor, fireman stationary equip., mechanic helper, oiler, outboard motor boat & pump operators

Oiler driver - additional \$.10 per hour

All cranes, derricks & gantry operators operating such equipment with an overall height of 150', including jobs; all scraper operators - additional \$.25 per hour

AL75-1023 P. 2

SUPERSEDES DECISION

STATE: Alabama
 COUNTY: Mobile
 DECISION NUMBER: AL75-1023
 DATE: Date of Publication
 SUPERSEDES DECISION NO.: AS-10660 dated December 6, 1974, in 39 FR 52814.
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

PAID HOLIDAYS:
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
 E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- a. 2 Paid Holidays: D and Mardi Gras Day, provided the employee works at least one day out of the 3 work days prior to the paid holidays, and the first work day of the paid holiday.
- b. 6 Paid Holidays: A through F.
- c. Employer contributes 1/6 basic hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2/6 basic hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.
- d. 1 Paid Holiday: F
- e. 8 Paid Holidays: A, C, D, E, F, Day after Thanksgiving Day, Christmas Eve, and Mardi Gras
- f. 40 hours paid vacation after 1 year of employment; 2 paid holidays: A & C.
- g. 5 Paid Holidays: A, C, D, E and F.

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & V	Pensions	Vacation	
8.60	.395	.75	B	.02
7.50	.40	.90		.02
9.04		.90		
8.36	.30	.35		
8.61	.30	.35		
8.63	.30	.35		
8.88	.30	.35		
8.90	.30	.35		
8.15	.30	.35		
8.75	.30	7/6-.25	.125	1/1000F7/6
9.00	.30	7/6-.25	.125	1/1000F7/6
8.58	.395	.26	2/6-b-c	.02
7.04E	.395	.26	2/6-b-c	.02
5.04E		.15		
6.10	.30	.35		
8.77	.30	.35		
7.13	.28	.25		.01
8.75	.30	7/6-.25	.125	1/1000F7/6
9.00	.30	7/6-.25	.125	1/1000F7/6
8.50	.30	.05	d	.01
8.75	.30	.05	d	.01
9.00	.30	.05	d	.01
9.50	.30	.05	d	.01
8.86	.30	.35		
10.15	.30	.45	e	.03
6.93	.40	.20	f	.01
7.29	.40	.40	g	.01
8.75	.50	.70		.08

Welders: Rate for craft

	Basic Monthly Rates	Fringe Benefits Payments			App. Tr.
		M & W	Retirees	App. Tr.	
GROUP A	4.40	.28	.25		
GROUP B	4.58	.28	.25		
GROUP C	4.80	.28	.25		
GROUP D	5.50	.28	.25		
GROUP E	5.72	.28	.25		
GROUP F	5.28	.28	.25		
GROUP G	5.09	.28	.25		
GROUP H	4.74	.28	.25		
GROUP I	4.85	.28	.25		
GROUP J	5.38	.28	.25		
GROUP K	4.87	.28	.25		
GROUP L	5.28	.28	.25		
GROUP M	4.85	.28	.25		

GROUP A: General Building Construction Laborers

GROUP B: Mortar makers (any method), bed carriers, paving breakers - breaking & chipping concrete (any method), air operating tools (elec. or gas), mason and plaster tenders, tile setter & terrazzo helpers, handling concrete or copper-tex materials, glass wool and all types insulation, kettle man, asphalt raker & tamper, drills and vibrators, concrete dump bucketman, all concrete rollers, wheel barrows, Georgia bushes, pipe cleaners & pipe layers (of clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe for main & side sewers and drainage only), pipe wipers (inside and out)

GROUP C: Concrete or pressure concrete workers, mason, gunman, rodder, power driven busy mobiles, height: all work performed 40 ft. on scaffold, inside and out (except where scaffolds are solid from wall to wall inside)

GROUP D: Cofferdam or tunnel workers (underground)

GROUP E: Blasting (powderman)

GROUP F: Concrete sawman

GROUP G: Form setters; roadways, runways, highways

GROUP H: Track laborer

GROUP I: Brick washers (laborers)

GROUP J: Burners on dismantling (anything not to be reused)

GROUP K: Stack laborers

GROUP L: Stack laborers (over 40 ft.)

GROUP M: Tank cleaners (caustic chemicals)

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS

	Basic Monthly Rates	Fringe Benefits Payments			App. Tr.
		M & W	Retirees	App. Tr.	
GROUP A	8.80	.30	.35		
GROUP B	8.49	.30	.35		
GROUP C	7.89	.30	.35		
GROUP D	7.09	.30	.35		
GROUP E	6.77	.30	.35		

GROUP A: HEAVY EQUIPMENT:

Heavy duty mechanic, crane, shovel, derrick operator (2 or more drums), dragline pile driver operator, hoist operator (2 or more drums), cable ways, excavators, front end loader, backhoe, rubber tired backhoe, dredges, leverman, welders, mounted rotary drill machines, cherry pickers, side boom tractors, paving machines, motor patrol, concrete machines, gradalls, Johnson mixers, hydro-lift trucks, all batch plant and header house operators, panel board (ready-mix), hydrant hammers on demolition work, concrete plants, asphalt plants, helicopter pilots and concrete paving trains, tugboats

GROUP B: MEDIUM EQUIPMENT: Doser scraper, turnapull, one drum hoist, propelled rollers, construction elevators, locomotive engineer, elevating grader tractors with power control attachments, wheel truck, mixer, asphalt spreaders, drilling machines, form graders, asphalt distributors, fork-lift, well-point & dewatering systems, subgraders, finishing machines, motorized compactors, vagomobiles and push carts, riding' trenching & ditching machines

GROUP C: LIGHT EQUIPMENT: Light plants, generators, welding machines, air compressors, pumps, conveyors, motor boats under 30 feet, tow tractors, and pile driver hammers (diesel, gas, air or electric)

GROUP D: Peel truck oilers, fireman, brakeman, outboard motor boats, truck crane oilers and mechanic helpers

GROUP E: Oilers (crawler), deck hand

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TRUCK DRIVERS
Building construction

	Basic Monthly Rates	Fringe Benefits Payments		
		H & W	Vacation	Acc. Tr.
GROUP A	\$5.43	.30	.35	
GROUP B	6.20	.30	.35	
GROUP C	6.51	.30	.35	
GROUP D	6.78	.30	.35	
GROUP E	7.08	.30	.35	
GROUP F	7.28	.30	.35	
GROUP G	8.06	.30	.35	
GROUP H	8.76	.30	.35	

GROUP A: Truck helpers

GROUP B: Truck helpers when unloading creosote or copper tar materials; Drivers-trucks up to but not including 1 1/2 tons; Station wagons; Jeeps and automobiles; Truck spotters; General warehousemen

GROUP C: Mechanic helpers; Filling station attendant; Tire repairmen; Grease and wash rack man

GROUP D: Drivers 1 1/2 tons up to but not including 5 tons

GROUP E: Receiving and issuing clerk

GROUP F: Scalemen

GROUP G: Truck drivers on rated 5 tons or 6 yards and over, including heavy equipment such as pole trucks; Miss or carrying wagons; Dumpsters; Semi-trailers; Agitators; Ross carriers; Dempsey dumps; Euclid trucks; Forklift trucks in warehouse and similar equipment such as tractors; 10 wheelers; Jeeps or dump trucks or pickup trucks pulling two or four wheel trailers hauling equipment

GROUP H: Truck & automobile mechanics

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STATE: California COUNTY: San Diego
 DECISION NUMBER: CA75-5020 DATE: Date of Publication
 SuperseDES Decision No. AB-1047 dated November 22, 1974, in 39 FR 4114
 DESCRIPTION OF WORK: Building Construction (excluding single family homes
 and garden type apartments up to and including 4 stories), heavy and highway
 construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			App. Td.
		H & W	Vacation	App. Td.	
ASBESTOS WORKERS	\$10.17	.78	.72	.045	
BOILERMAKERS	8.50	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons	9.00	.70	.90		.06
BRICK, BLOCK and STONEMASONS' TENDERS	7.23	.60	1.39	.50	
CARPENTERS:					
Carpenters	7.51	.56	.85	.50	.02
Piledrivemen	7.64	.56	.85	.50	.02
Millwright; Pneumatic miller;					
Hardwood floorlayers	7.76	.56	.85	.50	.02
CEMENT MASONS:					
Cement Masons	6.74	.55	.96	.75	.045
Cement Masons color work - Curb					
Machine Operator	6.865	.55	.96	.75	.045
Composition, Mastic or Epoxy					
Finishing Machine Operator	6.99	.55	.96	.75	.045
CONCRETE FINISHERS	6.60	.56	.65	.50	.06
ELECTRICIANS:					
Electricians	9.72	.48	174.73		.02
Cable Splicers	10.02	.48	174.73		.02
ELEVATOR CONSTRUCTORS	10.76	.445	.29	3%+4	.02
ELEVATOR CONSTRUCTORS' HELPERS	70LR	.445	.29	3%+4	.02
ELEVATOR CONSTRUCTORS' HELPERS (FROG.)	50LR				
GLAZIERS	9.69	.55	.60		
IRONWORKERS:					
Fence Erectors	8.89	.88	1.375	1.03	.03
Reinforcing	9.78	.88	1.375	1.03	.03
Ornamental; Structural	9.78	.88	1.375	1.03	.03
IRRIGATION AND LAWN SPRINKLERS	8.00	10%	16%	13%	3/4%
LATHEES (Northern portion of San Diego County from center of City of Del Mar)					
LATHEES (Remainder of County)	7.67	.90	.75	.50	
LIME CONSTRUCTION:	9.45	.45	.70	.70	.02
Linemen					
Cable Splicers	9.72	.48	174.23		
MARBLE SETTERS	10.02	.48	174.23		
MARBLE SETTERS' HELPERS	8.01	.55	.85	.60	
MARBLE SETTERS' HELPERS	6.89	.40	.65	.75	

	Basic Hourly Rates	Fringe Benefits Payments			App. Td.
		H & W	Vacation	App. Td.	
PAINTERS:					
Brush; Roller; burner	88.77	.64	.80	.65	.07
Swing stage, brush; Spray; Iron, steel and bridge painter (ground work)	9.02	.64	.80	.65	.07
Paperhanger; Spray, swing stage; Sandblaster; Iron, steel and bridge, swing stage; Iron, steel and bridge, spray (ground); Biggers, climbing steel; Brush, Climbing steel and bridge Sandblaster, swing stage; Iron, steel and bridge, spray swing stage; Spray, climbing steel and Bridge	9.27	.64	.80	.65	.07
Steeplejack	9.52	.64	.80	.65	.07
Parking Lot Striping Work and/or Highway Markers:	10.17	.54	.80	.65	.07
Traffic delineating device applicator	6.82	.60	.20	b	
Wheel stop installer; Traffic surface sandblaster; Striper; Traffic surface protective coating applicator					
Welder (Traffic surface sandblaster; Wheel stop installer; Traffic surface protective coating applicator; striper)	6.43	.40	.20	b	
PLASTERERS	5.43	.40	.20	b	.06
PLASTERERS' TENDERS	8.71	.45	1.00	.85	
PLUMBERS; Steamfitters	8.58	.60	1.39	.50	
ROOFERS:	10.24	10%	16%	13%	3/4%
SHEET METAL WORKERS	7.14	.40	.25	1.00	
SOFT FLOOR LAYERS	8.93	.74	1.20	.90	.06
SPRINKLER FITTERS	8.33	.45	.90	.90	
TERRAZZO WORKERS	11.85	.50	.70	.60	.08
TILE SETTERS	8.01	.55	.85	.60	
TILE SETTERS	8.01	.55	.85	.60	

RIGGERS; Welders - Receive rate prescribed for craft performing operation to which rigging or welding is incidental

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CAVS-5020 F. 3

FOOTNOTES:

- a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.
- b. Employer contributes \$.17 per hour to Holiday Fund plus \$.10 per hour to Vacation Fund for one year's service, \$.30 per hour after one year, but less than 5 years' service, \$.40 per hour after 5 years' service, but less than 10 years and \$.50 per hour after 10 years' service.

PAID HOLIDAYS:

- A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
- E-Thanksgiving Day; F-Christmas Day.

LABORERS

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		M & B	Part-time	Variable	
LABORERS, general construction; Gas and oil pipeline; Jet man; Tool shed checker; Using dry pack	\$6.31	.60	1.39	.50	.10
CUTTING TORCH OPERATOR (demolition); Scaler	6.36	.60	1.39	.50	.10
GUINEA CHASER	6.39	.60	1.39	.50	.10
FINE GRADES ON HIGHWAYS, STREETS AND AIRPORTS PAVING (sewer and drainage lines); Landscape Gardener and Nursery Man	6.41	.60	1.39	.50	.10
LABORER (packing rod steel and pacs); Tank scaler and cleaner	6.435	.60	1.39	.50	.10
DRILLER'S HELPER (Caisson) including bellows; Boring Machine	6.44	.60	1.39	.50	.10
WINDOW CLEANER; Chuck tender (except tunnels); Septic tank digger and installer (leadman)	6.46	.60	1.39	.50	.10
CESSPOOL DIGGER AND INSTALLER	6.49	.60	1.39	.50	.10
CONCRETE CURER; Impervious membrane; Silttrap stopper; Sandblaster (pot tender); Pipe-layer backup man, coating, grouting, making of joints, sealing, caulking disparting, and including rubber gasket joints; Pointing and any and all other services	6.50	.60	1.39	.50	.10

LABORERS (Cont'd)

	Fringe Benefits Payments				App. Tr.
	Basic Hourly Rates	M & W	Penalties	Vacation	
ASPHALT RAKER, IRONER, SPREADER; Suggestible man; Cement dumpster (on 1 yrd of larger mixers and handling bulk cement); Concrete saw man (excluding tractor type); Roto-scraper, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper; Pot tenders of pneumatic and electric tools, concrete pumps; Vibrating machine and similar mechanical tools not separately classified herein; Tree climber using mechanical tools.	\$6.52	.60	1.39	.50	.10
ROCK SLINGER; Scaler (using bos'n chair or safety belt or power tools)	6.57	.60	1.39	.50	.10
DRILLERS, all others where drilling is for use of explosives	6.60	.60	1.39	.50	.10
PIPELAYERS, METALLIC OR NON-METALLIC (including water sewage, solid, gas, air); Welding in connection with laborers' work	6.62	.60	1.39	.50	.10
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	6.65	.60	1.39	.50	.10
CRIBBER, SMOKER, LAGGING, SHEETING, AND TREXUR BRACING; Hand-guided lagging hammer	6.67	.60	1.39	.50	.10
STEEL HEADERBOARD MAN	6.735	.60	1.30	.50	.10
DRILLERS - (all power drills, including jackhammer, whether core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills; Sand-blaster (nozzlemans)	6.76	.60	1.39	.50	.10
POUNDERMAN, BLASTERS	6.795	.60	1.39	.50	.10
HEAD ROCK SLINGER	6.83	.60	1.39	.50	.10

LABORERS (TUNNEL and SHAFT WORK)

	Fringe Benefits Payments				App. Tr.
	Basic Hourly Rates	M & W	Penalties	Vacation	
BELL GANG; Concrete crew (incl. rodders and spreaders); Dumpmen; Grout crew; Nackers, (laborers) in short dry tunnels under streets, highways and similar places; Trackmen; Swamper (brakemen and switchman to tunnel work)	\$6.60	.60	1.39	.50	.10
CHUCKENDER; Cable tender; Nipper; Steel form raiser and setters helper; Vibratorman; Jackhammer; Pneumatic tools (except drillers)	6.70	.60	1.39	.50	.10
GROUT GUNNER	6.80	.60	1.39	.50	.10
BLASTERS; Drillers; Cherry Picker; Kemper and other pneumatic concrete placer operators; Miners, in short dry tunnels under streets, highway and similar places; Miners, tunnel (hand or machine); Fowdermen; Primarhouse; Tjubar-men; Bettimbermen; (wood or steel); Steel form raisers and setters	6.85	.60	1.39	.50	.10
SHAFT AND RAISE MINER	7.10	.60	1.39	.50	.10
GUNITE WORKERS; Nozzlemen and Rodmen	7.04	.60	1.39	.50	.10
Gunmen	6.72	.60	1.39	.50	.10
Reboundmen	6.305	.60	1.39	.50	.10

TRUCK DRIVERS

Basic Monthly Rates	Fringe Benefits Payments			App. Tr.
	M & V	Vacation	Yacht	
\$ 6.42	.70	1.00		.05
6.67	.70	1.00		.05
6.75	.70	1.00		.05
6.78	.70	1.00		.05
6.83	.70	1.00		.05
6.90	.70	1.00		.05
6.91	.70	1.00		.05
7.03	.70	1.00		.05
7.08	.70	1.00		.05
7.13	.70	1.00		.05
7.18	.70	1.00		.05

Basic Monthly Rates	Fringe Benefits Payments			App. Tr.
	M & V	Vacation	Yacht	
\$ 7.20	.70	1.00		.05
7.21	.70	1.00		.05
7.255	.70	1.00		.05
7.27	.70	1.00		.05
7.31	.70	1.00		.05
7.33	.70	1.00		.05
7.40	.70	1.00		.05
7.48	.70	1.00		.05
7.50	.70	1.00		.05
7.62	.70	1.00		.05
7.63	.70	1.00		.05

PICKUPS (3/4 ton & under), Swampers and helpers; Traffic control pilot car (excl. moving heavy equipment)

WAREHOUSEMAN

INDUSTRIAL LIFT

DUMP (less than 8 yds.); Dump or flatbed (2 axle); Concrete pumping; Forklift (under 15,000 lbs.)

DUMP (8 yds. & under 12); Dump or flatbed (3 axles), Bankerman

FUELIFT (15,000 lbs. & over); Boss Carrier

DUMP (12 yds. & under 16); Dump or flatbed (3 axles, with semi)

WATER TRUCKS (2 axles); Erosion Control Nozzlemen; Pipeline drivers (incl. winch & all sizes); Road oil spreader, cement distributor or slurry; Road oil or slurry botman; Frell truck

DUMPCRETE (less than 6-1/2 yds.)

EROSION CONTROL DRIVER; Water truck (3 axles)

FUEL OR DYNAMITE AND EXPLOSIVES

DUMP (16 yds. & under 25); Dump or flatbed (4 axle or more); Loaded and trailer; Transit mix (under 8 yds.); Grout mixer; Dumperrete (6-1/2 yds. & over); Dumpster

DUMP (25 yds. & under 35)

TRUCK DRIVERS (CONT'D)

DW 10's or DW 20's or Euclid type equipment; LeTourneau Pulls, Terra Cobras or similar type of equipment regardless of type of attachments when performing work in the teamsters' jurisdiction or 28 or similar type of dump truck with loading attachments

TRUCK GREASER

7 AXLES OR DOUBLE LOWBED or combination of vehicles when under permit load

TRANSIT-MIX (8 yds. & over)

LIJEMAN

DUMP (35 yds. & under 50)

WATER PULL TANKERS; Welder; A-Frames or Swedish crane

DUMP (50 yds. & under 65)

TRUCK REPAIRMAN

WELDER HELPER

DUMP (65 yds. & over)

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POWER EQUIPMENT OPERATORS
DREDGING
(Hydraulic Suction Dredges)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$9.53	.95	1.50	.30	.04
9.01	.95	1.50	.30	.04
8.59	.95	1.50	.30	.04
8.52	.95	1.50	.30	.04
8.04	.95	1.50	.30	.04

LEVERMAN
WATCH ENGINEER; Welder
DECKMATE
WINGSMAN (stern winch or dredge)
BARGEHAND; Deckhand; Fireman;
Officer; Lighthouse

DREDGING
(Clam Shell Dredges)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
9.53	.95	1.50	.30	.04
9.01	.95	1.50	.30	.04
8.59	.95	1.50	.30	.04
8.52	.95	1.50	.30	.04
8.04	.95	1.50	.30	.04

LEVERMAN
WATCH ENGINEER
DECKMATE
BARGEHAND; Deckhand; Fireman;
Officer

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel
Erection)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$8.13	.95	1.50	.30	.04
8.39	.95	1.50	.30	.04
8.64	.95	1.50	.30	.04
8.76	.95	1.50	.30	.04
8.96	.95	1.50	.30	.04
9.06	.95	1.50	.30	.04
9.17	.95	1.50	.30	.04
9.32	.95	1.50	.30	.04
9.43	.95	1.50	.30	.04

Group 1:
Group 2:
Group 3:
Group 4:
Group 5:
Group 6:
Group 7:
Group 8:
Group 9:

POWER EQUIPMENT OPERATORS
(Except Filedriving and Steel Erection)

Group 1: Brakeman; Compressor engineer oiler; Generator; Heavy duty repairman helper; Pump; Signalman; Switchman

Group 2: Concrete mixer, skip type; Conveyor; Fireman; Generator, pump or compressor, 2 - 5 inclusive; Hydraulic pump; Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. w/o attachments; Soils field technicians, test pot firman; Temporary heating plant; Trenching machine oiler, Well point pump

Group 3: Elevator (inside); Ford Ferguson - w/drag; Helicopter radio-man (ground); Oiler-crusher (asphalt or concrete plant); Power concrete curing machine operator; Power concrete size, Power driven jumbo form setter; Stationary pipe wrapping and cleaning machine; Truck crane oiler

Group 4: Asphalt plant fireman; Sorting machine, Chip spreading machine; Concrete pump (truck mounted); Dinky locomotive or motorman (10 tons); Helicopter hoist; Helicopter radioman; Highline cableway signalman; Power sweeper; Screenshot; Rodman and chair-man; Trenching machine (up to 6')

Group 5: A-frame winch truck; Asphalt plant or concrete batch plant; Asphalt spreading machine (spreader bar and similar); Bit sharpener; Boxman or mixerman (asphalt or concrete); Concrete joint machine (canal and similar type); Concrete planer; Drilling machine (water wells); Equipment greaser (mobile and grease rack); Ford Ferguson or similar type (w/drag attachments); Forklift (under 5 ton capacity); Hydra-hammer-Aero stamper; Hydrographic seeder machine (straw, pump, or seed); Instrumentman; Machine tool; Maginnis internal fall slab vibrator; Mechanical bars, curb or gutter (concrete or asphalt); Mechanical finisher (concrete, Clary-Johnson-Stowell or similar); Pavement breaker (truck mounted); Road oil mixing machine; Roller; Ross carrier (jobsite); Self-propelled tar pipelining machine; Skiploader (wheel or track type over 3/4 yd. up to and incl. 1-1/2 yds.); Slip form pump (power driven hydraulic lifting device for concrete forms); Stinger crane (Austrian or similar type); Traveling pipe wrapping, cleaning and bending machine; Truck type loader; Tugger hoist (1 drum)

Group 6: Asphalt or concrete plant engineer; Asphalt or concrete spreading (tamping or finishing); Asphalt paving machine (Barber Greene or similar type); Belt splicer or vulcanizer; BHL Lima Road Factor, Wagner Factor or similar; Bridge crane; Bridge type unloader and turntable; Cast-in-place pipe laying machine; Combination mixer and compressor (gunite work); Concrete mixer-paving; Crane (up to and incl. 25 ton capacity - long boom pay applicable); Crushing plant; Deck engine; Drill doctor; Elevating grader; Forklift (over 5 tons); Gradeall; Grade checker; Grouting machine; Heading shield; Heavy duty repairman; Hoist (single drum-back-hoist-Chicago boom and similar type);

POWER EQUIPMENT OPERATORS (CONT'D)
(Except Filedriving and Steel Erection)

Hoist (2 to 3 drum); Kollman belt loader and similar type; LeTourneau bibo compactor or similar type; Lift mobile; Lift slab machine (Vagthorg and similar types); Material hoist (1 drum); Mucking machine (1/4 yd. rubber-tired, rail or track type); Piledriver; Pneumatic concrete placing machine (Backley-Fresswell or similar type); Pneumatic heading shield (Tunnel); Pumpcrete gun; Rotary drill (axcl. Caisson type); Rubber-tired earth moving equipment (single engine-Caterpillar, Euclid, Alvey wagon, Water Pulls and similar types with any and all attachments up to 50 cu. yds. struck), Rubber-tired scraper (self-loading padde wheel type John Deere, 1040 and similar single unit); Skiploader (wheel or track type, over 1 1/2 yds. up to and incl. 6 1/2 yds.); Surface beaters and plaster; Tractor-compressor-drill combination; Tractor, (Belldozer, Imper, Scrapper and Push tractor, single engine); Trenching machine (over 6' depth cap., manufacturers rating); Tunnel locomotive (10 to 30 tons); Universal equipment (shovel, backhoe, dragline, clamshell, up to and incl. 1 cu. yd. MGC) (long boom pay applicable)

Group 7: Crane (over 25 tons up to and incl. 100 ton MGC) (long boom pay applicable); Derrick barge; Dual drum mixer; Hoist (2 or 3 drum w/boom attachment); Hoist (Stiff legs, Guy derricks or similar type up to 100 ton capacity - Oiler or long boom pay applicable); Loader (Abbay, Euclid, Sierra or similar type); Monorail locomotive (Diesel, Gas and Electric); Motor patrol - Blade; Multiple engine tractor (Euclid and similar type, except Quad 9 Cat); Party chief; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type up to 50 cu. yds. struck); Tractor (boom attachments - over 40' boom); Tractor loader (Crawler and wheel type over 6 1/2 yds.); Tower crane (2 operators required); Tower crane repairman; Universal equipment (Shovel, Backhoe, Dragline, Clamshell, over 1 cu. yd. MGC); Welder (heavy duty repairman) combination; Wood mixer and other similar Pupmill equipment

Group 8: Auto grader; Automatic slip form crane, over 100 tons (long boom pay applicable); Hoist (Stiff legs, Guy derricks or similar types, capable of hoisting over 100 tons - long boom pay applicable); Mass excavator (less than 750 cu. yds.); Mechanical finishing machine; Mobile form traveler; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired scraper (pushing one another, w/o Push Cat, Push-Pull - \$50 p/h additional to base rate); Rubber-tired self-loading scraper (Paddle wheel - Auger type self-loading, 2 or more units); Tandem equipment (2 units); Tandem tractor (Quad or similar type); Tunnel mole boring machine

Group 9: Canal liner operator; Canal trimmer operator; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment (\$1.00 p/h additional to base rate); Wheel excavator operator (over 750 cu. y.)

SUPERSEDES DECISION

STATE: California COUNTY: San Diego
 DECISION NUMBER: CA75-5021 DATE: Date of Publication
 SUPERSEDES Decision No. AB-1048 dated November 22, 1974, in 39 FR 41120
 DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		M & W	Vacation	Pensions	Yardstick	
ASBESTOS WORKERS	\$10.17	.78	.72	.045		.045
BOILERMAKERS	8.50	.65	1.00	.50		.02
BRICKLAYERS; Stonemasons	9.00	.70	.90			.06
BRICK, BLOCK & STONEMASONS*						
TENDERS	7.23	.60	1.39	.50		
CARPENTERS:						
Carpenters	7.51	.56	.85	.50		.02
Piledrivers	7.64	.56	.85	.50		.02
Millwrights; Pneumatic nailers;						
Hardwood floorlayers	7.76	.56	.85	.50		.02
CEMENT MASONS:						
Cement masons	6.74	.55	.96	.75		.045
Cement masons color work - curb						
machine operator	6.865	.55	.96	.75		.045
Composition, mastic or epoxy						
finishing machine operator	6.99	.55	.96	.75		.045
DRYWALL INSTALLERS	8.40	.56	.65	.50		.04
ELECTRICIANS:						
Electricians	9.72	.48	12+.73			.02
Cable Splicers	10.02	.48	12+.73			.02
ELEVATOR CONSTRUCTORS	10.76	.445	.29	3%+*		.02
ELEVATOR CONSTRUCTORS* HELPERS	70LJR	.445	.29	3%+*		.02
ELEVATOR CONSTRUCTORS* HELPERS						
(PROB.)	50LJR	.55	.60			
GLAZIERS	9.69					
IRONWORKERS:						
Fence erectors	8.89	.88	1.375	1.03		.03
Reinforcing	9.78	.88	1.375	1.03		.03
Ornamental; Structural						
IRRIGATION AND LAWN SPRINKLERS	8.00	.88	1.375	1.03		.03
LATERS (Northern portion of San						
Diego County from center of City						
of Del Mar)	7.67	.50	.75	.50		.02
LATERS (Remainder of County)	9.45	.45	.70	.70		
LINE CONSTRUCTION:						
Linemen	9.72	.48	12+.23			
Cable Splicers	10.02	.48	12+.23			
MARBLE SETTERS	8.01	.55	.85	.60		
MARBLE SETTERS* HELPERS	6.89	.40	.65	.75		

PAINTERS:

Brush

Spray; Swing stage, brush

Paperhangers; Spray, swing stage;

Sandblaster

PLASTERERS

PLASTERERS* TENDERS

PLUMBERS; Steamfitters

ROOFERS

SHEET METAL WORKERS

SOFT FLOOR LAYERS

SPRINKLER FITTERS

TERRAZZO WORKERS

TILE SETTERS

RIGGERS; Welders - Receive rate

prescribed for craft performing

operation to which rigging or

welding is incidental.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2%

of basic hourly rate for 6 months to 5 years' service as Vacation Pay

Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;

E-Thanksgiving Day; F-Christmas Day.

LABORERS

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & V	Pensions	Vacation	
\$6.31	.60	1.39	.50	.10
6.36	.60	1.39	.50	.10
6.39	.60	1.39	.50	.10
6.41	.60	1.39	.50	.10
6.435	.60	1.39	.50	.10
6.44	.60	1.39	.50	.10
6.46	.60	1.39	.50	.10
6.49	.60	1.39	.50	.10
6.50	.60	1.39	.50	.10

LABORERS, general construction; Gas and oil pipelines; Jet man; Tool shed checker; Using dry pack

CUTTING TORCH OPERATOR (demolition); Scaler

GUINEA CRASER

FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS; PAVING (Sewer and drainage lines); Landscape Caréner and Nursery Man

LABORER (packing rod steel and pans); Tank scaler and clemmer

DRILLER'S HELPER (Caisson) Incl. bellows; Boring Machine

WINDOW CLEANER; Chuck tender (except tunnels); Septic tank digger and installer (leadman)

CESSPOOL DIGGER AND INSTALLER

CONCRETE CURER; Impervious membrane; Riprap stonepaver; Sandblaster (pot tender); Pipe-layer backup man, coating, grouting, making of joints, sealing, caulking diaphragms, and including rubber Easket joints; Pointing, and any and all other services

LABORERS (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & V	Pensions	Vacation	
\$6.52	.60	1.39	.50	.10
6.57	.60	1.39	.50	.10
6.60	.60	1.39	.50	.10
6.62	.60	1.39	.50	.10
6.65	.60	1.39	.50	.10
6.67	.60	1.39	.50	.10
6.735	.60	1.39	.50	.10
6.76	.60	1.39	.50	.10
6.795	.60	1.39	.50	.10
6.83	.60	1.39	.50	.10

ASPHALT BAKER, IRONER, SPREADER; Baggyobile man; Cement dumper (on 1 yard or larger mixers and handling bulk cement); Concrete saw man (excluding tractor type); Roto-scraper, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper; Pot tenders of pneumatic and electric tools, concrete pump; Vibrating machine and similar mechanical tools not separately classified herein; Tree climber using mechanical tools

ROCK SLINGER; Scaler (using bos'n chair or safety belt or power tools)

DRILLERS, all others where drilling is for use of explosives

PIPELAYER, METALLIC OR NON-METALLIC (including water sewage, soil, gas, air); Welding in connection with laborers' work

GAS AND OIL PIPELINE WRAPPER (6" pipe and over)

CRIBBER, SHORER, LAGGING, SHEETING AND TRESCON BRACING; Hand-guided lagging hammer

STEEL HEADERBOARD MAN

DRILLERS - (all power drills, including jackhammer, wheather core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills; Sand-blaster (nozzlemann)

POUNDERMAN, BLASTERS

HEAD ROCK SLINGER

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GA75-5021 P. 5

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & V	Pensions	Vacation	
PICKUPS (3/4 ton & under), Swampers and helpers; Traffic control pilot car (excl. moving heavy equipment)	\$ 6.42	.70	.70	1.00	.05
WAREHOUSEMAN	6.67	.70	.70	1.00	.05
INDUSTRIAL LIFT	6.75	.70	.70	1.00	.05
DUMP (less than 8 yds.); Dump or flatbed (2 axle); Concrete pumping; Forklift (under 15,000 lbs.)	6.78	.70	.70	1.00	.05
DUMP (8 yds. & under 12); Dump or flatbed (3 axles); Bomberman	6.83	.70	.70	1.00	.05
FORKLIFT (15,000 lbs. & over); Boss Carrier	6.90	.70	.70	1.00	.05
DUMP (12 yds. & under 16); Dump or flatbed (3 axles, with semi)	6.91	.70	.70	1.00	.05
WATER TRUCKS (2 axles); Erosion Control Workmen; Pipeline drivers (incl. winch & oil sizes); Bowd oil spreader, cement distributor or slurry; Road oil or slurry boatman; Frell truck	6.93	.70	.70	1.00	.05
DUMPCRETE (less than 6-1/2 yds.)	6.99	.70	.70	1.00	.05
EROSION CONTROL DRIVER; Water truck (3 axles)	7.05	.70	.70	1.00	.05
FUEL OR DYNAMITE AND EXPLOSIVES	7.08	.70	.70	1.00	.05
DUMP (16 yds. & under 25); Dump or flatbed (4 axle or more); Lumber and trailer; Transit mix (under 8 yds.); Grout mixer; Dumcrete (6-1/2 yds. & over); Dumpster	7.13	.70	.70	1.00	.05
DUMP (25 yds. & under 35)	7.18	.70	.70	1.00	.05

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & V	Pensions	Vacation	
DW 10's or DW 20's or Euclid type equipment; Letourneau Pulls, Terra Cobras or similar type of equipment regardless of type of attachments when performing work in the transmitters' jurisdiction or FH or similar type of dump truck with loading attachments	\$ 7.20	.70	.70	1.00	.05
TRUCK GREASER	7.21	.70	.70	1.00	.05
7 AXLES OR DOUBLE LOWBED or combination of vehicles when under permit load	7.255	.70	.70	1.00	.05
TRANSIT MIX (8 yds. & over)	7.27	.70	.70	1.00	.05
TIREMAN	7.31	.70	.70	1.00	.05
DUMP (35 yds. & under 50)	7.33	.70	.70	1.00	.05
WATER PULL TANKERS; Welders; A-Frame or Swedish crane	7.40	.70	.70	1.00	.05
DUMP (50 yds. & under 65)	7.48	.70	.70	1.00	.05
TRUCK REPAIRMAN	7.50	.70	.70	1.00	.05
WELDER HELPER	7.62	.70	.70	1.00	.05
DUMP (65 yds. & over)	7.63	.70	.70	1.00	.05

POWER EQUIPMENT OPERATORS
 (Except Piledriving and Steel Erection)

Group	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		M & V	Pensions	Variable	
Group 1:	\$8.13	.95	1.50	.30	.04
Group 2:	8.39	.95	1.50	.30	.04
Group 3:	8.64	.95	1.50	.30	.04
Group 4:	8.76	.95	1.50	.30	.04
Group 5:	8.96	.95	1.50	.30	.04
Group 6:	9.06	.95	1.50	.30	.04
Group 7:	9.17	.95	1.50	.30	.04
Group 8:	9.32	.95	1.50	.30	.04
Group 9:	9.43	.95	1.50	.30	.04

Group 1: Brakeman; Compressor engineer oiler; Generator; Heavy duty repairman helper; Pump; Signalman; Switchman

Group 2: Concrete mixer, skip type; Conveyor; Fireman; Generator, pump or compressor, 2 - 5 inclusive, hydrostatic pump; Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. w/o attachments; Sodis field technicians. Tar pot fireman; Temporary heating plant; trenching machine oiler, Well point pump

Group 3: Elevator (inside); Ford Ferguson - w/drag; Helicopter radio-man (ground); Oiler-crusher (asphalt or concrete plant); Power concrete curing machine operator; Power concrete saw, Power driven jumbo form setter; Stationary pipe wrapping and cleaning machine; Truck crane oiler

Group 4: Asphalt plant fireman; Boring machine; Chip spreading machine; Concrete pump; Concrete pump (truck mounted); Dinky locomotive or motorcar (10 tons); Helicopter hoist; Helicopter radio-man; Highline cableway signalman; Power sweeper; Screed; Rodman and chair-man; Trenching machine (up to 6')

Group 5: A-frame winch truck; Asphalt plant or concrete batch plant; Asphalt spreading machine (spreader bar and similar); Bit sharpener; Boxman or mixerman (asphalt or concrete); Concrete joint machine (canal and similar type); Concrete planer; Drilling machine (water wells); Equipment greaser (mobile and grease rack); Ford Ferguson or similar type (w/drag attachments); Forklift (under 5 ton capacity); Hydra-hammer-hero stomper; Hydrographic seeder machine (straw, pump, or seed); Instrumentman; Machine tool; McGinnis internal roll vibrator; Mechanical beam, curb or gutter (concrete or asphalt); Mechanical finisher (concrete, Clary-Johnson-Bidwell or similar); Pavement breaker (truck mounted); Road oil mixing machine; Roller; Ross carrier (jobsite); Self-propelled tar pipelining machine; Skiploader (wheel or track type over 3/4 yd. up to and incl. 1-1/2 yds.); Skip form pump (power driven hydraulic lifting device for concrete forms); Stinger crane (Austin-Western or similar type); Traveling pipe wrapping, cleaning and bending machine; Truck type loader; Tugger hoist (1 drum)

Group 6: Asphalt or concrete plant engineer; Asphalt or concrete spreading (tamping or finishing); Asphalt paving machine (Barber Greene or similar type); Belt splicer or vulcanizer; BIL Lima Road Factor, Wagner Factor or similar; Bridge crane; Bridge type unloader and turntable; Cast-in-place pipe laying machine; Combination mixer and compressor (gunnite work); Concrete mixer-paving; Crane (up to and incl. 25 ton capacity - long boom psy applicable); Crushing plant; Deck engine; Drill doctor; Elevating grader; Forklift (over 5 tons); Grapple; Grade checker; Grouting machine; Heading shield; Heavy duty repairman; Hoist (single drum-bock-hoist-Chicago boom and similar type).

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POWER EQUIPMENT OPERATORS (CONT'D):
(Except Pile-driving and Steel Erection)

Hoist (2 to 3 drum); Kolsman belt loader and similar type; LeTourneau bib-compactor or similar type; Lift mobile; Lift slab machine (Vagborg and similar types); Material hoist (1 drum); Mucking machine (1/4 yd. rubber-tired, rail or track type); Pile-driver; Pneumatic concrete placing machine (Eckley-Fresswell or similar type); Pneumatic heading shield (Tunnel); Pumpcrete gun; Rotary drill (excl. Catson type); Rubber-tired earth moving equipment (single engine-Caterpillar, Euclid, Athey wagon, Water Falls and similar types with any and all attachments up to 50 cu. yds. struck); Rubber-tired scraper (self-loading saddle wheel type John Deere, 1040 and similar type up to 6 1/2 yds.); Skiploader (wheel or track type, over 1 1/2 yds. up to and incl. 6 1/2 yds.); Surface beaters and planer; Tractor-compressor-drill combination; Tractor, (Ballouer, Tamper, Scraper and Push Tractor, single engine); Trenching machine (over 6' depth cap, manufacturers' rating); Tunnel locomotive (10 to 30 tons); Universal equipment (Shovel, backhoe, dragline, clamshell, up to and incl. 1 cu. yd. MDC) (long boom pay applicable)

Group 7: Crane (over 25 tons up to and incl. 100 ton MDC) (long boom pay applicable); Derrick barge; Dual drum mixer; Hoist (2 or 3 drum w/boom attachment); Hoist (Stiff legs, Guy derricks or similar type up to 100 ton capacity - Ciler or long boom pay applicable); Loader (Athy, Euclid, Sierra or similar type); Monorail locomotive (Diesel, Gas or electric); Motor patrol - Blade; Multiple engine tractor (Euclid and similar type, except Quad 9 Cat); Party chief; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type up to 50 cu. yds. struck); Tractor (boom attachments - over 40' boom); Tractor loader (Crawler and wheel type over 6 1/2 yds.); Tower crane (2 operators required); Tower crane repairman; Universal equipment (Shovel, Backhoe, Dragline, Clamshell, over 1 cu. yd. MDC); Welder (heavy duty repairman) combination; Wood mixer and other similar Pughill equipment

Group 8: Auto grader; Automatic slip form crane, over 100 tons (long boom pay applicable); Hoist (Stiff legs, Guy derricks or similar types, capable of hoisting over 100 tons - long boom pay applicable); Mass excavator (less than 750 cu. yds.); Mechanical finishing machine; Mobile form traveler; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired scraper (pushing one another, w/o Push Cat, Push-Pull - \$50 p/h additional to base rate); Rubber-tired self-loading scraper (Paddle wheel - Auger type self-loading, 2 or more units); Tandem equipment (2 units); Tandem tractor (Quad or similar type); Tunnel mole, boring machine

Group 9: Canal liner operator; Canal trimmer operator; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment (\$1.00 p/h additional to base rate); Wheel excavator operator (over 750 cu. yd.)

NOTICES

DECISION NO. 1175-2015

HEAVY CONSTRUCTION

LABORERS:

St. Clair County - New Athens:
 Laborers
 Brick and Plaster Mason Tenders
 Workmen cutting and burning on
 w/a Torch and Men working on
 the bottom of sewer, etc.
 Dynamite Men
 Greene County - Roodhouse:
 Laborers
 Brick and Plaster Mason Tenders
 Workmen cutting and burning
 w/a torch and men working on
 the bottom of sewer, etc.
 Dynamite Men
 St. Clair County - Freeburg:
 Laborers
 Brick and Plaster Mason Tenders
 Workmen cutting and burning
 w/a torch and men working on
 the bottom of sewer, etc.
 Dynamite Men
 Macoupin County - Gillespie:
 Madison County - Highland:
 Laborers
 Brick and Plaster Mason Tenders
 Workmen cutting and burning w/a
 torch and Men working on the
 bottom of sewer, etc.
 Dynamite Men
 Madison County - St. Jacob:
 Laborers
 Brick and Plaster Mason Tenders
 Workmen cutting and burning w/a
 torch and Men working on the
 bottom of sewer, etc.
 Dynamite Men

COUNTIES: Bond, Calhoun, Clinton,
 Greene, Jersey, Macoupin,
 Madison, Monroe, Montgomery,
 St. Clair & Washington

DATE: Date of Publication
 2, 1974, 35 FR 28037

DESCRIPTION OF WORK: Heavy and Highway Construction

ILL-RE-DIST. #8

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Pensions	Vacation	
\$9.585	.50	.50		
9.535	.40	.75		
8.975	.50	.50		
10.425				
9.475	.60	.35		.05
8.80	.45	.65		1/3 of 1% .25%
8.90	.45	.60		
10.19	.30	1%	6%	
9.72	4%	1%		
8.55	.35	.15		
8.80	.35	.15		
9.05	.35	.15		

CARPENTERS and Piledrivers:
 Bond, Calhoun, Green, Jersey,
 and Madison Counties
 Clinton, Monroe, St. Clair and
 Washington Counties
 Macoupin and Montgomery Counties
 CEMENT MASONS:
 All of Calhoun, Jersey, St. Clair,
 Washington and Monroe Counties,
 Western 1/2 of Clinton County,
 East to but not including
 Carlyle; Southern part of Bond
 County, north to and including
 Southboro; Madison County,
 except for the Southwestern tip
 of Greene County
 Green, Macoupin and Montgomery
 Counties, Eastern 1/2 of Clinton
 County, including Carlyle; the
 Northern part of Bond County
 and the Northeastern section of
 Madison County
 IRONWORKERS:
 Bond, Calhoun, Clinton, Jersey,
 Madison, Monroe, St. Clair, and
 Washington Counties, Summerville
 and South thereof in Macoupin
 County and Litchfield, Hillsboro
 and South thereof in Montgomery
 Green, Macoupin Counties north of
 Summerville and Montgomery Co.
 LUMBERMEN:
 North of Litchfield and Hillsboro
 Greene, Calhoun, Jersey, Madison
 Counties (Alton and Wood River)
 Remainder of District #8
 PAINTERS:
 Brush
 Rollers
 Bridges

SUPERSEDES DECISION

STATE: Illinois

DECISION NUMBER: 1175-2015

Supersedes Decision No. AB-3061 dated August 2, 1974, 35 FR 28037

DESCRIPTION OF WORK: Heavy and Highway Construction

DECISION NO. 1175-2015

HIGHWAY CONSTRUCTION

Zone I

Area 1: Madison County - Alton

Labors
Asphalt Baker, etc.
Brick Mason Tenders
Men working on the bottom, etc.
Dynamite Men

Area 2: St. Clair Co. - New Athens

Labors
Asphalt Baker, etc.
Brick Mason Tenders
Men working on the bottom, etc.
Dynamite Men

Area 3: St. Clair County - East

St. Louis, Madison County
Granite City

Labors
Asphalt Baker, etc.
Brick Mason Tenders
Men working on the bottom, etc.
Dynamite Men

Area 4: Madison County-Edwardsville

Labors
Asphalt Baker, etc.
Brick Mason Tenders
Men working on the bottom, etc.
Dynamite Men

Area 5: Madison County - Wood

River
Labors
Asphalt Baker, etc.
Brick Mason Tenders
Men working on the bottom, etc.
Dynamite Men

DECISION NO. 1175-2015

LABORERS (Cont'd)

Washington County - Nashville;
Macoupin County - Stanton;
Clinton County - Trenton;
Madison County - Troy;

Labors
Brick and Plaster Mason Tenders
Workmen cutting and burning w/a
torch and Men working on the
bottom of sewer, etc.
Dynamite Men

Madison County - Chester

Labors
Brick and Plaster Mason Tenders
Workmen cutting and burning w/a
torch and Men working on the
bottom of sewer, etc.
Dynamite Men

Madison County - Glen Carbon

Labors
Brick and Plaster Mason Tenders
Workmen cutting and burning w/a
torch and Men working on the
bottom of sewer, etc.
Dynamite Men

Washington County - Okawville;

Macoupin County - Carlinville;
Clinton County; Carlyle; Bond
County - Greenville, Pocaotas,
Sorento; Calhoun County - Harding;
Montgomery County - Litchfield,
Hillboro; Jersey County -

Jerseyville; Madison County -
Livingston, Marine; Randolph
County - Sparta;

Labors
Brick and Plaster Mason Tenders
Workmen cutting and burning w/a
torch and Men working on the
bottom of sewer, etc.
Dynamite Men

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DECISION NO. 1175-2015

HIGHWAY CONSTRUCTION

Zone I

Area 1: Madison County - Alton

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Asphalt Baker, etc.
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Dynamite Men

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Men working on the bottom, etc.
Dynamite Men

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St. Louis, Madison County
Granite City

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Asphalt Baker, etc.
Brick Mason Tenders
Men working on the bottom, etc.
Dynamite Men

Area 4: Madison County-Edwardsville

Labors
Asphalt Baker, etc.
Brick Mason Tenders
Men working on the bottom, etc.
Dynamite Men

Area 5: Madison County - Wood

River
Labors
Asphalt Baker, etc.
Brick Mason Tenders
Men working on the bottom, etc.
Dynamite Men

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DECISION NO. 1175-2015

HIGHWAY CONSTRUCTION

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Brick Mason Tenders
Men working on the bottom, etc.
Dynamite Men

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Labors
Asphalt Baker, etc.
Brick Mason Tenders
Men working on the bottom, etc.
Dynamite Men

Area 3: St. Clair County - East

St. Louis, Madison County
Granite City

Labors
Asphalt Baker, etc.
Brick Mason Tenders
Men working on the bottom, etc.
Dynamite Men

Area 4: Madison County-Edwardsville

Labors
Asphalt Baker, etc.
Brick Mason Tenders
Men working on the bottom, etc.
Dynamite Men

Area 5: Madison County - Wood

River
Labors
Asphalt Baker, etc.
Brick Mason Tenders
Men working on the bottom, etc.
Dynamite Men

DECISION NO. 1175-2015

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Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pensions	Vacation	
<p>ZONE II Area 1: Washington County - Ahler and Okonville; Natoum County - Mt. Olive, Shilsum and Carlisle; St. Clair County - Mascoutah, O'Fallon and Collinsville; Madison County - Marine and Livingston; Clinton County - Carlyle; Randolph County - Speer; Bond County - Trecoville; Pocahontas and Sevier; Calhoun County - Hardin; Monticello County - Hilliard and Lithfield</p>				
\$8.90		.20		.035
9.00		.20		.035
9.40		.20		.035
9.15		.20		.035
10.425		.20		.035
<p>Area 2: Washington County - Nashville; Macoupin County - Steamboat; Madison County - Trenton; Madison County - Troy</p>				
8.80		.30		.035
8.90		.30		.035
9.30		.30		.035
9.05		.30		.035
10.325		.30		.035
<p>Area 3: St. Clair Co. - Belleville</p>				
8.40	.30	.40		.035
8.50	.30	.40		.035
8.90	.30	.40		.035
8.65	.30	.40		.035
9.925	.30	.40		.035
<p>Area 4: Madison County - Glen Carbon</p>				
8.75		.35		.035
8.85		.35		.035
9.25		.35		.035
9.00		.35		.035
10.275		.35		.035

DECISION NO. 1175-2015

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Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pensions	Vacation	
<p>Area 5: Randolph County - Chester</p>				
\$8.60		.50		.035
8.70		.50		.035
9.10		.50		.035
8.85		.50		.035
10.125		.50		.035
<p>Area 6: Green County - Woodhouse</p>				
8.60		.50		.035
8.70		.50		.035
9.10		.50		.035
8.85		.50		.035
10.125		.50		.035
<p>Area 7: Madison County - Highland; Macoupin County - Gillespie</p>				
8.70		.40		.035
8.80		.40		.035
9.20		.40		.035
8.55		.40		.035
10.225		.40		.035
<p>Area 8: Montee County - Columbia</p>				
8.85		.25		.035
8.95		.25		.035
9.35		.25		.035
9.10		.25		.035
10.375		.25		.035
<p>Area 9: St. Clair Co. - Freeburg</p>				
8.65	.25	.20		.035
8.75	.25	.20		.035
9.15	.25	.20		.035
8.90	.25	.20		.035
10.175	.25	.20		.035
<p>Area 10: Madison County - St. Jacob</p>				
8.70		.40		.035
8.80		.40		.035
9.20		.40		.035
8.95		.40		.035
10.225		.40		.035

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TRUCK DRIVERS

ILL-82-ID-1-2-3

Basic Hourly Rates	Fringe Benefits Payments		
	H.R.R.	Vacation	Adv. Tr.
\$8.10	.45	\$13.00	
8.50	.45	\$13.00	
8.70	.45	\$13.00	

- GROUP I
- GROUP II
- GROUP III

CLASSIFICATIONS

GROUP I

Drivers on 2 axle trucks hauling less than 9 ton, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tinsmen, pick-up trucks when hauling material, tools, or men to and from and on the job site; Fork lifts up to 6,000 lbs. capacity.

GROUP II

2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 ton; A-frame winch trucks, hydraulic trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III

2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman, 5-axle or more combination units; dispatchers.

FOOTNOTE:

a.- Per Week Per Employee.

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POWER EQUIPMENT OPERATORS

Basic Hourly Rates	Fringe Benefits Payments		
	H.R.R.	Vacation	Adv. Tr.
\$9.63	.42	.90	.05
8.80	.42	.90	.05
8.15	.42	.90	.05
8.05	.42	.90	.05
7.80	.42	.90	.05
11.78	.42	.90	.05
12.08	.42	.90	.05
9.90	.42	.90	.05
10.40	.42	.90	.05

- GROUP I
- GROUP II
- GROUP III
- GROUP IV
- GROUP V
- GROUP VI
- a.
- b.
- c.
- d.

POWER EQUIPMENT OPERATORS

CLASSIFICATIONS

GROUP I: Cranes, draglines, shovels, skimmer scoops, chumshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant ops., concrete plant ops., ditching machines or backhoes (requiring oilers), dredges, signal spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower cranes, hoists-24m or more (where oiler or fireman is required), hoists-24m or more (where oiler or fireman is not required), hydraulic backhoes, tamping machines or backfiller (not requiring oilers) Sherry pickers, overhead cranes, roller (steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement mill derrick-type drills, mixers (over 3 bags) and boat cranes. (25' & over), Motor graders or pushers, scoops or trowels, bulldozers, endloaders or fork-lifts, power blais or elevating graders, winch cars, boom tractors, and pipe strapping or painting machines Drills (other than derrick type) 1-Crui-hoists, and jacks, mixers (2 or 3 bags), concrete (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), mixers (with 2 bags), all tractors regardless of size (straight tractor only), firemen on steam-boilers, automatic elevators, form grading machines, finishing machines, power sub-grids or ribbon machines, longitudinal floats, boats ops., (under 25', conveyors (1), diaphragm pots., on trucks, sifters or jets (1) winch heads or apparatuses (1), light plant mixers (under 2 bags)

GROUP II: Air Compressor (1), water pumps regardless of size (1) welding machines (1)

GROUP III: Fireman and asphalt spreader oilers

GROUP IV: Heavy equipment oilers (truck cranes, dredges, monoguns, large cranes, etc.

GROUP V: Oilers

GROUP VI:

- a. Engineers operating under air pressure
- b. Engineers operating in air over 10 lbs. pressure
- c. Oilers operating under air pressure
- d. Oilers operating in air over 10 lbs pressure

SUPERSEDES DECISION

STATE: Illinois
 COUNTY: Madison and St. Clair
 DECISION NUMBER: IL75-2016
 DATE: Date of Publication
 Supersedes Decision No. 48-3174 dated November 19, 1974, in 38 FR 41661
 DESCRIPTION OF WORK: Building (Including Residential), Construction.

DECISION NO. IL75-2016

	Basic Hourly Rates	Fringe Benefits Payments			App. T.
		H & V	Pensions	Vacation	
ASBESTOS WORKERS	\$10.48	.55	.62		
BOILERMAKERS	9.15	.60	1.00		.01
BRICKLAYERS: Madison County					
Alton; Wood River and Vicinities	9.60	.30	.50		
Bricklayers; Stonemasons; Tile- Terrazzo-Marble Workers					
Edwardsville; Marine; Highlines; Troy	8.63	.30	.50	1.00	
Granite City and Vicinity					
Bricklayers; Stonemasons					
Building	8.75		.50	1.00	.05
Residential	8.50		.50	1.00	.05
St. Clair County					
East St. Louis and Vicinity					
Bricklayers; Marble-Tile- Terrazzo Workers; Stonemasons					
Belleville and Vicinity	9.63	.30	.50	1.00	
Bricklayers; Stonemasons					
CARPENTERS: Madison County	9.40		.30	1.00	
Carpenters; Millwrights; Piledrivermen; Soft Floor Layers					
Building	9.585	.50	.50		
Residential-up to 4 family apts.	9.185	.50	.50		
St. Clair County					
Carpenters; Millwrights; Piledrivermen; Soft Floor Layers					
CEMENT MASONS	9.235	.40	.75		
ELECTRICIANS:	9.475	.60	.35		
Alton and Vicinity in Madison Co. of Madison County	10.19	.30	1%	6%	1/2 of 1%
ELEVATOR CONSTRUCTORS	9.38	.4%	12+.65	6%	.25%
ELEVATOR CONSTRUCTORS' HELPERS	9.24	.445	.25	21+.65	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROP.)	70LJR	.445	.25	21+.65	.02
IRONWORKERS	50LJR	.45	.65		
	8.80				

LABORERS: (Madison County)
 Alton:
 Common Laborer
 Laying sewer and all sewer work
 Well digging gunnite machine and
 nozzle operator on gunnite;
 Sandblasting, rig/rapping work
 Wood River:
 Common Laborer
 Laying sewer and all sewer work
 Well digging, machine and nozzle
 operator on gunnite
 Granite City, Madison, Venice,
 Naneski and Mitchell:
 Common Laborers
 Open Well
 Cutting, burning and welding
 Plasterers' and Brickmasons'
 Tenders
 Dynamite and powdermen
 Dynamite and powdermen helpers
 Collinsville:
 Common Laborers
 Burning and cutting w/torch (2-
 men); Raking and teting asphalt
 and power saw
 Mason and plasterer tenders
 Dynamite Men
 Edwardsville:
 Common Laborer
 Men working in main sewer ditch
 Plaster and mason tenders
 Dynamite and powder men
 Dynamite and powder men helpers
 Glen Carbon:
 Common Laborer
 Mason and plasterer tenders
 Dynamite men

	Basic Hourly Rates	Fringe Benefits Payments			App. T.
		H & V	Pensions	Vacation	
	\$8.45	.35	.30		.035
	8.55	.35	.30		.035
	8.70	.35	.30		.035
	8.60		.50		.035
	8.70		.50		.035
	8.85		.50		.035
	8.15	.40	.55		.035
	8.65	.40	.55		.035
	8.425	.40	.55		.035
	8.65	.40	.55		.035
	9.675	.40	.55		.035
	8.675	.40	.55		.035
	8.90		.20		.035
	9.15		.20		.035
	9.40		.20		.035
	10.20		.20		.035
	8.85		.25		.035
	9.10		.25		.035
	9.35		.25		.035
	10.375		.25		.035
	9.375		.25		.035
	8.75		.35		.035
	9.25		.35		.035
	10.35		.35		.035

DECISION NO. 1175-2016

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		M & V	Pensions	Vacation	
LABORERS (Cont'd)					
Freebary and Vicinity:					
Laborers	\$8.55	.25	.20		.035
All sewer work	8.80	.25	.20		.035
Mason Tenders and Plaster Tenders	9.05	.25	.20		.035
Dynamite Men	10.15	.25	.20		.035
New Athens and Vicinity:					
Laborers	8.45	.25	.30		.035
Bottom Men on sewer work	8.70	.25	.30		.035
Mason and Plaster Tenders	8.95	.25	.30		.035
Mason and Plaster Tenders	8.435			.65	.01
Mason and Plaster Tenders	9.25	.35		c	.01
LEADERS					
Residential; Commercial	8.55	.35	.15		
Industrial	8.80	.35	.15		
Bridges; Grain Elevators; Water- Radio and TV Towers; Stacks	9.05	.35	.15		
Stacks; Boatwain Chairs; Picks; Scaffolds supported by ropes or cables; Rollers; Wool of Felt					
Applicators - additional \$.25 per hour					
Rollers; Wool or Felt Applicators on Industrial work - additional \$.50 per hour					
Spray; Sand and water blasting; Steam cleaning - additional \$.00 per hour	9.935				.01
PLASTERERS					
Alton and Northern part of Madison County; North of Mitchell	10.50	.42	.84		
Granite City; Southern 1/2 of Madison County and East St. Louis and Vicinity in St. Clair County	9.50	.48	.48		
Belleville and Vicinity	9.41	.29	1.00		
ROOFERS:					
Composition; Slate; Tile	7.80	.27	.30	.75	.03
Kettlemen	5.60	.27	.30	.75	.03
SHEET METAL WORKERS	8.18	.20	.25	.62	.01
SPRINKLER FITTERS	9.40	.50	.70		.08
WELDERS - receive rate proscribed for craft performing operation to which welding is incidental.					

DECISION NO. 1175-2016

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		M & V	Pensions	Vacation	
LABORERS (Cont'd)					
HIGHLAND:					
Common Laborers	\$8.60	.40			.035
Mason and Plasterers Tenders	9.10	.40			.035
Workman cutting and burning w/ torch	8.85	.40			.035
LIVINGSTON:					
Common Laborers	8.80	.20			.035
Working on the bottom of sewer	9.05	.20			.035
Mason and Plasterer Tenders	9.30	.20			.035
MARINE:					
Common Laborer	8.80	.20			.035
Mason and Plasterer Tenders	9.30	.20			.035
Working on the bottom of sewer	9.05	.20			.035
TROY:					
Common Laborer	8.70	.30			.035
Mason and Plasterer Tenders	9.20	.30			.035
Working on the bottom of sewer	8.95	.30			.035
ST. JACOB:					
Common Laborer	8.60	.40			.035
Mason and Plasterer Tenders	9.10	.40			.035
Working in sewer trenches	8.85	.40			.035
LABORERS (St. Clair County)					
East of St. Louis and Vicinity					
Laborers	8.15	.55			.035
Bottom Men on sewer work	8.41	.40			.035
Dynamite Men	9.675	.55			.035
Hod Carriers:					
Plastering	7.75	.25			.035
Masonry	8.15	.20			.035
Belleville and Vicinity:					
Laborers	8.40	.30			.035
Bottom Men on sewer work	8.65	.30			.035
Dynamite Men and Powder Men	9.90	.30			.035
Hod Carriers	9.25	.20		1.20	
Plasterers' Tenders	9.25	.20		1.20	
O'Fallon, Mascoutah, Scott AFB, Shilo and Lebanon and Vicinity:					
Laborers	8.70	.40			.035
Bottom Men on sewer work	8.95	.40			.035
Brickmason Tenders	9.30	.40			.035
Plasterers' Tenders	9.20	.40			.035
Mortar Mixers	9.30	.40			.035

PAID HOLIDAYS (where applicable)
 A-New Year's Day; B-Memorial Day; C-Independence Day; F-Labor Day;
 E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years and 1% of regular hourly rate for employee who has worked in business more than 5 years.

b. Six Paid Holidays: A through F.

c. Mine paid holidays, A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work day immediately preceding and following the holiday.

TRUCK DRIVERS

ILL-62-TD-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		M & V	Pensions	Vacation	
GROUP I	\$8.10	.45	413.00		
GROUP II	8.50	.45	413.00		
GROUP III	8.70	.45	413.00		

CLASSIFICATIONS

GROUP I
 Drivers on 2 axle trucks hauling less than 9 ton, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site; Fork lifts up to 6,000 lbs. capacity.

GROUP II
 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 ton; A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III
 2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTE:
 a.* Per Week Per Employee.

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		M & V	Pensions	Vacation	
GROUP I	\$9.63	.42	.90		.05
GROUP II	8.80	.42	.90		.05
GROUP III	8.15	.42	.90		.05
GROUP IV	8.05	.42	.90		.05
GROUP V	7.80	.42	.90		.05
GROUP VI					
a.	11.78	.42	.90		.05
b.	12.08	.42	.90		.05
c.	9.90	.42	.90		.05
d.	10.40	.42	.90		.05

CLASSIFICATIONS

GROUP I: Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile-drivers, crane-type backhoes, asphalt plant ops., concrete plant ops., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't, master mechanic, all locomotives, cableways or tower machines, hoists-drum or more (where oiler or fireman is required), hoists-drum or more (where oiler or fireman is not required) hydraulic hoekness, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement yards, derrick-type drills, mixers (over 3 bags) and boat ops., (65' & over), Motor graders or pashoats, scoops or toumawalls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines Drills (other than derrick type) 1-drum-boists, and jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) alpha or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (winch 2 bags), all tractors regardless of size (straight tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power sub-grit or ribbon machine, longitudinal floats, boat ops., (under 25'), conveyors (1), disint for ports., on trucks, alpha or jets (1) winch heads or apparatuses (1), light plant (mixers (under 2 bags)

GROUP II: Air Compressor (1), water pumps regardless of size (1) welding machines (1) **GROUP III:** Firemen and asphalt spreader oilers
GROUP IV: Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.
GROUP V: Oillers
GROUP VI:

- a. Engineers operating under air pressure
- b. Engineers operating in air over 10 lbs. pressure
- c. Oillers operating under air pressure
- d. Oillers operating in air over 10 lbs pressure

SUPERSEDES DECISION

STATE: NEW YORK
 COUNTY: SUFFOLK
 DECISION NO.: NYS-3012
 DATE: DATE OF PUBLICATION
 SUPERSEDES DECISION No. AQ-2112 dated May 3, 1974 in 39 FR 15673
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

52-New York-1-2-3-X 1 of 4

	Fringe Benefits Payments				App. To
	Basic Hourly Rates	H & V	Pensions	Vacation	
BUILDING, HEAVY & HIGHWAY CONSTRUCTION					
Asbestos workers	\$ 9.45	13.14	5%	12%	.02
Boilermakers	10.57	5%	15%	7%	
Bricklayers:					
Center Moriches on the south shore and following Chichester Avenue, North of Balding Street and areas east thereof including the off shore islands:					
Bricklayers, cement masons and plasterers	10.40	.40	2.00	.30	
Remainder of County:					
Bricklayers	9.40	.78	2.92	.30	
Cement masons	9.35	1.005	1.505	1.00	.01
Plasterers	8.10	1.00	.40	1.00	.01
Carpenters:					
Fishers Islands:					
Carpenters & soft floor layers	9.26	.70	.40		
Remainder of County:					
Carpenters & soft floor layers	9.00	.85	1.23	.80	.11
Piledrivemen	9.00	.85	1.23	.80	.11
Timbermen, wharf & dock builders	9.00	.85	1.23	.80	.11
Carpenters, Heavy:					
Carpenters	9.00	.85	1.23	.80	.11
Dock and wharf carpenters	9.00	.85	1.23	.80	.11
Piledrivemen	9.00	.85	1.23	.80	.11
Electricians and linemen	10.90	6%	1.35%	5%	5/8 of 1%
Elevator constructors	9.52	.445	.294b	c+d	.02
Elevator constructors' helpers	7.14	.445	.294b	c+d	.02
Elevator constructors' helpers (prob.)	4.76	.445	.294b	c+d	.02
Elevator constructors repair helpers	7.50	.445	.294b	c+d	.02
Elevator constructors' repair helpers	5.92	.445	.294b	c+d	.02
Elevator constructors modernization	8.75	.445	.294b	c+d	.02
Elevator constructors modernization helper	6.56	.075	.264b	c+d	.02
Glassiers	9.10	.66	1.66	.365	.03

NYS-3012 P. 2

52-New York-1-2-3-X 2 of 4

	Fringe Benefits Payments				App. To
	Basic Hourly Rates	H & V	Pensions	Vacation	
BUILDING, HEAVY & HIGHWAY CONSTRUCTION					
Ironworkers:					
Structural	\$10.00	1.00	2.20	1.20	.04
Ornamental finisher	8.40	.63	1.335	.76	.03
Bedforming	9.10	.785	1.765	.75	.01
Laborers, building:					
Laborers	8.00	.74	.83	.69	
Mason tenders	8.00	.74	.83	.69	
Mortar mixers	8.00	.74	.83	.69	
Plasterers' helpers	7.05	1.25		1.00	
Leathers, Metal	9.10	.785	1.765	.75	.01
Lead Burners	9.25	.35		e	.01
Millwrights	9.86	.96	1.63	.55	.02
Marble carvers	7.95	.63+.35	.66+.28	0	
Marble setters & cutters	7.80	.63+.35	.66+.28	0	
Marble helpers and crane operator	7.33	.59+.35	.63+.25	0	
Derrick men	7.33	.59+.35	.63+.25	0	
Marble sawyers, rubbers and polishers	7.57	.61+.35	.61+.26	0	
Painters:					
Brush	7.25	2.15	.50	.40	.05
Structural steel & spray	9.82	2.15	.50	.40	.05
Flumbers	9.75	.78	1.87	1.20	.16
Roofers:					
Composition damp & waterproofing	8.90	.66	1.98	1.20	.01
Slate and tile	6.45	.84	.50	5%	
Slate and tile helpers	5.13	.84	.50	5%	
Sheet metal workers:					
Fishers Island	9.30	.56	.51		.05
Remainder of County	9.445	.785	1.77	1.055	.04
Sprinkler fitters	8.655	74+.85	1.34	1.04	.05
Steam fitters	8.655	74+.85	1.34	1.04	.05
Stone derrickmen and riggers	10.28	74+.81	74+1.04		.01
Stone masons	9.75	.50	1.00		
Terrazzo workers	9.00	.78+.45	1.68		
Tile setters	8.25	.50	.70+1.00		
Tile setters' helpers	7.42	.52	.27+1.00		

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

52-New York-1-2-3-X 3 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

Truck drivers:
Ready-mix concrete, sand gravel & asphalt
Boiler and tower/crills operator
Tuck Pointers:
Steam cleaners
Sand-blasters

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pensions	Vacation	
\$ 8.00	.44	.55	6th	
8.075	.44	.55	8	
8.72	.70	.67+.77	.50	.015
8.97	.70	.67+.77	.50	.015
9.72	.70	.67+.77	.50	.015

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- a. Employer contributes \$1.29 per hour to an Annuity Fund.
- b. Employer contributes \$8.00 per day to Annuity Fund.
- c. Holidays: A through F; Lincoln's Birthday, Washington's Birthday; Columbus Day; Armistice Day & Election Day.
- d. Employer contributes 6.4% of basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- e. Holidays: A through F; Washington's Birthday, Texas Eve and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
- f. Employer contributes \$4.00 per day to Annuity Fund.
- g. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Veterans' Day, (providing employee works two days in the calendar week in which the holiday falls and shape each remaining workday during such calendar week.)
- h. For each 15 days worked within the contract year an employee will receive one day's vacation with pay, with a maximum vacation of three weeks per year.
- i. Employer contributes \$4.80 per day to Annuity Fund.
- j. Paid Holiday: New Year's Day & Texas Day providing the employee works the preceding and following the holiday.
- k. Employer contributes \$28.86 per month to Health & Welfare.
- l. Employer contributes \$29.13 per month to Pension Fund.
- m. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday; Columbus Day; Armistice Day; Election Day.
- n. Paid Holiday: St. Patrick's Day.

NOTICES

BUILDING CONSTRUCTION

N.Y. 10-LAB-2-3-B

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Passive	Vacation	
\$ 7.20	10%	10%	.75*a	
7.00	10%	10%	.75*a	
6.60	10%	10%	.75*a	

HEAVY AND HIGHWAY CONSTRUCTION

Laborers:
Concrete & curb form setters,
asphalt rollers
Asphalt workers & roller boys,
asphalt top shovelers and
smoothers, asphalt tappers
Jackhammers, & drill men,
hoysmen, carpenters' tenders,
pipe joiners and setters,
concrete laborers (structures),
stone spreading laborers,
trackmen, grading & excavating
laborers, yard laborers,
puddlers on concrete pavement,
laborers (other than above) on
concrete pavement, landscape
laborers, asphalt plant
(batcher & hopper men)

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Columbus Day, Lincoln's Birthday, Washington's Birthday, Veterans' Day; Election Day, provided employee works or shapes up the scheduled day before and the schedule day after the holiday.

POWER EQUIPMENT OPERATORS:

Asphalt spreader
Backhoe, dragline, gradall, piledriver, shovel
Batching plant (on site of job), power winch (used for stone or steel), power winch truck mounted (used for stone or steel), pump (concrete)
Banding machine, generator (small), vibrator (1 to 5), dinky locomotive
Boiler, bulldozer, compressor (on crane) compressor (pilework), compressor (stone setting), concrete breaker, conveyor, generator (pilework), loading machine (front end), maintenance engineer, mechanical compactors (machine driven), powerbores, power winch truck mounted (used for other than steel or stone), pavi-mixer, power winch (used for other than stone or steel), pump (double action diaphragm), pump (gypsum), pump (hydraulic pump (.5cc), pump (single action - 1 to 3), pump (well point), welding and burning, welding machine (pilework)
Boom truck, crane (crawler or truck), conveyor-belt, plant engine, stone spreader (self-propelled)
Compressor, compressor (2 or more in battery), generator, switch machine, pin puller, portable beaters, pump (4 inch or over), track tamper (2 engineers each), welding machine
Crane and boom truck (setting structural or stone)
Bulldozer (used for excavation), fireman, loading machine, powerboom, scoop (carry-all scraper), vac-all
CHI or maxim spreader, concrete spreader,errick, sideboom tractor
Compressor (structural steel)
Concrete saw or cutter, mixer (with skip) mixer (2 small, with or without skip), pump (up to 3 inches), tractor-caterpillar or wheel

Basic Hourly Rates	H & W	Fringe Benefits Payments		App. To
		Passive	Vacation	
\$10.63	6%	1.05	+.6	.15
10,905	6%	1.05	+.6	.15
10,805	6%	1.05	+.6	.15
9,455	6%	1.05	+.6	.15
10,455	6%	1.05	+.6	.15
10,655	6%	1.05	+.6	.15
10,205	6%	1.05	+.6	.15
11.03	6%	1.05	+.6	.15
10.08	6%	1.05	+.6	.15
11,005	6%	1.05	+.6	.15
10,605	6%	1.05	+.6	.15
9,705	5%	1.05	+.6	.15

BUILDING CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Retiremen	Vacation	
\$10.905	6%	1.05	a+b	.15
11.155	6%	1.05	a+b	.15
11.405	6%	1.05	a+b	.15
11.655	6%	1.05	a+b	.15
12.155	5%	1.05	a+b	.15
10.40	6%	1.05	a+b	.15
10.70	6%	1.05	a+b	.15
10.83	6%	1.05	a+b	.15
10.82	6%	1.05	a+b	.15
10.23	6%	1.05	a+b	.15
10.97	6%	1.05	a+b	.15
13.50	6%	1.05	a+b	.15
9.08	6%	1.05	a+b	.15
11.68	5%	1.05	a+b	.15
9.62	6%	1.05	a+b	.15
12.105	6%	1.05	a+b	.15
10.33	6%	1.05	a+b	.15
9.105	6%	1.05	a+b	.15
9.33	6%	1.05	a+b	.15
10.705	6%	1.05	a+b	.15
11.08	6%	1.0	a+b	.15
11.165	6%	1.0	a+b	.15
10.13	6%	1.0	a+b	.15
10.93	6%	1.0	a+b	.15
11.46	6%	1.05	a+b	.15
8.935	6%	1.05	a+b	.15
10.68	6%	1.05	a+b	.15

POWER EQUIPMENT OPERATORS (CONT'D):
 Crane with clam shell bucket
 Crane, crawler or track:
 Boom lengths of 100' (including jib) but less than 150'
 Boom lengths of 150' (including jib) but less than 250'
 Boom lengths of 250' (including jib) but less than 300'
 Boom lengths of 300'
 Curb machine (asphalt or concrete), curing machine, pump (submersible), tower crane maintenance man
 Dredge
 Elevator, forklift, hoist (1 drum)
 Forklift (walk-behind, power operated)
 Grader
 Hoist (2 and drum)
 Hoist (multiple platform)
 Mechanical compactors (hand operated), trench machine (hand)
 Hoist tandem platform
 Hydr-hammer, ridge cutter
 Lead engineer
 Loading machine (with capacity of 10 yds or over)
 Oiler, stump chipper
 Power buigies
 Roller, trench machine
 Scoop, carry-all, scraper in tandem
 Sideshow tractor (used in tank work)
 Striping machine
 Tank work
 Tower crane (engineer)
 Tower crane (oiler)
 Welding machine, structural steel

PAID HOLIDAYS:
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
 a. Holiday A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day and Veterans' Day.
 b. Basic hourly rate includes \$1.00 vacation pay.

HEAVY AND HIGHWAY CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Retiremen	Vacation	
\$10.83	6%	1.25	a+b	.15
11.20	6%	1.25	a+b	.15
11.055	6%	1.25	a+b	.15
8.58	6%	1.25	a+b	.15
10.33	6%	1.25	a+b	.15
10.77	6%	1.25	a+b	.15
10.02	6%	1.25	a+b	.15
10.555	6%	1.25	a+b	.15
10.25	6%	1.25	a+b	.15
10.715	6%	1.25	a+b	.15
9.645	6%	1.25	a+b	.15

POWER EQUIPMENT OPERATORS:
 Asphalt spreader, boom truck, boring machine (other than post holes), CHI or main spreader, crane (crawler or truck), conveyor (multi), plant engine, concrete spreader, sideboom tractor, stone spreader, (self-propelled), cherry picker
 Backhoe, crane (stone setting), crane (structural steel), dragline, gradall piledriver, road paver, shovel
 Batching plant (on site of job), crane (on barge), derrick, sideboom tractor (used in tank work), tank work
 Bending machine, mechanical compactors (hand operated), pump (centrifugal, up to 3 inches), trench machine (hand)
 Boiler
 Boring machine (post holes)
 Bulldozer, concrete finishing machine, conveyor, curb machine (asphalt or concrete), curing machine, dinky locomotive, fireman, forklift, hoist (1 drum), loading machine, maintenance engineer, pulvi-mixer, pump (4 inches or over), pump (hydraulic), pump (jet) pump (submersible), pump (well point), roller (5 ton and over), scoop (carry-all, scraper), maintenance man (tower crane), vibrator, welding and burning
 Compressor (on crane), generator (pile work), welding machine (pile work), power winch (used for other than stone or structural steel), power house, loading machine (front end), compressor (pile work), power winch (track mounted, used for other than stone or steel), hoist (2 drum)
 Compressor (2 or more in battery)
 Compressor (stone setting), compressor (structural steel), welding machine (structural steel)
 Compressor, mitch machine, pin puller, pump (double action diaphragm), pump (syrum), pump (single action 1 to 3), striping machine, welding machine

HEAVY AND HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS (Coet'd.): Concrete breaker, concrete saw or cutter, forklift (walk-behind, power operated), hydra hammer, mixer (with skip mixer) (2 small with or without skips), mixer (2 big or over with or without skip), power buggies, power grinders, ridge cutter Dredge Generator Generator (small) Grader Hoist (3 drum), power winch (truck mounted, used for stone or steel), power winch (used for stone setting and structural steel), trench machine Lead engineer Mechanic Mechanic helper Mechanical compactors (machine drawn), roller (over 5 tons) Oiler, root cutter, stump chopper, tower crane (oiler), track tamper (2 engineers, each) Portable beaters Powerbroom Pump (concrete) Scoop (carry-all, scraper in tandem), tower crane (engineer) Tractor (Caterpillar or wheel)	Fringe Benefits Payments					
	Basic Hourly Rates	H & W	Pensions	Vacation	App. T.	Other
	\$ 8.93	66	1.25	a+b	.15	
	10.665	66	1.25	a+b	.15	
	9.04	66	1.25	a+b	.15	
	8.615	66	1.25	a+b	.15	
	10.235	66	1.25	a+b	.15	
	11.045	66	1.25	a+b	.15	
	12.93	66	1.25	a+b	.15	
	8.635	66	1.25	a+b	.15	
	8.295	66	1.25	a+b	.15	
	10.37	66	1.25	a+b	.15	
	8.62	66	1.25	a+b	.15	
	10.195	66	1.25	a+b	.15	
	9.075	66	1.25	a+b	.15	
	10.29	66	1.25	a+b	.15	
	11.455	66	1.25	a+b	.15	
	8.405	66	1.25	a+b	.15	

FOOTNOTES:

a. Paid Holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Election Day; Veterans Day; Thanksgiving Day and Christmas Day.

b. Basic hourly rate includes \$1.00 vacation fund.

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30-NY-1-2-3-E

Basic Monthly Rates	Fringe Benefits Payments			App. Tr.
	H & V	Pension	Vacation	
\$ 8.40	.785	.655+1.10	.75	.01
9.25	.35	e		.01
7.80	.76	.94		
7.95	.78	.94		
7.80	.78	.94		
7.57	.76	.87		
7.33	.74	.66+q		
7.33	.74	.66+q		
9.65	.95	1.53	.55	.02

Latheers, metal
Lead burners
Marble:
Cutters
Carvers
Setters
Sawyers, rubbers, polishers
Derrickmen
Helpers, crane operator
Millwrights
Painters:
Inwood, Lawrence, Cedarhurst,
Woodburn, Hewlett, Hewlett Bay,
Hewlett Neck, Hewlett Park, E.
rockaway, part of Oceanside
part of Lynbrook, part of
Rockville Center, Atlantic
Beach, Long Beach, Lindo Beach,
Point Lookout, Gibson and part
of Valley Stream:
Painter
Spray & Scaffold
Fire escape
West of Port Washington Blvd.
and north of Powehouse Road
on the shore and west of Long
Beach Road and south of Sunrise
Highway on the South Shore:
Structural steel
Structural steel, spray
Remainder of County:
Painters
Painters, open structural steel
swing scaffold rolling
scaffolds 18' or over
Plasterers
Plumbers
Riggers

SUPERSIDES DECISION

STATE: NEW YORK
COUNTY: MASSAU
DECISION NO.: NYTS-3013
DATE: Date of Publication
Supersides Decision No. AB-2062 dated October 11, 1974 in 39 FR 36787
DESCRIPTION OF WORK: Building Construction, (excluding single family homes
and garden type apartments up to and including 4 stories), heavy and highway
construction

30-NY-1-2-3-E

Basic Monthly Rates	Fringe Benefits Payments			App. Tr.
	H & V	Pension	Vacation	
\$ 9.45	13.14	9%	12%	.01
10.57	5%	5%+10%	7%	
9.40	.78	.67+q	.30	
9.86	.95	1.63	.55	.02
9.86	.95	1.63	.61	.02
9.15	1.30	1.24		.11
9.86	.95	1.63	.55	.02
9.86	.95	1.63	.61	.02
9.86	.95	1.63	.61	.02
9.35	1.005	1.005+.50	1.00	.01
10.90	.64	.135	.54	5/8off14
9.52	.445	.29+q	c+d	.02
7.14	.445	.29+q	c+d	.02
4.76				
8.75	.445	.29+q	c+d	.02
6.56	.445	.29+q	c+d	.02
7.90	.445	.29+q	c+d	.02
5.92	.445	.29+q	c+d	.02
8.75	.66	.46+1.20	.365	.03
10.00	1.00	2.20	1.20+q	.04
9.10	.785	.655+1.10	.75	.01
8.40	.63	.70+1.335	.76	.03
8.00	.74	.83	.69	
8.00	.74	.83	.69	
7.05	.825	1.00	1.00	
8.00	.74	.83	.69	

Asbestos workers
Boilermakers
Bricklayers
Carpenters, Building:
South of the Southern State
Parkway in Hempstead Borough:
Carpenters and soft floor
layers
Dock builders and Piledriver-
men
Remainder of County:
Carpenters, piledrivermen and
soft floor layers
Carpenters, Heavy:
Carpenters
Dock and wharf carpenters
Piledrivermen
Cement masons
Electricians and Linemen
Elevator Constructors
Elevator Constructors' helpers
Elevator Constructors' helpers
(prob.)
Elevator Constructors moderniza-
tion
Elevator Constructors moderniza-
tion helpers
Elevator Constructors repair
Elevator Constructors repair
helpers
Glaziers
Ironworkers, structural
Ironworkers, reinforcing
Ironworkers, ornamental finishers
Laborers: (building)
Laborers, building
Mason tenders
Plasterers' helpers
Mortar mixers

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

30.NY-1-2-3-2

Basic Hourly Rates	Fringe Benefits Payments			App. T.
	W & V	Provision	Vacation	
\$ 8.00	.66	1.98	1.20	.01
8.445	.715	1.77	1.055	1/3 of 14
8.655	1.55	1.36	1.06	.05
9.75	.50	1.00		
10.28	74+1.04	1.36	1.06	.01
8.655	74+1.55	1.68		.05
9.00	1.23	1.55		
8.25	.60	1.55		
7.82	.50	1.00		
8.02	.7325	1.5825	b+1	
8.075	.7325	1.5825+1.0	b+1	
8.72	.70	1.44	.50	.025
8.97	.70	1.44	.50	.025
9.72	.70	1.44	.50	.025

Roofers:
Comp., dump, and waterroofing
Sheet metal workers
Steam fitters
Stone masons
Stone derrickmen and riggers
Sprinkler fitters
Terrazzo workers
Tile setters
Tile setters' helpers
Truck drivers:
Ready-mix concrete, sand gravel and asphalt
Euclid and Turnapull operator
Tuck pointers:
tuck-pointers and waterproofer
Steam cleaners
Sandblasters
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. Employer contributes \$2.05 per hour to Annuity Fund.
- b. Employer contributes \$7.00 per day to Annuity Fund.
- c. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Armistice Day.
- d. Employer contributes 6.4¢ basic hourly rate for 5 years or more service or 4.2¢ basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- e. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
- f. \$3.50 per day contribution for each man to special annuity fund.
- g. Employer contributes \$2.35 per hour combined to the Welfare, Pension and Vacation Fund.
- h. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Veteran's Day providing employee works two days in the calendar week in which the holiday falls, and shares each remaining work day during such calendar week.
- i. For each 15 days worked within the contract year an employee will receive one day's vacation with pay, with pay, with a maximum vacation of three weeks per year.
- o. Holidays: A through F; Election Day and Washington's Birthday.
- p. Holidays: A and F, provided the employee works a full half day preceding the holiday.
- q. Employer contributes \$.60 per hour to a trust fund and \$.15 per hour to an annuity fund.

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N.Y.-S-PEO-1-A 1 of 2

BUILDING CONSTRUCTION

NY-2013 P. 5

N.Y. 10-LAB-2-3-B

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & V	Payments	Variation	
\$ 7.20	10%	10%	.75+e	
7.00	10%	10%	.75+e	
6.60	10%	10%	.75+e	

HEAVY AND HIGHWAY CONSTRUCTION

Laborers:
 Concrete & curb form setters,
 asphalt makers
 Asphalt workers & roller boys,
 asphalt top shovelers and
 smoothers, asphalt tampers
 Jackhammers, & drill men,
 hoppersmen, carpenters' tenders,
 pipe joiners and setters,
 concrete laborers (structures),
 stone spreading laborers,
 trackmen, grading & excavating
 laborers, yard laborers,
 polders on concrete pavement,
 laborers (other than above) on
 concrete pavements, landings
 laborers, asphalt plant
 (batcher & hopper men)

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Columbus Day, Lincoln's Birthday, Washington's Birthday, Veterans' Day; Election Day, provided employee works or stages up the scheduled day before and the scheduled day after the holiday.

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & V	Payments	Variation	
\$10.63	6%	1.05	+b	.15
10.905	6%	1.05	+b	.15
10.805	6%	1.05	+b	.15
9.455	6%	1.05	+b	.15
10.455	6%	1.05	+b	.15
10.655	6%	1.05	+b	.15
10.205	6%	1.05	+b	.15
11.005	6%	1.05	+b	.15
10.08	6%	1.05	+b	.15
11.005	6%	1.05	+b	.15
10.605	6%	1.05	+b	.15
9.205	5%	1.05	+b	.15

POWER EQUIPMENT OPERATORS:

Asphalt spreader
 Backhoe, dragline, gradall, piledriver, shovel
 Batching plant (on site of job), power winch (used for stone or steel), power winch truck mounted (used for stone or steel), pump (concrete)
 Bending machine, generator (small), vibrator (1 to 5), dinky locomotive
 Boiler, bulldozer, compressor (on crane) compressor (pilework), compressor (stone setting), concrete breaker, conveyor, generator (pilework), loading machine (front end), maintenance engineer, mechanical compactors (machine drawn), powerhouse, power winch truck mounted (used for other than steel or stone), pulvi-mixer, power winch (used for other than stone or steel), pump (double action diaphragm), pump (gypsum), pump (hydraulic pump-jet), pump (single action - 1 to 3), pump (well point), welding and burning, welding machine (pilework)
 Boom truck, crane (crawler or truck), conveyor-unit, plant engineer, stone spreader (self-propelled)
 Compressor, compressor (2 or more in battery), generator, muck machine, pin puller, portable heaters, pump (4 inch or over), track tamper (2)
 Crane and boom truck (setting structural or stone)
 Bulldozer (used for excavation), fireman, loading machine, powerboom, scoop (carry-all scraper), vac-all
 OMI or main spreader, concrete spreader, derrick, sideboom tractor
 Compressor (structural steel)
 Concrete saw or cutter, mixer (with skip) mixer (2 small, with or without skip), pump (up to 3 inches), tractor-caterpillar or wheel

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS (CONT'D):
 Crane with clam shell bucket
 Crane, crawler or truck:
 Boom lengths of 100' (including jib)
 but less than 150'
 Boom lengths of 150' (including jib)
 but less than 200'
 Boom lengths of 200' (including jib)
 but less than 250'
 Boom lengths of 250' (including jib)
 but less than 300'
 Boom lengths of 300'
 Curb machine (asphalt or concrete),
 curbing machine, pump (submersible),
 tower crane maintenance man
 Dressé
 Elevator, forklift, hoist (1 drum)
 Forklift (walk-behind, power operated)
 Grader
 Hoist (2 and drum)
 Hoist (multiple platform)
 Mechanical compactors (hand operated),
 trench machines (hand)
 Hoist tandem platform
 Hydra-hammer, ridge cutter
 Lead engineer
 Loading machine (with capacity of
 10 yds or over
 Miller, stump chipper
 Power buggies
 Boiler, trench machine
 Scoop, carry-all, screener in tandem
 Sideboom tractor (used in tank work)
 Striping machine
 Tank work
 Tower crane (engineer)
 Tower crane (ciler)
 Welding machine, structural steel

PAID HOLIDAY:

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; Lincoln's Birthday, Washington's Birthday, Columbus Day,
 Election Day and Veterans' Day.
 b. Basic hourly rate includes \$1.00 vacation fund.

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & V	Pensions	Vacation	
\$10.905	6%	1.05	a+b	.15
11.155	6%	1.05	a+b	.15
11.405	6%	1.05	a+b	.15
11.655	6%	1.05	a+b	.15
12.155	5%	1.05	a+b	.15
10.40	6%	1.05	a+b	.15
10.70	6%	1.05	a+b	.15
10.83	6%	1.05	a+b	.15
10.82	6%	1.05	a+b	.15
10.23	6%	1.05	a+b	.15
10.97	6%	1.05	a+b	.15
13.50	6%	1.05	a+b	.15
9.08	6%	1.05	a+b	.15
11.88	6%	1.05	a+b	.15
9.62	6%	1.05	a+b	.15
12.105	6%	1.05	a+b	.15
10.33	6%	1.05	a+b	.15
9.105	6%	1.05	a+b	.15
9.33	6%	1.05	a+b	.15
10.705	6%	1.05	a+b	.15
11.08	6%	1.0	a+b	.15
11.165	6%	1.0	a+b	.15
10.13	6%	1.0	a+b	.15
10.93	6%	1.0	a+b	.15
11.46	6%	1.05	a+b	.15
8.955	6%	1.05	a+b	.15
10.68	6%	1.05	a+b	.15

HEAVY AND HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:
 Asphalt spreader, boom track, boring
 machine (other than post holes), CMI
 or maxin spreader, crane (crawler or
 truck), conveyor (multi), plant engi-
 neer, concrete spreader, sideboom
 tractor, stone spreader, (self-pro-
 pelled), cherry picker
 Backhoe, crane (stone setting), crane
 (structural steel), dragline, gradall,
 piledriver, road paver, shovel
 Batching plant (on site of job), crane
 (on barge), derrick, sideboom tractor
 (used in tank work), tank work
 Bending machine, mechanical compactors
 (hand operated), pump (centrifugal,
 up to 3 inches), trench machine (hand
 Boiler
 Boring machine (post holes)
 Bulldozer, concrete finishing machine,
 conveyor, curb machine (asphalt or
 concrete), curing machine, disk loco-
 motive, fireman, forklift, hoist (1
 drum), loading machine, maintenance
 engineer, pulvi-mixer, pump (jet
 or over), pump (hydraulic), pump (jet
 or over), pump (submersible), pump (well point)
 roller (5 ton and over), scoop (carry-
 all, strapper), maintenance man (tower
 crane), wet-sil, welding and burning
 Compressor (on crane), generator (pile
 work), welding machine (pile work),
 power winch (used for other than stone
 or structural steel), power house,
 loading machine (front end), compress-
 or (pile work), power winch (truck
 mounted, used for other than stone or
 steel), hoist (2 drum)
 Compressor (2 or more in battery)
 Compressor (stone setting), compressor
 (structural steel), welding machine
 Compressor, milch machine, pin puller,
 pump (double action diaphragm), pump
 (Gypsum), pump (single action 1 to 3)
 striping machine, welding machine

Basic Hourly Rates	Fringe Benefits Payments			App. To	Other
	H & V	Pensions	Vacation		
\$10.83	6%	1.25	a+b	.15	
11.20	6%	1.25	a+b	.15	
11.055	6%	1.25	a+b	.15	
8.58	6%	1.25	a+b	.15	
10.33	6%	1.25	a+b	.15	
10.77	6%	1.25	a+b	.15	
10.02	6%	1.25	a+b	.15	
10.555	6%	1.25	a+b	.15	
10.25	6%	1.25	a+b	.15	
10.715	6%	1.25	a+b	.15	
9.685	6%	1.25	a+b	.15	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
HEAVY AND HIGHWAY CONSTRUCTION						
POWER EQUIPMENT OPERATORS (Cont'd.):						
Concrete breaker, concrete saw or cutter, forklift (walk-behind, power operated), hydra hammer, mixer (with skip mixer) (2 small with or without skips) mixer (2 bag or over with or without skip), power buggies, power grinders, ridge cutter	\$ 8.99 10.665 9.94 8.615 10.235	$\frac{66}{100}$ $\frac{66}{100}$ $\frac{66}{100}$ $\frac{66}{100}$ $\frac{66}{100}$	1.25 1.25 1.25 1.25 1.25	a+b a+b a+b a+b a+b	.15 .15 .15 .15 .15	
Bredge Generator Generator (small) Grader						
Hoist (3 drum), power winch (truck mounted, used for stone or steel), power winch (used for stone setting and structural steel), trench machine	11.085 12.93 8.635 8.295	$\frac{66}{100}$ $\frac{66}{100}$ $\frac{66}{100}$ $\frac{66}{100}$	1.25 1.25 1.25 1.25	a+b a+b a+b a+b	.15 .15 .15 .15	
Lead engineer Mechanic Mechanical compactors (machine drawn), roller (over 5 tons) Oiler, root cutter, stump chipper, tower crane (oiler), track tamper (2 engineers, each) Paver/broom Portable beaters Pump (concrete) Scoop (carry-all, scraper in tandem), tower crane (engineer) Tractor (Caterpillar or Wasek)	10.37 8.62 10.195 9.075 10.29 11.455 8.405	$\frac{66}{100}$ $\frac{66}{100}$ $\frac{66}{100}$ $\frac{66}{100}$ $\frac{66}{100}$ $\frac{66}{100}$ $\frac{66}{100}$	1.25 1.25 1.25 1.25 1.25 1.25 1.25	a+b a+b a+b a+b a+b a+b a+b	.15 .15 .15 .15 .15 .15 .15	

FOOTNOTES:

a. Paid Holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Election Day; Veterans' Day; Thanksgiving Day and Christmas Day.

b. Basic hourly rate includes \$1.00 vacation fund.

SUPERSEDES DECISION

STATE: NEW YORK
 COUNTY: NIAGARA
 DECISION NO. NY75-3014
 DATE: Date of Publication
 SUPERSEDES DECISION NO. AB-2071 dated November 1, 1974 in 39 FR 38833
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

NY75-3014, F. 2

32-New York-1-2-3-2

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	32-New York-1-2-3-2				App. T.
	Basic Hourly Rates	H & V	Penalties	Vacation	
Asbestos workers	9.36	.72	.55		.04
Boilermakers	9.45	.50	.55		.02
Bricklayers:					
North Tonawanda:					
Bricklayers & stone masons	9.79	.55	1.00		.01
Terrazzo workers & tile setters	9.41	.55	1.00		
Marble setters	9.505	.55	1.00		
Remainder of County:					
Bricklayers & stone masons	9.57	.42	.52		
Marble masons, terrazzo works & tile setters	9.33	.42	.52		
Carpenters: Building					
North Tonawanda:					
Carpenters and millwrights	8.78	1.25	1.10		
Soft floor layers	8.20	1.25	1.10		
Remainder of County:					
Carpenters & soft floor layers	9.15	.55	1.05		.02
Millwrights	9.26	.55	1.05		.02
Carpenters, Heavy & Highway					
North Tonawanda:					
Carpenters, piledrivers	8.78	1.25	1.10		
Remainder of County:					
Carpenters & Piledrivers	7.42	1.10	.70		.02
Cement masons	9.07		.25+.36		
Electricians					
Cable splicers	10.78	.35+.20	14+.30		1/2 of 14
Elevator constructors	11.28	.35+.20	14+.30		1/2 of 14
Elevator constructors' helpers	10.215	.45	.29	34+ab	.02
Elevator constructors' helpers (prob.)	7.15	.445	.29	34+ab	.02
Glassers	5.11				
Ironworkers:	8.64	.50	.90		.05
Structural, ornamental & reinforcing					
Lead burners	9.16	.51	.40		.01
	9.625		.20		.01
	9.25	.35			

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	32-New York-1-2-3-2				App. T.
	Basic Hourly Rates	H & V	Penalties	Vacation	
Linemen	\$10.10	.65	.60	d	3/84
Groundman digging machine operator	9.17	.65	.60	d	3/84
Groundman mobile equipment operator	8.30	.65	.60	d	3/84
Groundman truck driver and mechanic	7.90	.65	.60	d	3/84
Groundman dynamite man	8.30	.65	.60	d	3/84
Cable splicer	11.11	.65	.60	d	3/84
Marble, tile and terrazzo workers' helpers	7.36	.40	1.40		
Painters:					
Types.. of Somerset, Hartland, Royalton, New Iona, Lockport, Penleton and the eastern half of Cambria and Willson:	8.655	.525+.45	.30		.10
Brush	9.155	.525+.45	.30		.10
Steel, tanks, towers, stacks, flag poles, radio TV towers	8.905	.525+.40	.30		.10
Sandblasting, swing stage spray, bosun chair	10.32	.525+.40	.30		.10
Bridges 35' high or in depth of 35' from road level	6.945	.525+.40	.30		.10
Remainder of County:					
Brush	7.345	.525+.40	.30		.10
Spray, steel steeple, sack, swing scaffold	9.86	.525+.40	.30		.10
Bridge-crossing the Niagara River	8.78	1.25	1.10		
Piledrivers:	16.07	1.25	1.10		
Piledrivers, dock carpenters and drivers' tenders	9.91				
Drivers	10.30	.575	.60		.025
Plasterers					
Plumbers and Steamfitters					
Roofers:					
Composition, damp, waterproofers	8.44	1.09	1.10		.02
sprayers, asphalt mastic, wood block floor workers, steam roofers & siders					

NY75-3014 P. 1

32-New York-1-2-3-2

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION

Slate, tile, asbestos & pre-cast
Sheet metal workers, commercial
Sprinkler fitters
Truck Drivers:
Buildings, heavy & highway:
Contractor drivers
Ready mix
Dump
Welders-Craft Rate

PAID EMPLOYEES:

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 1/4 of basic hourly rate for 5 years or more of service or 2/8 basic hourly rate after 5 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 schedule work days 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 and after the holiday).
- e. After one year, one week 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 of more in the 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 employee 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.

NY75-3014 P. 4

NY-5-LAB-1-2-3-G

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & V	Pensions	Vacation	
\$7.43	.60	1.55		
7.93	.60	1.55		
7.63	.60	1.55		
7.78	.60	1.55		
7.68	.60	1.55		
7.63	.60	1.55		
7.93	.60	1.55		
8.03	.60	1.55		

LABORERS:
 Building, Heavy, Highway & Airport Construction:
 Laborers
 Form setter, vacuum drill opr., road finishers, blasters, gunite morticians, operator of concrete saw turning torch
 Pipelayers, pavement breakers or beaters, jackhammer operators, Barco rammers, chain-saw, powder monkey, black top rollers, scalers, shell balancers, mortar mixers, wing scaffold, boom chair, expanded cage or bucket, caissons below 8 ft. concrete motor buggy, all other operators of mechanical tools, including vibrators regardless of type of power
 Rock tunnel Free air:
 Driller, shaft driller
 Chucker, tracking machine tender, shaft mucker
 Ripper, ear pusher-trimmer, track guns, bull gang, cage man, concrete gang, powder monkey
 Elastors, burning torch on demolition
 Roadman

BUILDING, HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP 1: Road rollers (over 7 tons) when used on blacktop, crane work, shovels, derricks, steel erection, overhead or bridge cranes and clam buckets, all excavating machines, trenchers, backfillers, cableways, draglines, backhoes, pile-driving rigs, post drivers (except truck mounted), concrete mixer one yard and over, tunnel marking machines, all tractors used in connection with scraper wagons, snowblower, all repair work or maintenance work under the supervision of a master mechanic, lubrication engineers, winch tractors, bulldozers, graders, blacktop spreaders, air-boist commonly known as air tuggers when hoisting materials provided an engineer operates both machines and also provided the compressor and tuggers are not separated by more than one hundred feet, front and back loaders (except small types), power driver stone spreaders, portable stone crushers, crawler or rubber tire tractor with blade or bucket and crane boom or hoe boom or shovel boom attached (except farm type crawler or rubber tire tractor unless used with hydraulic backhoe), compressor with paving breaker attached, graders with bulldozer blades, multiple drum hoist with air compressor when used simultaneously and for any make portable concrete batching machine, automatic batch plant op., concrete spreader op., finishing machine op., form peller, self propelled rollers if on blacktop, scraper, either double or single bowl, DMI grading machine, truck mounted concrete pump, self-propelled riding vibrators, hydraulic concrete joint lammer, Balkan loaders, concrete planers, mechanic, welder, euclid type belt loaders, mechanical and hydraulic pipe pushing machine, scoop-mobiles, forklifts and hoist which lift higher than 15 feet.

GROUP 11: Elevators, material hoist, road rollers except as prescribed in group 1, tractors, pavement busters, jeep trenchers, pumps over 4 inches, concrete blowers, air compressors over 165 cubic ft., compressors when used in banks of (2) and not over (3) within a 50 feet radius if such is possible, but atleast within a 100 foot radius, and if fuel is stored it will be stored within the same radius, gunite machines, locomotives, scoop-mobiles (when used as a stationary hoist or one which does not lift over twenty five feet, concrete pumps, conveyors, gas or diesel driven temporary lighting and power systems of 25 kilowatt capacity or over, stone crushers and which hoist mounted on trucks, all earth drills, la tournneau turntrailer, highlift hoist which does not lift over 15 feet, gasoline hoisters used in banks of (2) and not over (3) within an area of 100 foot radius, and for (2) but not over (3) gasoline or diesel driven welding machines, trenchers on the back of a jeep, small trenchers which excavate to a depth of not more than 4 feet, truck mounted post drivers, snow-go, small front and back loaders, small type crawler or rubber tire tractor with blade or bucket not to exceed 1/2 yd. capacity, single drum hoist for hoisting materials other than steel, pug machine, pin puller, self propelled rollers not on blacktop and under 7 tons, bobcat loader or forklift which does not lift over twenty five feet.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS (CONT'D):

GROUP III: Oilers on (shovels, cranes, draglines, backhoes (over 3/4 cu. yds.) dredges, derrick boats, pavers (excluding stationary set-ups), trenching machines, pile drivers, quarry master (or its equivalent), hydrocranes, automated batch plants (wet or dry mix plants), compressors (165 cu. ft. per minute or under), pumps up to and including 4 inches.

GROUP IV: A track crane offer will be provided on rubberized equipment, when there is a separate cab to the house

GROUP V: Steam Boiler Operator

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & V	Pension	Verifica	
\$9.47	.40	.60+.40	a	.10
8.90	.40	.60+.40	a	.10
7.96	.40	.60+.40	a	.10
8.15	.40	.60+.40	a	.10
8.60	.40	.60+.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. Holidays: A through F; (providing employees works the day before and the day after the holiday).

SUPERSEDES DECISION

STATE: Pennsylvania
 DECISION NO.: PA-75-3015
 SUPERSEDES DECISION NO. 40-2016, dated August 17, 1974, in 38 FR 21356.
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTY: Northampton
 DATE of Publication
 BUILDING CONSTRUCTION

48-2A-1 Y

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Others
		M & W	Pensions	Vacation	App. Tr.		
Building Construction	88.61	.42	.30		.01		
Asbestos workers	10.20	.65	1.00		.01		
Boilermakers	9.29	.35	.41				
Bricklayers & Stonemasons - Bethlehem	7.30	.30					
Bricklayers & Stonemasons - Remainder of County	8.86	.33	.42				
Carpenters	8.69	.35	.41				
Cement masons, Bethlehem	7.30	.30					
Cement masons, Remainder of County	9.70	.30	1%		.01		
Electricians:	10.00	.45	15%+.20		1/4 of 1%		
Allen, Hanover, Lehigh, Bath, Peper-	8.14	.35	.10				
mansburg, Sellerstown and Bethlehem	10.00	.64	1.06				
Remainder of County	10.00	.64	1.06				
Glaziers	6.35	.20	.20				
Ironworkers, structural							
Ironworkers, ornamental							
Ironworkers, reinforcing							
Laborers, Building							
Unskilled laborers							
Operator of jackhammer, paving							
breaking and other pneumatic and							
mechanical tools, wagon drills,							
and men handling dynamite, handling							
and using, cutting and burning							
torches in the wrecking of buildings,							
laying of all clay, terra cotta,							
ironstone, vitrified concrete or							
nonmetallic pipe and the making of							
joints for same and cofferdams							
(below 10 feet)	5.60	.20	.20				
Plasterer and Mason Tenders, scaffold							
builders, and handling of all							
materials to be used by plasterers							
and masons, brick and blocks							
loaded on pallets, cement finishers							
tenders, grouting and molder-D,							
and sand blasters helpers	5.69	.20	.20				
Barko Tamper Operator	6.85	.20	.20				
Lathers	8.71	.40	.25		.01		
Lead burners	9.25	.35			.01		
Line Constructors:							
Lifemen	10.21	.30	1%		3/8 of 1%		
Cable splicer	10.21	.30	1%		3/8 of 1%		
Groundman	5.13	.30	1%		3/8 of 1%		
Winch truck operator	7.15	.30	1%		3/8 of 1%		
Millwrights	9.26	.33	.42				
Painters (Bethlehem):							
Brush	7.80	.43	.40				
Structural Steel	8.55	.43	.40				
Spray	8.50	.43	.40				

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BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS		
	H & W	PENSIONS	VACATION
8.05	.20	.20	
8.30	.20	.30	
8.30	.30	.30	
9.92	1.28	.90	
8.65	.35	.41	.07
7.30	.30		
10.02	.57	.92	.06
9.05	.40	.25	
5.33	.40	.25	
9.18	.52	.50	.01
9.60	.50	.30	.08
10.02	.57	.92	.01
8.74	.35	.41	
6.57			
6.64			
7.13			

Painters, Remainder of County
 Brush
 Structural Steel
 Spray
 Piledrivers
 Plasterers, Bethlehem
 Plasterers, Remainder of County
 Plumbers
 Roofers, Composition, Slate & Tile
 Roofers, helpers
 Sheet metal workers
 Sprinkler fitters
 Steamfitters
 Terrazzo workers
 Truck Drivers
 Class I
 Helper, Stake Body Truck (single axle), Dumpster
 Class II
 Dump Trucks, Tandem & Batch Trucks,
 Semi-Trailers, Agitator Mixer Trucks,
 Ready Mix and Dumpcrete Type Vehicles
 Asphalt Distributors, Farm Tractor
 when used for transportation, Stake
 Body Truck (Tandem)
 Class III
 Euclid Type, Off-Highway Equipment -
 Back or Belly Dump Trucks and Double
 Hitched Equipment, Straddle (Ross)
 Carrier, Low-bed Trailers
 Welders- receive rate prescribed for
 craft performing operation to which
 welding is incidental.

BUILDING CONSTRUCTION

Paid Holidays (Where Applicable):

- A-New Years' Day; B-Memorial Day; C-Independence Day;
- D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:

c. 9 paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 4 1/2 full days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

POWER EQUIPMENT OPERATORS

BUILDING CONSTRUCTION

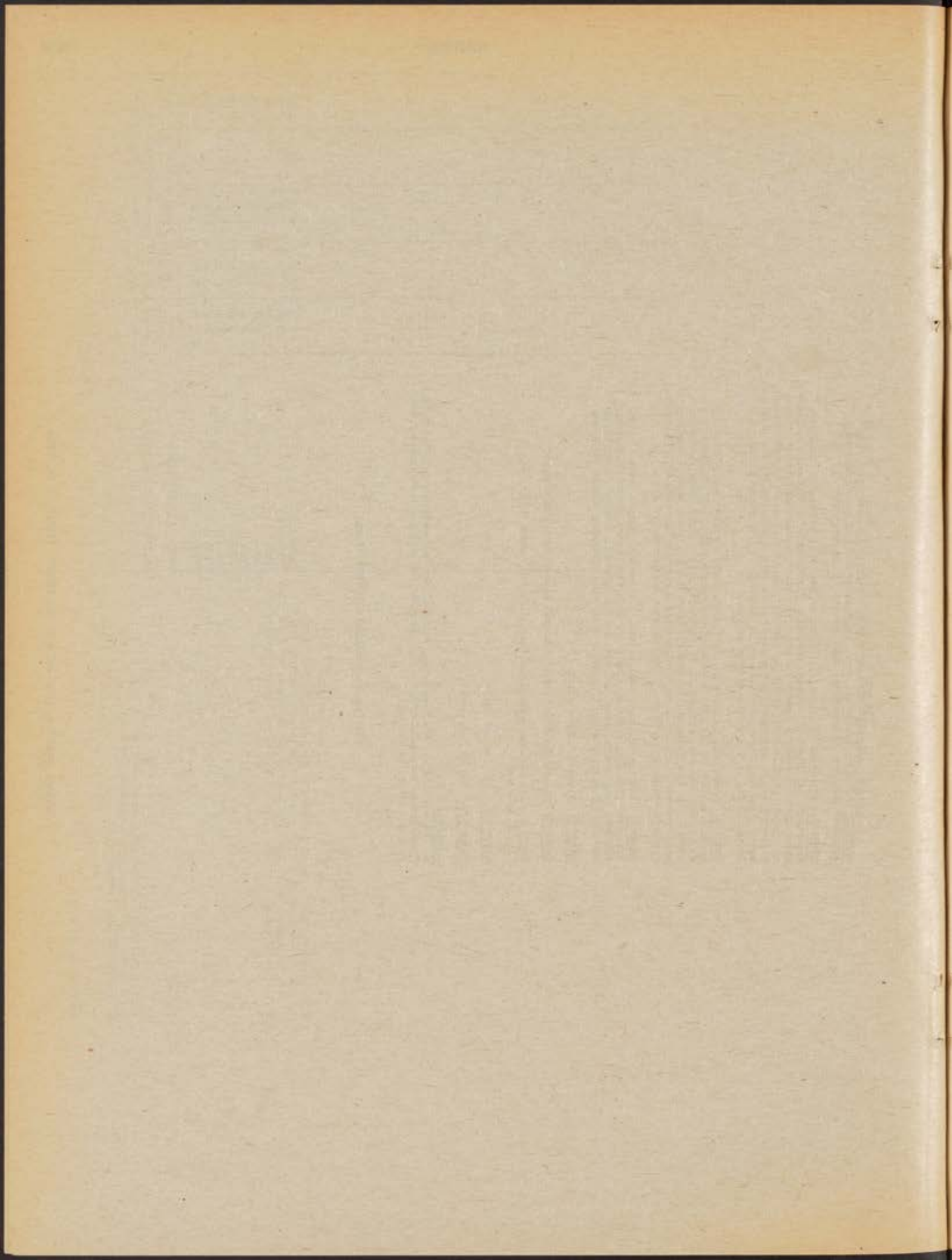
	Basic Monthly Rates	Prize Benefits Payments			App. To:
		W L W	Finalists	Vacation	
GROUP 1	\$10.19	4.6%	9.5%	a	1.2%
GROUP 2	9.90	4.6%	9.5%	a	1.2%
GROUP 3	9.02	4.6%	9.5%	a	1.2%
GROUP 4	8.25	4.6%	9.5%	a	1.2%
GROUP 5	7.77	4.6%	9.5%	a	1.2%
GROUP 6	6.85	4.6%	9.5%	a	1.2%
GROUP 7	10.14	4.6%	9.5%	a	1.2%
GROUP 7-A	10.69	4.6%	9.5%	a	1.2%
GROUP 7-B	10.94	4.6%	9.5%	a	1.2%

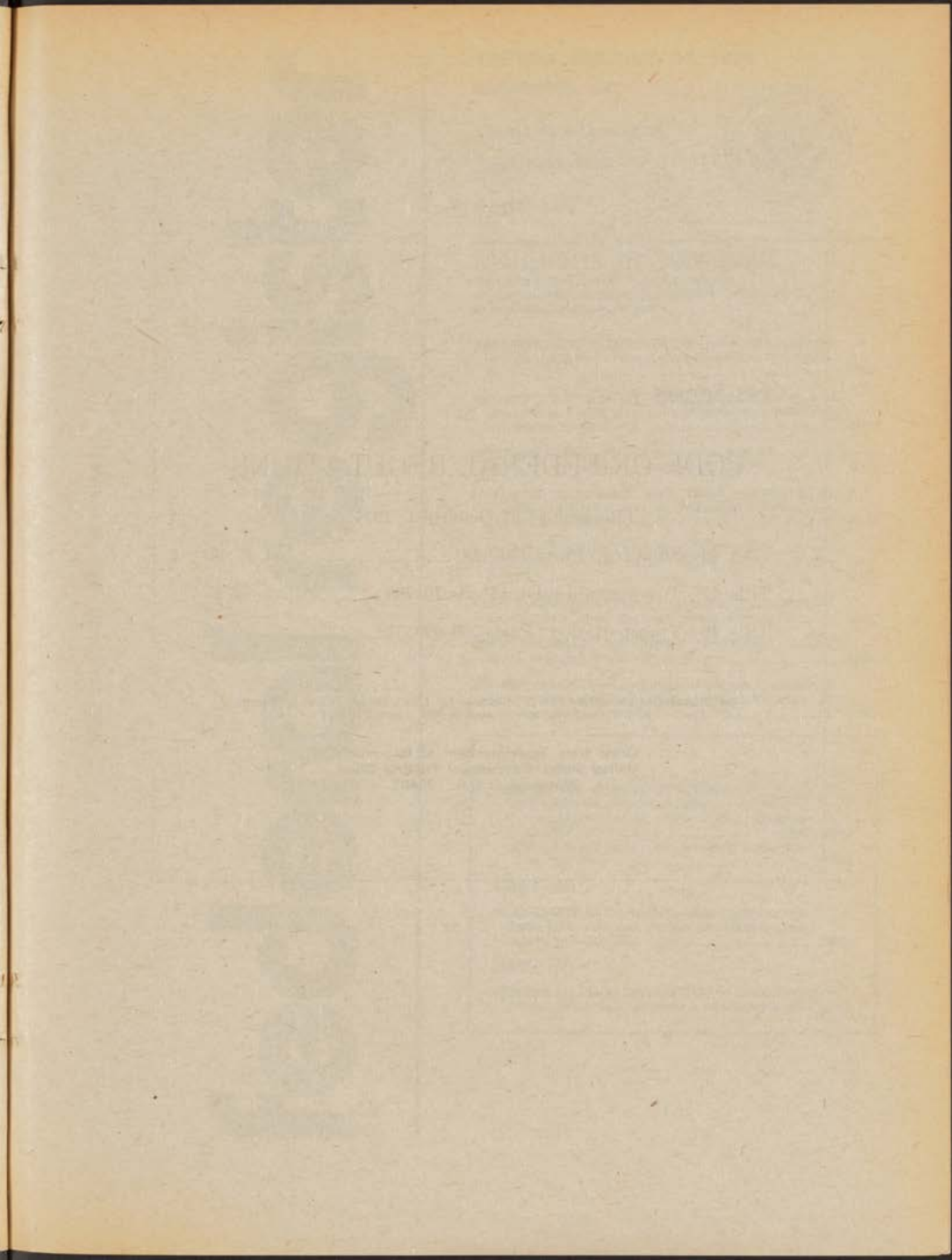
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2 of 2

- GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above
- GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 2'3" and over, all types overhead cranes, building hoists (double drum) gradalls, marking machines in tunnel, all front end loaders 3- $\frac{1}{2}$ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above
- GROUP 3: Conveyors, building hoists (single drum) scrapers and toumaspalls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3- $\frac{1}{2}$ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above
- GROUP 4: Welding machines, well points, compressors, pumps, beaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, steam pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to above
- GROUP 5: Fireman, grease truck
- GROUP 6: Oilers and deck hands (personnel boats), core drill helper
- GROUP 7: All machines with booms (including jib, masts, leads, etc.):
100 ft. and over
- GROUP 7-1: 150 ft. and over
- GROUP 7-2: 200 ft. and over
- FOOTNOTES:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

[FR Doc. 75-3903 Filed 2-13-75; 8:45 am]





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CODE OF FEDERAL REGULATIONS

(Revised as of October 1, 1974)

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