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Title 7—Agriculture

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

[Lemon Reg. 681]

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 March 2-8, 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.

§ 910.981 Lemon Regulation 681.

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is active. Average f.o.b. price was \$5.08 per carton the week ended February 22, 1975, compared to \$4.97 per carton the previous week. Track and rolling supplies at 148 cars were up 21 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 section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 25, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period March 2, 1975 through March 8, 1975, is hereby fixed at 220,000 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; 7 U.S.C. 601-674)

Dated: February 26, 1975.

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

[FR Doc.75-5557 Filed 2-27-75; 8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER B—FEDERAL OPEN MARKET COMMITTEE

PART 720—DESCRIPTION OF OFFICE DISCLOSURE OF OFFICIAL RECORDS—AVAILABILITY OF INFORMATION, PROMULGATION OF REGULATIONS

The Administrator of the National Credit Union Administration considers it necessary to amend Part 720 (12 CFR 720) due to the enactment of the 1974 Freedom of Information Act Amendments, Pub. L. 93-502. Therefore, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, and section 209, 24 Stat. 1014, 12 U.S.C. 1789, the Administrator hereby amends Part 720 as set forth below, effective immediately. Technical amendments to other Parts of this Chapter will be forthwith.

Pub. L. 93-502 amends section 3 of the Administrative Procedure Act (5 U.S.C. 552) to expedite the handling of requests for information from Federal agencies in order to provide more efficient, prompt and full disclosure of information. Areas covered by the amendments include, inter alia, indices, identifiable records and time limits.

Due to the fact that the provisions of Pub. L. 93-502 became effective on February 19, 1975, and require regulatory amendments in conformance with those provisions, and since the amendments are for the benefit of the public in general, the Administrator has determined that notice and public procedure as to these amendments are impracticable, unnecessary, and contrary to the public interest as provided by 5 U.S.C. 553(b); and since publication of such amendments for the 30-day period prior to the effective date of such amendments as provided by 5 U.S.C. 553(d) is not required for the same reasons, the Administrator hereby provides that such amendments shall become effective as previously set forth herein.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766); sec. 209, 24 Stat. 1014 (12 U.S.C. 1789))

HERMAN NICKERSON, Jr.,
Administrator.

FEBRUARY 21, 1975.

1. The index to Chapter VII, Title 12 of the Code of Federal Regulations is amended by inserting after "720" and before "Disclosure of official records—Availability of information" the language "Description of office," by changing the first letter of the words "Disclosure" and "Availability" as they appear therein from upper case to lower case, and by

adding ". promulgation of regulations" after the word "information".

2. Part 720 of the rules and regulations relating to disclosure of official records and information is amended by deleting the entire Part and by inserting in lieu thereof a new Part 720 to read as follows:

- Sec.
720.1 Scope and application.
720.2 Central and Regional Organization.
720.3 Information Made Available to the Public.
720.4 Unpublished, Confidential and Privileged Information.
720.5 Fee Schedule for Document Search and Duplication.
720.6 Requests for Information or Determinations.
720.7 Agency Determination.
720.8 Promulgation of Rules and Regulations.

AUTHORITY: Sec. 120, 73 Stat. 635 (12 U.S.C. 1786) Sec. 209, 84 Stat. 1014 (12 U.S.C. 1789).

§ 720.1 Scope and application.

The rules contained in this Part are promulgated pursuant to the provisions of Subchapter II of Chapter 5 of Title 5, United States Code, the Federal Credit Union Act (12 U.S.C. 1751, *et seq.*) and other applicable laws. In accordance with sections 552(a)(1) of Title 5, United States Code, this Part includes (a) descriptions of the Administration's central and regional offices and the places at which, the employees from whom, and the methods whereby, the public may obtain information or decisions, or make requests, (b) places at which forms and instructions are available, and (c) procedures for the promulgation of regulations. Regulations relating to statements of general policy, rules of procedure, or interpretations of general applicability are contained in other Parts of this Chapter according to subject matter. This part also contains rules relating to types of information available to the public, fee schedules, and determinations on requests by the Administration, as required by section 552 of Title 5, United States Code.

§ 720.2 Central and regional organization.

(a) *General organization.* The National Credit Union Administration (hereinafter referred to as the "Administration") is composed of a National Credit Union Board (hereinafter referred to as the "Board") and an Administrator (hereinafter referred to as the "Administrator"), with a central office in Washington, D.C. and six regional offices. The Board consists of a chairman and one member from each of the Federal credit union regions appointed by the President, by and with the advice and consent of the Senate, for terms of six years. The Board provides advice, counsel, and guidance to the Administrator with respect to matters of policy relating to the activities and functions of the Administration under the Federal Credit Union Act.

(b) *Central Office.* (1) *Administrator.* The Administrator is the chief executive officer of the Administration, ap-

pointed by the President, by and with the advice and consent of the Senate, to serve at the pleasure of the President. The Administrator's office is located at 2025 M Street NW., Washington, D.C. 20456. The Administrator is assisted by the following officials who are responsible to him.

(2) *Deputy Administrator.* The Deputy Administrator assists the Administrator in, inter alia, directing and implementing policies relating to the chartering, supervision and examination of all Federal credit unions; administering the Federal Share Insurance Program, including the granting of approval to insure state chartered credit unions; supervision of the Assistant Administrators and Regional Directors; and maintaining relationships with the Executive and Legislative branches of the Government. In the absence of the Administrator, the Deputy Administrator performs the duties and exercises the power of the Administrator.

(3) *Assistant Administrator, Office of Administration.* The Assistant Administrator for Administration is the official custodian of records of the Administration and performs duties relating to budget and fiscal matters, personnel management, direction of general services, coordination of publication services, and is responsible for appellate determinations on requests for information. He is aided by a Deputy Assistant Administrator and Directors of Financial Management, Personnel, Office Services, and Training.

(4) *Assistant Administrator, Office of Examination and Insurance.* The Assistant Administrator for Examination and Insurance performs duties relating to the formulation of standards and procedures for examination and supervision of Federal credit unions, formulation and implementation of procedures for administration of the Federal Share Insurance

Program, formulation and implementation, of chartering, insurance and liquidation objectives, and procedures relating to mergers, conversions and divisions of Federal credit unions. He is aided by a Deputy Assistant Administrator and Director of Liquidation and Directors of Chartering and Insurance, and Examination.

(5) *Office of General Counsel.* Generally, the Office of General Counsel has responsibility for all legal matters affecting the Administration. Specifically, the duties of the General Counsel include representing the Administration in litigation and administrative hearings or in assisting attorneys responsible for the conduct of such litigation responsibility for legislative matters, rules and regulations, advising on all matters of law and serving as claims officer with respect to claims arising under the Federal Tort Claims Act. The General Counsel is aided by a Deputy General Counsel and Assistant General Counsels.

(6) *Assistant Administrator, Office of Inspection and Audit.* The Assistant Administrator for Inspection and Audit performs duties relating to operational audits of the field segments of the Administration, measuring effectiveness of Administration policies at the regional and examiner levels, and the responsibilities of the Administration under the Federal Credit Union Act and Civil Service Commission requirements.

(7) *Public Information Office.* The Public Information Officer performs duties relating to the planning and executing of information and public affairs programs, preparation of various publications, development of planned actions and objectives, and providing for the exposure and understanding of credit unions.

(c) *Regional Offices.* (1) There are six Regional Offices of the Administration. The office address and the geographical area covered by each is as follows:

Region No.	Area within region	Office address
I.....	Connecticut, Maine, Massachusetts, New Hampshire, New York, Puerto Rico, Rhode Island, Virgin Islands, Vermont.	State Street South Building, Room 3E, 1776 Heritage Drive, Boston, Mass. 02171.
II.....	District of Columbia, Delaware, Maryland, New Jersey, Pennsylvania.	Federal Building, 228 Walnut St., Box 226, Harrisburg, Pa. 17108.
III.....	Alabama, Canal Zone, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia.	800 Peachtree Street, Room 500, Atlanta, Ga. 30308.
IV.....	Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, Ohio, South Dakota, Wisconsin.	New Federal Building, 234 N. Summit Street, Room 1003, Toledo, Ohio 43604.
V.....	Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Nebraska, Oklahoma, Texas, Utah, Wyoming.	205 W. Ninth Street, 7th Floor, Austin, Tex. 78701.
VI.....	Alaska, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, Arizona.	760 Market Street, Room 500, San Francisco, Calif. 94102.

(2) A Regional Director is in charge of each regional operation. The Regional Director performs such duties as directing the chartering, insurance, examination, and supervision programs, managing regional resources, directing the Administration's programs within the region, maintaining good public relations, operating an Information Service Center, and is responsible for initial determinations on requests for information properly made to the regional office. He is aided by an Assistant Regional Direc-

tor, a Chief of Supervision and Examination, and a Chief of Chartering, Insurance and Liquidation. In addition, each region is divided into Examiner districts; groups of examiners being subordinate to Supervisory Examiners, who in turn report directly to the Regional Director.

§ 720.3 Information Made Available to the Public.

(a) Except to the extent that the matters set forth herein relate to or contain information which is exempted from the

public disclosure provisions of section 3 of the Administrative Procedure Act, as amended (5 U.S.C. 552), or other law, and as set forth in § 720.4, the Administration makes available for public inspection and copying, upon request made in accordance with the provisions of § 720.6, (1) final opinions, including concurring and dissenting opinions, and orders, made in the adjudication of cases, (2) those statements of policy and interpretations which have been adopted by the Administration and are not published in the Federal Register, and (3) Administrative staff manuals and instructions to staff affecting a member of the public, unless the above materials are promptly published and copies offered for sale.

(b) To the extent required to prevent a clearly unwarranted invasion of personal privacy, the Administration may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction. In each case the justification for the deletion shall be fully explained in writing.

(c) The Administration also maintains current indices providing identifying information for the public as to any matter referred to in paragraph (a) of this section issued, adopted, or promulgated after July 4, 1957. Manuals relating to general and technical information and research publications are in the "NCUA Publications List", which indicates those items available from the Administration or the Government Printing Office. Additional manuals, booklets and forms prepared by the Administration are listed in the "NCUA Catalog". Statements of policy are maintained in a Directives Control System and listed in the "NCUA Directives Control Index". A master list of Federal credit unions is maintained and available as provided in § 701.17. The Administration has determined that publication of the indices is unnecessary and impractical, but copies of indices will be provided on request at duplication costs and are available for public inspection and copying. The listing of any material in any index is for the convenience of possible users of the materials and does not constitute a determination that all of the items listed will be disclosed or are subject to disclosure.

(d) The materials referred to in paragraph (a) of this section may be relied on, used, or cited as precedent by the Administration against a party provided (1) it has been indexed and either made available or published, or (2) the party has actual and timely notice of the terms thereof.

(e) Except with respect to records made available under this section or published in the Federal Register, or to the extent that records relate to or contain information which is exempt from the public disclosure provisions of section 3 of the Administrative Procedure Act, as amended (5 U.S.C. 552), or other law, the Administration, upon any request which reasonably describes records and made in accordance with § 720.6, will make

such records available to any person who agrees to pay the direct costs of searching and duplication as specified in § 720.5. A reasonable description is one which is sufficient to enable a professional employee of the Administration who is familiar with the subject area of the request to locate the record with a reasonable amount of effort.

§ 720.4 Unpublished, Confidential and Privileged Information.

(a) All records, including files, documents, reports, books and accounts, relating to any credit union, or the internal affairs of the Administration, or any officer, employee, or agent thereof, are confidential and privileged and not subject to disclosure, except as otherwise provided in this Part, if such records are: (1) 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; (2) related solely to the internal personnel rules and practices of the Administration; (3) specifically exempted from disclosure by statute; (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential; (5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Administration; (6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; (7) investigatory records compiled for law enforcement purposes to the extent provided in the Administrative Procedure Act, as amended (5 U.S.C. 552(b)(7)); (8) contained in or related to examination, operating, or condition reports prepared by, or on behalf of, or for the use of the Administration; and (9) related to proceedings for cease and desist and suspension or removal orders or for the termination of the insured status of any credit union.

(b) Any reasonably segregable portion of a record will be provided to any person requesting such record after deletion of the portions which are exempt under this section.

§ 720.5 Fee Schedule for Document Search and Duplication.

(a) A fee shall be assessed for the searching and processing of requested documents on the following basis:

Direct cost of: Clerical time, \$4.36 per hour; professional time, \$11.19 per hour; charge per page of material duplicated, \$.25.

Computer costs shall be assessed in accordance with a standard formula based on computer time required. A computer cost formula shall be furnished to the requester at the time the request is granted.

Actual cost of transportation of people or records if required to process the request.

(b) Estimates of fees shall be furnished to the requester prior to initiation of the search for requested material if it appears that the fee will exceed \$20 unless the request specifically states that whatever cost is involved will be assumed

by the requester. Where advice as to the estimated fee is required, such advice shall be promptly forwarded to the requester upon physical receipt of the request. A request will not be deemed to have been received, for the purpose of computing the time limitations in § 720.7, until the requester is advised that the estimated cost will exceed \$20 and the requester agrees to assume such cost. Requesters will be financially liable for any fees assessed up to \$20 without preapproved estimate.

(c) If the estimated fees exceed \$100, a deposit of 20 per centum of such amount must be made within three days after the requester agrees to proceed with the request at the estimated cost.

(d) Fees shall be assessed even when no records or documents responsive to the request, or no records or documents not exempt from disclosure, are found.

(e) Fees may be waived if the responsible officer in the appropriate Information Center determines that disclosure of the information will be of general benefit to the public. Fees may also be waived if the search is unproductive and the cost is minimal.

§ 720.6 Requests for Information and Determinations.

(a) *Information Centers.* The central office and the regional offices are designated as Information Centers for the Administration. The Deputy Assistant Administrator for Administration is responsible for the operation of the Information Center maintained at the central office. The Regional Director is responsible for the operation of the Information Center in his regional office.

(b) *Certain Publications.* §§ 701.14-701.17 of this Chapter describes certain manuals, booklets and other materials which are available and the places where they may be obtained or inspected and copied.

(c) *Method of Request.*—(1) *Indices.* Requests for the indices referenced in § 720.3(c) should be addressed to the Regional Director exercising authority over the geographical area involved as indicated in § 720.2(c)(1) and at the address stated therein. As a matter of convenience, in appropriate situations, such requests may be addressed to the Deputy Assistant Administrator for Administration, 2025 M Street, NW., Washington, D.C. 20456. The indices provided will indicate whether the central or regional Information Center is the appropriate supplier of the particular items listed.

(2) *Other Records.* Requests for records made under § 720.3(e) should be addressed to the appropriate Regional Director if it is known that the requested records are within his custody. When the location of requested records is not known, or it is known that such records are located in the central office, the request should be addressed to the Deputy Assistant Administrator for Administration at the address stated in subsection (c)(1). Failure to properly address a request may defer the date of receipt by the Administration from

which the time limitation stated in § 720.7(a)(1) is computed to take account of the time reasonably required to forward the request to the appropriate office or employee.

(3) *Identification of Request.* Requests for information available under § 720.3 should be clearly identified by the requester on the envelope and in the request by using the indicator "FOIA-REQUEST" in order to facilitate processing within the Administration.

(4) *Time.* All requests for information of any type must be made to the Administration during normal business hours.

(5) *Oral requests.* Oral requests may be dealt with orally, but if the requester is dissatisfied with the disposition of such a request, he will be required to submit a written request in accordance with this section.

§ 720.7 Agency Determination.

(a) Upon any request for records published in the *FEDERAL REGISTER*, or available under § 720.3, the Administration will:

(1) determine within 10 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and will immediately notify the person making such request of such determination and the reasons therefor, and of the right of such person to appeal to the Assistant Administrator for Administration any adverse determination; and

(2) make a determination with respect to any appeal within 20 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal. If on appeal the denial of the request for records is in whole or in part upheld, the Administration will notify the person making such request of the provisions for judicial review of that determination under 5 U.S.C. 552(a)(4). An appeal must be in writing and filed within 30 days from receipt of the initial determination (in cases of denials of an entire request), or from receipt of any records being made available pursuant to the initial determination (in cases of partial denials). In those cases where a request or appeal is not addressed to the proper official, the time limitations stated above will be computed from the receipt of the request or appeal by the proper official.

(b) In unusual circumstances as specified herein, the time limits prescribed in either paragraph (a)(1) or (a)(2) of this section may be extended by written notice to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice will specify a date that would result in an extension for more than 10 working days. As used in this subsection, but only to the extent reasonably necessary to the proper processing of the particular request, "unusual circumstances" means:

(1) the need to search for and collect the requested records from field facilities

or other establishments that are separate from the office processing the request;

(2) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) the need for consultation, which will be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(c) (1) In appropriate situations or as indicated in § 720.6, the Regional Directors or the Deputy Assistant Administrator for Administration, or, in their absence, the officer acting in their stead, are responsible for making the initial determination on whether to grant or deny a request for information. Such officials may refer a request to a professional employee of the Administration who is familiar with the subject area of the request. Other members of the Administration's staff may aid the above named officials by providing information, advice, recommending a decision, or implementing a decision, but no employee of the Administration other than the above named officials may make the initial determination. Referral of a request by the official to an employee will not affect the time limitation imposed in paragraph (a)(1) of this section except as provided in § 720.6(c)(2) or unless the request involves an unusual circumstance as provided in paragraph (b) of this section.

(2) The Assistant Administrator for Administration is the official responsible for determining all appeals from initial determinations. In case of his absence, the appropriate officer acting in his stead shall make the appellate determination, unless such officer was responsible for the initial determination, in which case the Deputy Administrator will make the appellate determination.

(3) All appeals should be addressed to the Assistant Administrator for Administration in the central office and should be clearly identified as such on the envelope and in the letter of appeal by using the indicator "FOIA-APPEAL". Failure to properly address an appeal may defer the date of receipt by the Administration from which the time limitation stated in paragraph (a)(2) of this section is computed to take account of the time reasonably required to forward the appeal to the Assistant Administrator.

(d) Any person making a request to the Administration for records published in the *FEDERAL REGISTER*, or available under § 720.3 shall be deemed to have exhausted his administrative remedies with respect to such request if the Administration fails to comply with the applicable time limit provisions of this section. On complaint filed in the appropriate U.S. District Court, if the Government can show exceptional circumstances exist and that the Administration is exercising due diligence in responding to the request, the court may

retain jurisdiction and allow the Administration additional time to complete its review of the records. Upon any determination by the Administration to comply with a request for records, the records will be made promptly available to such person making such request. Any notification of denial of any request for records under this section will set forth the names and titles or positions of each person responsible for such denial of such request.

(e) In those cases where it is necessary to find and examine records before the legality or appropriateness of their disclosure can be determined, and where, after diligent effort, this has not been achieved within the required period, the Administration may advise the person making the request that a determination to presently deny the request has been made because the records have not been found or examined, that this determination will be reconsidered when the search or examination is completed and the time within which completion is expected, but that the person making the request may immediately file an administrative appeal.

§ 720.8 Promulgation of Rules and Regulations.

(a) *Notice.* Except as provided in paragraph (b) of this section or as otherwise excepted by law, general notice of proposed rulemaking, including amendment or repeal, will be published in the *FEDERAL REGISTER*, and such notice will include (1) either the terms or substance of the proposed rule or a description of the subjects and issues involved, (2) a statement of the time, place, and nature of the public rulemaking procedure, and (3) reference to the authority under which the rule is proposed. Notice shall also be mailed to members of the Board.

(b) *Exceptions.* Any proposed amendment or rule may be adopted by the Administration without compliance with the requirements of this section if it involves any matter relating to Administration management or personnel or to public property, loans, grants, benefits, or contracts, or if persons subject to any such proposed amendment or rule are named and either personally served or otherwise have actual notice thereof in accordance with law, or it grants or recognizes exemptions or relieves restrictions, or which is deemed to apply to interpretive rules, general statements of policy, or rules of Administration organization, procedure, or practice, or when the Administration for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

(c) *Public participation.* Interested persons will be afforded an opportunity to participate in the making of any rule, except as provided in paragraph (b) of this section, or otherwise excepted by law, through the submission of written data, views, or arguments, delivered within the time prescribed in the general

notice, to the Administrator, National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456. The Administrator may, when deemed appropriate, provide an opportunity for oral presentation. Any interested person may petition for the issuance, amendment, or repeal of any rule by submitting such petition in writing to the Administrator together with a complete and concise statement of the petitioner's interest in the subject matter and the reasons why the petition should be granted.

(d) *Effective dates.* No rule issued by the Administration shall be effective less than 30 days after publication in the FEDERAL REGISTER except as provided in paragraph (b) of this section, or otherwise excepted by law.

(e) *Amendment and repeal.* The Administration expressly reserves the right to alter, amend or repeal the whole or any part of any rule or regulation.

[FR Doc.75-5353 Filed 2-27-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 2, Amdt. 1]

PART 102—DISCLOSURE OF INFORMATION

Document Search and Fee Schedule

Correction

In FR Doc. 75-4945 appearing at page 7898 in the issue of Monday, February 24, 1975, in the fourth line of the fourth paragraph of column two on page 7898 "more" should be changed to "none", so that the corrected line reads "amendment. Since none has been re-".

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-CE-4-AD; Amdt. 39-2103]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 300 and 400 Series Airplanes

Certain Cessna 300 and 400 series airplanes are equipped with wing tip fuel tank nose cap mounted strobe lights. Incidents have been reported where wing tip fuel tank nose cap explosions have occurred on these airplanes when the strobe lights are turned on. This condition is attributable to fuel leakage in the wing tip nose cap area and can result in fires and/or serious damage to the wing tip fuel tank. Since this condition is likely to exist or develop in other aircraft of the same type design, an Airworthiness Directive (AD) is being issued requiring repetitive inspections of the wing tip fuel tank nose area on certain serial numbers of Cessna 300 and 400 Series airplanes for fuel leakage and drain hole obstructions and the correction thereof when necessary.

Since a situation exists which requires expeditious adoption of the amendment,

notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

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

CESSNA. Applies to the following models and serial numbers of airplanes if equipped with strobe lights installed in the wing fuel tip nose cap: 310, 310A, 310B, 310C, 310D, 310E, 310F, 310G, 310H, E310H, 310I, 310J, 310J-1, 310K, 310L, 310N, T310P—All Serial Numbers 310Q—Serial Numbers 310Q0001 through 310Q0906, 320, 320-1, 320A, 320B, 320C, 320D, 320E, 320F—All Serial Numbers 340—Serial Numbers 340-0001 through 340-0303, 401, 401A and 401B—All Serial Numbers 402, 402A—All Serial Numbers 402B—Serial Numbers 402B0001 through 402B0503, 411 and 411A—All Serial Numbers 414—Serial Numbers 414-0001 through 414-0451, 421 and 421A—All Serial Numbers 421B—Serial Numbers 421B0001 through 421B0502.

Compliance: Required as indicated, unless already accomplished:

To detect fuel seepage into wing tip tank nose cap area from tank forward access panel and prevent explosions in tip tank nose caps due to ignition of fuel and fumes by strobe light arcing, within the next 100-hours' time in service after the effective date of this AD and each 100 hours' time in service thereafter, accomplish the following:

(A) Remove the tip tank nose caps and visually inspect them for evidence of fuel leakage. In the event a fuel leak is found, prior to further flight, replace as necessary the tip tank forward seal-o-seals and panel gaskets.

(B) Visually inspect the nose cap drain/vent hole for obstruction, such as dirt, insects, paint, etc., and prior to further flight remove any obstructions.

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

Cessna Service Letter ME 73-4, Supplement No. 1, dated November 22, 1974, or later approved revisions, pertains to this problem.

This amendment becomes effective February 28, 1975.

(Secs. 313(a), 601, 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 Kansas City, Missouri, on February 14, 1975.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc.75-5404 Filed 2-27-75;8:45 am]

[Docket No. 75-WE-1-AD; Amdt. 39-2108]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model GTCP660-4 and -4R Auxiliary Power Units (APU)

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on January 21, 1975, and distributed by airmail letter dated Janu-

ary 23, 1975, to all known United States operators or owners of aircraft incorporating AiResearch Model GTCP660-4 and -4R series APU's of specific serial numbers, installed in Boeing B-747 airplanes, unless they had been individually modified to incorporate an improved compressor. The directive imposes a limitation prohibiting inflight operation and requiring an inspection of the APU and APU compartment.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known operators of AiResearch model GTCP660-4 and -4R APU's of specific serial numbers by individual airmail letter dated January 22, 1975. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an Amendment to § 39.13 of Part 39 of the Federal Aviation regulations to make it effective as to all persons.

AIRESEARCH MANUFACTURING COMPANY OF ARIZONA. Applies to AiResearch Model GTCP660-4 and -4R APU's of the following listed serial numbers, installed in Boeing Model B-747 Series airplanes, unless modified to incorporate improved compressor assemblies in accordance with AiResearch Service Bulletin GTCP 660-49-3039, Revision 1, 2, or 3, or later FAA approved revisions: Model GTCP 660-4, S/N's P-37501 through P-37723 inclusive, and GTCP660-4R, S/N's P-101 through P-124 inclusive.

To prevent development of a hazardous condition during flight, accomplish the following:

(a) Prior to further flight, unless already accomplished, operators shall issue instructions to flight crews that the APU is not to be operated in flight. Within 72 hours after receipt of this airmail letter, unless already accomplished, install a placard in full view of the flight crew which reads:

"INFLIGHT OPERATION OF THE
APU IS PROHIBITED."

(b) Prior to further flight, unless already accomplished, operators shall issue instructions to determine that damage hazardous to the aircraft has not occurred prior to flight after an automatic shutdown or manual shutdown to correct operating discrepancies of the APU after the completion of a successful APU start has been accomplished. This determination may be made by the following means:

(1) Inspect the APU and APU compartment for damage; or

(2) Inspect the exterior surfaces of the APU compartment for evidence of damage and verify that the APU turbine rotor can be rotated manually from the exhaust tail-pipe; or,

(3) Perform the procedures described in Boeing Operations Manual Bulletin No. 75-1, dated January 17, 1975, or later FAA approved revision.

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

This supersedes the AD adopted January 10, 1975, and distributed by individual telegrams dated January 11, 1975.

This AD is effective upon receipt of this airmail letter.

This amendment is effective March 5, 1975 and was effective upon receipt for all recipients of the airmail letter dated January 22, 1975 which contained this amendment.

(Secs. 313(a), 601, 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, California on February 18, 1975.

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

[FR Doc. 75-5310 Filed 2-27-75; 8:45 am]

[Docket No. 75-GL-3; Amdt. 39-2111]

PART 39—AIRWORTHINESS DIRECTIVES

Bellanca Aircraft Corp.; Bellanca Model 8KCAB

Amendment 39-2001 (39 FR 38890), Airworthiness Directive 74-23-04, effective November 7, 1974, requires that the wing ribs of Bellanca 8KCAB aircraft be visually inspected for evidence of fatigue cracks and/or distortion in the rib flange and if cracks, distortion or fabric rivet looseness were found, repair and reinforcement of all ribs per Bellanca Kit #243 must be accomplished. Compliance required that inspection be performed before further flight. If damage to the ribs is found, repair must be effected prior to further flight. If no damage is found, the inspection is to be repeated every twenty-five (25) hours. If repairs are accomplished by installation of Kit #243, the inspections may be discontinued.

Agency policy implemented in October 1974, precludes issuance of a special flight authorization for the ferrying of an aircraft having a condition described in an Airworthiness Directive unless the Airworthiness Directive expressly permits. No provision had been made in Airworthiness Directive 74-23-04 for ferrying aircraft. It is determined that the condition covered by Airworthiness Directive 74-23-04 is of such a nature that issuance of special flight authorizations should be permissible in appropriate instances and with appropriate limitations and restrictions, in accordance with § 21.197 of the Federal Aviation Regulations, for ferrying for repair purposes.

Therefore, the Airworthiness Directive is being amended to provide such a provision.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than thirty (30) days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697 and 14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2001 (39 FR 38890), Airworthiness Directive 74-23-04 is amended by adding the following sentence to the end of Paragraph B of Airworthiness Directive 74-23-04:

A special flight permit per FAR 21.197 may be issued after accomplishment of Paragraph A to allow repairs in accordance with this Airworthiness Directive.

This amendment becomes effective March 6, 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 20, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc. 75-5307 Filed 2-27-75; 8:45 am]

[Docket No. 74-NW-25-AD; Amdt. 39-2113]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747-100/-200 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a leading edge flap logic input to the takeoff aural warning system and a logic which will cause warning lights to flash on the pilots' and flight engineer's panels, which will give the flight crew positive warning when any of the leading edge flap drive motors have not driven to the fully extended position when the trailing edge flaps are extended to a takeoff setting, was published in the FEDERAL REGISTER on December 19, 1974, 39 FR 43849.

Subsequent to issuing the NPRM, an amendment was issued to reduce the 60 day comment period to 50 days and to make public a Boeing design concept made known to the FAA, ATA and ALPA.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments were received from both domestic and foreign operators. Some of these comments appear summarized through such organizations as ATA and AEA and also as comments by individual airlines. A total of 15 commentators responded including one from an interested individual.

A majority of the commentators (9) favored the Boeing design concept with little or no change. Only one commentator urged adoption of the changes which would be required by the original NPRM.

Seven commentators reacted against the requirement of flashing warning/caution lights, whereas one commentator favored such arrangement and another felt it should be considered.

A commentator felt that only the warning horn should be required, another felt the need for only a leading edge/trailing edge flap disagreement light.

Two commentators urged the adoption of the requirement for an airspeed cutout switch to reduce the exposure to nuisance warnings on takeoff. One commentator suggested adding a horn cutout switch to allow the crew to silence the takeoff warning horn should it become necessary.

A substantial group of commentators expressed concern over the reliability of

the added wiring and components, mainly as regards nuisance warnings. The FAA shares this concern, and every effort will be made to certificate a system which has a high degree of reliability and immunity to false warnings.

A group of five commentators requested the compliance time be increased to avoid unnecessary downtime.

One commentator suggested that the leading edge flap position pick-up be performed at the actual flap elements. The FAA feels this requirement would be unduly complex due to the large number of individual leading edge flap segments. Also, since the segments are connected via mechanical linkage to the drive motors, no significant gain in reliability can be gained thereby.

A group of commentators, represented by a European consortium of airlines, suggested the installation of a "low-pneumatic pressure warning light to alert flight crew of a primary power loss." The FAA has given careful consideration to this proposal and has decided against requiring this for the following reasons:

(1) Pneumatic pressure will be available to the wing ducts when the engines are running and the pylon bleed air valves are open. If these valves are closed, caution lights on the flight engineer's panel will indicate the condition.

(2) Loss of pressure in the wing ducts will also be indicated by the manifold pressure gauge on the flight engineer's panel.

(3) The warning system which is required by this AD will provide additional safeguards against a takeoff without the leading edge flaps extended.

One commentator suggested that dispatch be permitted with part of the warning system inoperative. A consideration of this proposal is not within the scope of this AD action.

As regards the proposed requirement for flashing warning/caution lights contained in the NPRM, the FAA has determined that there is a substantial opposition to this feature for good cause and it has therefore been removed from consideration.

Although Boeing Service Bulletin 747-27-2110, which was issued at the request of a 747 operator does include an airspeed switch to cut out the input to the takeoff aural warning from the leading edge flap logic when the airplane has accelerated beyond 90 kt's, the FAA believes that a reliable design can obviate the need for this device.

As regards the requests to extend the compliance time from three (3) calendar months as would be required by the NPRM, the FAA has determined that the compliance time can be extended to five (5) calendar months. This determination has been made with due consideration to the level of safety afforded on an interim basis by the mandatory amendment to the operation specifications of U.S. certificated carriers which provides safeguards against all failures to extend the leading edge flaps on takeoff on record. In addition, an Operations Information Alert has been issued recommending that

the takeoff flaps be extended prior to leaving the ramp, and that this be confirmed by a qualified ground observer.

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

BOEING: Applies to all Model 747 Series Airplanes, certificated in all categories.

Compliance required as indicated, unless already accomplished. To assure flight crew aural warning and visual indication when the leading edge flaps are not fully extended for takeoff, accomplish the following:

Within five (5) calendar months time after the effective date of this AD, install modifications, in accordance with Boeing Service Bulletin 747-27-2128 dated February 14, 1975, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region to cause:

(a) A takeoff configuration warning horn to sound when the leading edge flaps have not been fully extended, and the #3 thrust lever is advanced to a takeoff setting, and the trailing edge flaps are extended to a takeoff setting, and

(b) A leading edge flap amber caution light to illuminate on the pilots' panel, when any leading edge flap sets are not in the extended position, and the trailing edge flaps are extended to a takeoff setting.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA, Northwest Region, 9010 East Marginal Way, Seattle, Washington 98108.

This amendment becomes effective March 24, 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 Seattle, Washington on February 20, 1975.

C. B. WALK, Jr.,
Director, Northwest Region.

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 75-5309 Filed 2-27-75; 8:45 am]

[Docket No. 75-NE-5; Amdt. 39-2114]

PART 39—AIRWORTHINESS DIRECTIVE **General Electric CF700 Turbofan Engines**

There has been a contained failure of a General Electric CF700 turbofan engine compound turbine and fan blade, and additional blades have been found cracked on subsequent field inspections due to blade material property variability. Since this condition is likely to exist or develop in other engines of the same model, an airworthiness directive is being issued to require an eddy current type repetitive inspection to detect blade cracks.

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 thirty (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:

GENERAL ELECTRIC: Applies to all General Electric CF700-2C, CF700-2D, and CF700-2D-2 turbofan engines having compound turbine and fan blade. Part Number 6002T57P01, with the following serial numbers:

001CY through 994CY
001CZ through 1038CZ
001DA through 999DA
001DB through 999DB
001DC through 999DC
001DE through 999DE
001DF through 999DF
001DG through 999DG
001DH through 999DH
001DI through 999DI
001DJ through 999DJ
001DK through 999DK
001DL through 999DL
001DM through 999DM
001DN through 999DN
001DO through 999DO
001DP through 999DP
001DQ through 999DQ
001DR through 999DR
001DS through 999DS
001DT through 999DT
001DU through 999DU
001DV through 999DV
001DW through 999DW
001DX through 999DX
001DY through 999DY
001DZ through 999DZ

Compliance required as indicated unless already accomplished.

To preclude possible failures of compound turbine and fan blades, perform an eddy current inspection as specified in the Accomplishment Instructions section of General Electric Alert Service Bulletin No. (CF700) A72-124, or (CF700) A72-125 or later FAA approved revisions or a fluorescent-penetrant inspection as specified in General Electric Overhaul Manual SEI-133 Section 72-72-1, in accordance with the following schedule:

a. Compound turbine and fan blades with 1000 or more hours total time in service on the effective date of this AD: Inspect within the next 30 hours time in service and inspect every 400 hours time in service thereafter.

b. Compound turbine and fan blades with less than 1000 hours total time in service on the effective date of this AD: Inspect prior to the accumulation of 1030 hours total time in service and inspect every 400 hours time in service thereafter.

Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, New England Region, may adjust the inspection interval specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

This amendment is effective March 12, 1975.

(Secs. 313(a), 601, and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423);

Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Burlington, Massachusetts, on February 21, 1975.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

[FR Doc. 75-5313 Filed 2-27-75; 8:45 am]

[Docket No. 74-EA-93; Amdt. 39-2106]

PART 39—AIRWORTHINESS DIRECTIVE **Kollsman Instrument Co.**

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Kollsman altitude reporting altimeters.

There have been reports that retaining springs within the altimeter, because of failure to conform to type design, caused improper operation of the altimeter. Since this is a deficiency which can exist in other altimeters of similar design, an airworthiness directive is being issued requiring restricted use of an aircraft carrying an affected altimeter and eventual replacement of the altimeter.

Since this is a deficiency which can affect air safety, notice and public procedure hereon are impractical and good cause exists for making the airworthiness directive effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended, as follows:

KOLLSMAN INSTRUMENT COMPANY. Applies to Altitude Reporting Altimeters, Type Number B4545110001 and B4545110011, Serial Numbers 0001 through 0344 inclusive, except Serial Numbers 0014, 0024, 0044, 0045, 0058, 0091, 0094, 0103, 0125, 0133, 0142, 0147, 0159, 0177, 0198, 0204, 0222, 0244, 0245, 0263, 0268, 0271, 0274, 0285, 0290, 0300, 0314, 0315, 0317, 0318, 0324, 0327, 0335, through 0339, 0342, and 0343. To prevent the possibility of altimeter failure or incorrect altitude information, accomplish the following:

(A) Within the next ten hours' time in service after the effective date of this Airworthiness Directive, unless paragraph (B) has already been complied with, install a placard on the instrument panel in clear view of the pilot which states: "Aircraft approved for day VFR Flight Only" and operate the aircraft in accordance with this limitation.

(B) Within 30 days of the effective date of this Airworthiness Directive, replace with an approved replacement part or an altimeter subject to this Airworthiness Directive which has been modified in accordance with Kollsman Instrument Company Service Bulletin No. 261, dated December 13, 1974, or any alternate means of compliance approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(C) Compliance with this Airworthiness Directive is not required if the aircraft has a second sensitive altimeter not subject to this Airworthiness Directive. If that second altimeter fails or is removed, compliance with paragraphs (A) and (B) is required.

This amendment is effective March 6, 1975, and was effective for all recipients of the telegram, dated December 18, 1974, containing this airworthiness directive.

(Secs. 313(a), 601, 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 Jamaica, N.Y., on February 20, 1975.

JAMES BISPO,
Acting Director,
Eastern Region.

[FR Doc.75-5315 Filed 2-27-75;8:45 am]

[Docket No. 74-WE-46-AD; Amdt. 39-2112]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Models DC-10-10, DC-10-10F, DC-10-30, DC-10-30F and DC-10-40 Airplanes

A proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amdt. 39-1811, 39 FR 11991, AD 74-08-04, as amended by Amendment 39-2013, 39 FR 40252, by adding a new paragraph 11 to require test circuit improvements in the existing snap-switch cargo door warning circuits in addition to new proximity switch cargo door warning systems with separate indicator lights in the flight deck was published in 39 FR 43090.

Interested persons have been afforded an opportunity to participate in the making of the Amendment. Due consideration has been given to all comments presented in response to the Notice.

Several commentators requested a clarification of paragraphs 2 and 4 in the AD. While not part of the Notice, the FAA agrees, and new paragraphs 2 and 4 are being adopted in the amendment.

Several other commentators requested an extension of the compliance time from 3000 hours to 6000 hours' time in service. The FAA agrees. While the modifications are required, the compliance time may be extended, since the required level of safety is maintained with the present cargo door design when the cargo doors are checked in accordance with paragraph 2.

Two commentators objected to the proposed amendment, since they believe the present cargo door design, which includes the modifications required by AD 74-08-04 and AD 74-12-07, is safe. While it is true the lower cargo doors are safe and greatly improved by the modifications required by the airworthiness directives, the FAA believes there is one area of design, the door warning systems, which should be improved on all DC-10 series airplanes on a mandatory basis. The FAA has concluded that the reliability of the door warning system must be improved.

One commentator requested that paragraph 3 of AD 74-08-04 be deleted on the grounds that the approved procedures in the FAA approved Airplane Flight Manual are sufficient. The FAA disagrees, since there are no directly comparable procedures in the FAA approved Airplane Flight Manual.

Another commentator requested provisions for dispatch of the aircraft. This request is beyond the scope of the NPRM and is under consideration by the FAA.

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 39-1811 (39 FR 11991), AD 74-08-04, as amended by Amendment 39-2013 (39 FR 40252), is hereby amended as follows:

a. Replace the existing paragraph 2 with a new paragraph 2, as follows:

2. Prior to each flight a qualified person will:

A. Check each cargo door that has been opened since last checked, for proper security as follows:

(i) Ensure that the cargo restraint curtain, if installed, is in proper position.

(ii) Ensure that no foreign matter is in the exposed door locking mechanisms.

(iii) Ensure that locking mechanisms are in proper positions.

(iv) Ensure proper locking pin placement by visual check through inspection ports;

B. Check each cargo door known not to have been opened since last checked per paragraph 2(A), above.

(i) Ensure that locking mechanisms are in proper positions.

(ii) Ensure proper locking pin placement by visual check through inspection ports; and

C. Ensure all cargo door warning lights are extinguished prior to taxi.

D. Communicate to the flight crew, prior to taxi, that the cargo doors have been checked, closed and locked.

E. Definitions. For the purposes of this paragraph, a qualified person is defined as an individual who has received special training on cargo door latching, and, as listed below, shall be:

(i) Mechanics at stations where such personnel are stationed and available.

(ii) Flight crew member at off-line stations where no other qualified persons are available.

(iii) Ramp supervisor at line stations where no mechanical personnel are stationed or available.

b. Replace the existing paragraph 4 with a new paragraph 4, as follows:

4. Notwithstanding the above, at least one flight crew member for each airplane operation must be indoctrinated in accordance with the FAA approved cargo door training programs for the individual airline or operator.

c. Add a new paragraph 11, as follows:

11. Within the next 6000 hours' time in service, after the effective date of this Amendment 39-2112 to AD 74-08-04, unless already accomplished, modify the existing snap switch cargo door warning systems and install new proximity switch cargo door warning systems in accordance with McDonnell Douglas Service Bulletin 52-109, Revision 1, dated December 12, 1974, or later FAA-approved revisions, or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective April 4, 1975.

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

Issued in Los Angeles, California on February 19, 1975.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.75-5308 Filed 2-27-75;8:45 am]

[Docket No. 75-NE-8; Amdt. 39-2109]

PART 39—AIRWORTHINESS DIRECTIVE

Pratt & Whitney Aircraft Model JT9D Engines

There have been ten instances of No. 3 bearing compartment fires which have spread to the engine gearbox causing fire damage to the engine. In two of these instances, the fires were uncontrolled and had to be put out by the airport fire department upon landing. The fires were initiated by excessive clearance of the No. 3 bearing compartment labyrinth seals. Excessive seal clearance allows high temperature compressor discharge air to enter the No. 3 bearing compartment which may ignite the air/oil mixture in the compartment.

Since this condition is likely to exist or develop in other engines of the same type design, an airworthiness directive is being issued to require a repetitive measurement of the No. 3 breather tube temperature to ensure that the labyrinth seal clearances are within limits.

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:

PRATT & WHITNEY AIRCRAFT. Applies to all Pratt & Whitney Model JT9D-3A, -7, 7H, -7A, -7H, -7F, and -20 turbofan engines.

To prevent possible engine fires due to excessive No. 3 bearing compartment labyrinth seal clearances, measure the No. 3 compartment breather air temperature in accordance with Pratt & Whitney Alert Bulletin No. 4391, dated February 19, 1975, or later FAA approved revision, at the intervals specified below:

1. Prior to the next 300 hours time in service after the effective date of this AD, unless already accomplished.

2. Whenever any of the following major engine sections are removed or replaced:

a. Intermediate case.

b. Rear compressor rotor and stator assembly.

c. Rear compressor drive turbine rotor assembly.

d. Front compressor drive turbine rotor assembly due to blade failure.

e. Turbine exhaust case due to loose or missing tailcone.

f. Diffuser, combustion and first stage turbine nozzle section.

If the measured breather air temperature is above the limit defined by Pratt & Whitney Curve Number 4391, dated February 14, 1975, remove the engine from service prior to further flight.

This amendment become effective March 24, 1975.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Pratt & Whitney Aircraft, Division of United Aircraft Corporation, 400 Main Street, East Hartford, Connecticut 06108. These documents may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at FAA headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at New England Region.

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

Issued in Burlington, Massachusetts, on February 19, 1975.

W. E. CROSSBY,
Acting Director,
New England Region.

NOTE.—The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.75-5314 Filed 2-27-75;8:45 am]

[Airspace Docket No. 74-80-47]

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

Designation of Transition Area

On May 8, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 16365), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Brooksville, Fla., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 9:01 G.m.t., April 24, 1975, as hereinafter set forth.

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

BROOKSVILLE, FLA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Hernando County Airport (Lat. 28°57'50" N., Longitude 82°27'30" W.); within 3 miles each side of the 276° bearing from Brooksville RBN (Lat. 28°28'25" N., Longitude 82°27'00" W.), extending from the 6.5-mile radius area to 3.5 miles west of the RBN. (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 18, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-5316 Filed 2-27-75;8:45 am]

[Airspace Docket No. 74-CE-21]

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

Alteration of Transition Area

On page 41994 of the FEDERAL REGISTER dated December 4, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Sedalia, Missouri, transition area.

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

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

This amendment shall be effective 9:01 G.m.t., April 24, 1975.

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

Issued in Kansas City, Missouri, on February 11, 1975.

GEORGE R. LACAILLE,
Acting Director, Central Region.

In § 71.181 (40 FR 441), the following transition area is amended to read:

SEDALIA, MISSOURI

That airspace extending upward from 700 feet above the surface within an eight-mile radius of Whiteman AFB (latitude 38°43'50" N., longitude 93°33'00" W.); within two miles each side of Whiteman AFB ILS localizer south course, extending from the eight-mile radius area to eight miles south of the OM; within a 6.5 mile radius of Sedalia Memorial Airport (latitude 38°42'15" N., longitude 93°11'00" W.); and within three miles each side of the 010° bearing from Sedalia Memorial Airport, extending from the 6.5 mile radius area to eight miles north of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of longitude 93°30'00" W., and the south edge of V12; thence north via longitude 93°30'00" W.; to and east along the south boundary of V4; to and south along longitude 92°31'00" W.; to and west along the south edge of V12; to and southwest along a line eight miles southeast of and parallel to the 042° bearing from Sedalia Memorial Airport; to and clockwise along the arc of a 29-mile radius circle centered on the Whiteman AFB VOR; to and northwest along the northeast edge of V159; to and counterclockwise along the arc of a 42-mile radius circle centered on the Kansas City Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.); to and east along the south edge of V12 to the point of beginning.

[FR Doc.75-5317 Filed 2-27-75;8:45 am]

[Docket No. 14315; Amdt. No. 957]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

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

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective April 10, 1975.

Casper, Wyo.—Natrona County Int'l. Arpt., VOR/DME Rwy 21, Amdt. 4.
Casper, Wyo.—Natrona County Int'l. Arpt., VOR Rwy 21, Amdt. 14.
Chicago, Ill.—Chicago O'Hare Int'l. Arpt., VOR Rwy 9L, Amdt. 1, cancelled.
Lancaster, Ohio—Fairfield County Arpt., VOR/DME-A, Orig.
Lodi, Calif.—Linds Arpt., VOR-A, Orig.
Lodi, Calif.—Linds Arpt., VOR Rwy 26, Amdt. 1, cancelled.
Louisville, Ky.—Standiford Field, VOR Rwy 29 (TAC), Amdt. 12.
Mayaguez, P.R.—Mayaguez Arpt., VOR Rwy 8, Amdt. 4.
Tulsa, Okla.—Tulsa Riverside Arpt., VOR/DME Rwy 36L, Amdt. 3.
Tulsa, Okla.—Tulsa Riverside Arpt., VOR Rwy 36L, Amdt. 1.

* * * effective February 13, 1975.

Kinston, N.C.—Stallings Field, VOR/DME Rwy 4, Amdt. 7.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective April 10, 1975.

Casper, Wyo.—Natrona County Int'l. Arpt., LOC (BC) Rwy 25, Amdt. 13.
Chicago, Ill.—Chicago O'Hare Int'l. Arpt., LOC Rwy 9L, Orig.
Louisville, Ky.—Standiford Field, LOC (BC) Rwy 11, Amdt. 2.

* * * effective February 12, 1975

Harlingen, Tex.—Harlingen Industrial Airpark, LOC (BC) Rwy 35L, Amdt. 1.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective April 10, 1975.

Casper, Wyo.—Natrona County Int'l. Arpt., NDB Rwy 7, Amdt. 10.
Chicago, Ill.—Chicago O'Hare Int'l. Arpt., NDB Rwy 9R, Amdt. 7.
Ponape Island, Caroline Islands—Ponape Int'l. Arpt., NDB-A, Amdt. 1.
Vidalia, Ga.—Vidalia Municipal Arpt., NDB Rwy 24, Amdt. 2.

* * * effective March 13, 1975

Brownfield, Tex.—Terry County Arpt., NDB Rwy 2, Orig.

* * * effective February 14, 1975

Covington, Ky.—Greater Cincinnati Arpt., NDB Rwy 27L, Amdt. 2.

* * * effective February 13, 1975

Kinston, N.C.—Stallings Field, NDB Rwy 4, Amdt. 4.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective April 10, 1975.

Casper, Wyo.—Natrona County Int'l. Arpt., ILS Rwy 7, Amdt. 19.
Chicago, Ill.—Chicago O'Hare Int'l. Arpt., ILS Rwy 9R, Amdt. 5.
Kahului, Hawaii—Kahului Arpt., ILS Rwy 2, Amdt. 9.
Trenton, N.J.—Mercer County Arpt., ILS Rwy 6, Amdt. 3.

* * * effective February 14, 1975

Covington, Ky.—Greater Cincinnati Arpt., ILS Rwy 27L, Amdt. 1.

* * * effective February 13, 1975

Kinston, N.C.—Stallings Field, ILS Rwy 4, Amdt. 3.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective April 10, 1975.

Tulsa, Okla.—Tulsa Riverside Arpt., ASR-1, Amdt. 19, cancelled.

* * * effective February 14, 1975

Covington, Ky.—Greater Cincinnati Arpt., RADAR-1, Amdt. 16.

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

Issued in Washington, D.C., on February 20, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

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

[FR Doc. 75-5318 Filed 2-27-75; 8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 925—STATE COASTAL ZONE MANAGEMENT PROGRAM

Interim Regulations

The Coastal Zone Management Act of 1972 requires, as a condition of the approval of a state's coastal zone management program by the Secretary of Commerce (by delegation, the Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce) that, in the development of a state program, there has been "the opportunity of full participation by relevant Federal agencies * * * (section 306 (c) (1); and that the "views of Federal agencies principally affected by such program have been adequately considered" (section 307(b)).

The Act further provides that, in the case of a "serious disagreement between any Federal agency and the state in the development of the program the Secretary, in cooperation with the Executive Office of the President, shall seek to mediate the differences" (section 307 (b)).

There are published herewith interim regulations for the implementation of the cited provisions of the Act. Comment on these regulations is invited through March 31, 1975.

Comment should be addressed to the Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20230. Following the close of the comment period, and after review of comments submitted, the Administrator may amend these regulations so as to reflect such comments. The Administrator shall then publish final regulations in the FEDERAL REGISTER.

Pending the issuance of final regulations, these interim regulations are effective. Over eighty percent of the states eligible for state program development grants have received them. Coordination between federal and state agencies in the development of a state program is an essential part of the development process. Therefore, it is desirable to provide the guidance set forth herein as rapidly as possible. These considerations constitute "good cause," within the meaning of that phrase in 5 U.S.C. 553(d)(3), for making these interim regulations effective pending the issuance of final regulations.

- 925.1 Authority.
- 925.2 Definitions.
- 925.3 Relevant Federal Agencies.
- 925.4 Federal-State Cooperation.
- 925.5 Washington Level Coordination of a State Program.
- 925.6 Mediation of Federal-State Disputes.

AUTHORITY: 86 Stat. 1280, 88 Stat. 1974 (1975).

§ 925.1 Authority.

Section 314 of the Act requires the Secretary to develop such rules and regulations as may be necessary to carry out the provisions of the Act pursuant to 5 U.S.C. 553.

§ 925.2 Definitions.

In these regulations:

(a) "Act" means the Coastal Zone Management Act of 1972, as amended (86 Stat. 1280, 88 Stat. 1974 (1975)).

(b) "Administrator" means the Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20230;

(c) "OMB" means the Office of Management and Budget within the Executive Office of the President;

(d) "OCZM" means the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration;

(e) "relevant Federal agency" means a Federal agency, the interests of which (1) are "relevant" to a state coastal zone management program within the meaning of Section 306(c)(1) of the Act; and/or (2) are, or could be, "principally affected by" the implementation of a state coastal zone management program within the meaning of section 307(b) of the Act.

(f) "state agency" means a unit, or units, of a state government, or of more than one state governments, responsible for the development of a coastal zone management program; and

(g) "state program" means a state coastal zone management program adopted by a coastal state in accordance with the provisions of the Act and setting forth objectives, policies and standards to guide public and private uses of lands and waters in the coastal zone.

§ 925.3 Relevant Federal agencies.

(a) The Federal agencies which are relevant to a given state program may vary from state program to state program. However, the Administrator has determined that the Federal agencies listed below are relevant to each state program.

Department of Agriculture.
Department of Commerce.
Council on Environmental Quality.
Department of Defense.
Department of Health, Education and Welfare.
Department of Housing and Urban Development.
Department of Interior.
Department of Justice.
Department of Transportation.
Environmental Protection Agency.
Energy Research and Development Administration.
Nuclear Regulatory Commission.
Federal Energy Administration.
Federal Power Commission.
General Services Administration.

The Administrator shall determine, for each state program, any relevant Federal

agency in addition to those listed above. He shall provide each state agency with the name, street address and telephone number of the appropriate office of each Federal agency listed above, and of each Federal agency which additionally he determines to be relevant.

(b) Early in the development of its state program, each state agency should contact the office of each relevant Federal agency, listed or determined pursuant to paragraph (a) of this section, for the purpose of arranging for the participation of that Federal agency in the development of the state program. Such Federal agency shall advise the state agency as to procedures to be followed in dealing with the Federal agency in relation to the development of the state program; and the state agency shall comply with these procedures. If any state agency has any question with regard to (1) any aspect of its work with a given Federal agency in the development of its state program, or (2) with regard to the appropriate office of a Federal agency with which it should work, such agency should call or write the Administrator for his advice (ATTN: OCZM).

§ 925.4 Federal-State cooperation.

A state agency and a relevant Federal agency shall establish, and shall maintain throughout the development of the state program, such relationships and communications with one another as will enable each to be fully informed of the other's views in relation to the program as it is developed. A state program is in the development stage until it has been approved. In order to be considered by the Administrator, a state program must contain a list of the Federal agencies with which the state agency has worked in developing the state program, including the names of the principal contacts in each Federal agency, and an entry in regard to each such agency as to its principal views.

§ 925.5 Review and approval of a State program.

(a) The state agency shall submit the state program to the Administrator. The Administrator shall review the program for compliance with the criteria prescribed in section 306 of the Act and the implementing regulations (15 CFR Part 923). If the Administrator determines that the program appears to comply with these criteria, he shall prepare a draft environmental impact statement. He shall send a copy of such statement and a copy of the state program concurrently to, among other persons or entities, each relevant Federal agency for that agency's review and comment.

(b) Each receiving Federal agency, or other person or entity, shall provide its comments, if any, on the state program and/or on the draft environmental impact statement to the Administrator within 45 days of the date upon which each of these documents was received by such agency, or other person or entity.

(c) Paragraphs (a) and (b) of this section shall apply to the initial submission

to the Administrator of a state program by a state agency, whether such submission is for preliminary or final approval (as authorized by 15 CFR 923.3 (a) and (b)). If the initial submission by the state agency was for preliminary approval, then, upon receipt of a state program submitted for final approval, the Administrator shall review any new material in such program for compliance with the criteria prescribed in section 306 of the Act and the implementing regulations. If the Administrator determines that such program appears to comply with these criteria, he shall send a copy of any new material in such program to each Federal agency which received a copy of the state program as submitted for preliminary approval for that agency's review and comment. If, in the Administrator's view, a state program submitted for final approval contains substantial changes from the program as initially submitted for preliminary approval, or contains significant new information, the Administrator shall amend or supplement the draft or final environmental impact statement, as the case may be, pertaining to the state program so as to reflect such changes or new information. He shall consult with the Council on Environmental Quality with respect to the possible need or desirability of recirculating the statement for the appropriate period. Concurrently with his sending any new material to Federal agencies as required above, the Administrator shall send such amended or supplemented environmental impact statement to, among other persons or entities, each such Federal agency. Each receiving Federal agency shall provide its comments, if any, on the new material within 30 days of its receipt of that material. Each receiving Federal agency, or other person or entity, shall provide its comments, if any, on the amended or supplemented environmental impact statement within the number of days prescribed for such comment by the Administrator. The Administrator's instructions in this regard shall reflect his consultation with the Council on Environmental Quality as required above.

(d) After receiving and considering comments on the draft environmental impact statement pertaining to a state program, the Administrator shall prepare a final environmental impact statement pertaining to that program, and shall send a copy of such statement to each relevant Federal agency, and other person or entity, which received a copy of the draft statement for review and comment. Each receiving agency, person or entity shall provide its comments, if any, on the final environmental impact statement within 30 days from the date of its receipt of that statement.

(e) After receiving and considering comments on both the state program and the final environmental impact statement pertaining to that program, the Administrator shall approve or disapprove the state program. He shall publish

his decision in this regard in the FEDERAL REGISTER.

(f) This section shall apply to any submission by a state agency which seeks approval of a modification of a state program which already has been approved by the Administrator.

§ 925.6 Mediation of Federal-State disputes.

(a) It is important that, in the development of a state program, the state and Federal agencies involved seek early identification of any point of relatively serious disagreement between them. Whenever such a disagreement is identified, the Federal and state agencies shall inform OCZM in writing, stating the point(s) of disagreement and the reason(s) therefore. Upon being so informed, OCZM shall endeavor, by appropriate means, to reconcile the disagreement.

(b) A disagreement between a state agency and a relevant Federal agency as to a developing state program which persists to that point at which the state and Federal agencies concerned, after having been informally assisted by OCZM as provided above, still are in disagreement, shall be considered a "serious" disagreement for the purposes of section 307(b) of the Act.

(c) Upon becoming informed of such a disagreement, the Administrator shall request from each disagreeing agency a statement of the disagreement, its history—including any efforts made to resolve or reduce it—and the reason(s) for the position(s) taken. After receiving and reviewing the statements, and after receiving and reviewing any additional information which the Administrator shall request from any agency (which information the agency shall provide), the Administrator shall arrive at a recommended resolution of the disagreement, based upon the policies and provisions of the Act. He shall forward his recommendation, and the reason(s) therefor, to the parties to the disagreement for their review and comment. Concurrently, he shall inform OMB in writing of the fact of the disagreement, including necessary background information, and of his recommended resolution. The parties to the disagreement shall comment to the Administrator on his recommendation in writing within 30 days of their individual receipts of that recommendation.

(d) If the parties to the disagreement do not accept the Administrator's recommendation, in whole or in part, the Administrator shall so inform OMB, and shall provide OMB with any additional comment or recommendation(s) which he may have. After considering any comment or additional recommendation(s) of the Administrator, and after considering the comment of the disagreeing parties, OMB shall inform the Administrator that it agrees with his recommendation, or shall propose a different resolution.

(e) The Administrator shall send his recommended resolution, or the recommended resolution of OMB, as the case

may be, along with the reason(s) therefore, to the agency parties to the disagreement. If the recommended resolution does not resolve the disagreement, the Administrator shall determine the extent to which the inclusion in the state program of the state agency's position in the disagreement would affect his ability to approve the state program. He shall communicate his determination in writing, with the reason(s) therefore, to the parties to the disagreement.

(f) The foregoing does not preclude the simultaneous use of such informal means for the resolution of a serious disagreement as, in the view of the Administrator and/or OMB, may seem appropriate.

ROBERT M. WHITE,
Administrator.

[FR Doc. 75-5370 Filed 2-27-75; 8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 1A-436, 1C-8679, File No.
87-462]

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

Revised Definition of Term "Advisory Representative" and Limitation of Record-Keeping Requirements for Certain Persons

On December 18, 1972, the Securities and Exchange Commission published notice (Investment Advisers Act Release No. 353; Investment Company Act Release No. 7565 (38 FR 1649 (January 17, 1973))) that it had under consideration the amendment of paragraph (12) of Rule 204-2(a) (17 CFR 275.204-2(a)) and the adoption of new paragraphs (13) and (14) of Rule 204-2(a) under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) (Advisers Act)¹ and invited all interested persons to submit their views and comments on the proposals. The Commission has considered all of the comments and suggestions received and has determined to adopt amended paragraph (12) and new paragraph (13) of Rule 204-2(a) in the form set forth below, and to withdraw proposed paragraph (14) of Rule 204-2(a).

The amendments to Rule 204-2(a) are adopted pursuant to the authority granted the Commission in sections 204, 206(4) and 211(a) of the Advisers Act (15 U.S.C. 80b-4, 80b-6(4), 80b-11(a)). Section 204 of the Advisers Act requires every investment adviser (other than one specifically exempted from registration pursuant to

section 203(b) (15 U.S.C. 80b-3(b))) to make, keep, and preserve for such periods such records and reports as the Commission by its rules and regulations may prescribe as necessary or appropriate in the public interest or for the protection of investors. Section 206(4) prohibits any investment adviser from engaging in any act, practice, or course of business which is fraudulent, deceptive or manipulative, and gives the Commission the authority, by rules and regulations, to define and prescribe means reasonably designed to prevent such acts, practices, and courses of business as are fraudulent, deceptive, or manipulative. Section 211 (a) gives the Commission authority to make, issue, amend, and rescind such rules and regulations as are necessary or appropriate to the exercise of the functions and powers conferred upon it under the Advisers Act.

AMENDMENT TO PARAGRAPH (12) OF RULE 204-2(A)

Rule 204-2(a) sets forth various record-keeping requirements for investment advisers subject to registration under the Advisers Act. Paragraph (12) of the Rule requires every investment adviser to make and keep true, accurate and current:

A record of every transaction in a security in which the investment adviser or any advisory representative . . . of such investment adviser has, or by reason of such transaction acquires, any direct or indirect beneficial ownership except (A) transactions effected in any account over which neither the investment adviser nor any advisory representative of the investment adviser has any direct or indirect influence or control; and (B) transactions in securities which are direct obligations of the United States.

As originally adopted, paragraph (12) defined "advisory representative" to mean:

. . . any partner, officer or director of the investment adviser; any employee who makes any recommendation, who participates in the determination of which recommendation shall be made, or whose functions or duties relate to the determination of which recommendation shall be made; any employee who, in connection with his duties, obtains any information concerning which securities are being recommended; and any person in a control relationship to the investment adviser who obtains information concerning securities recommendations being made by such investment adviser other than as a regular client of such investment adviser.

One of the purposes of paragraph (12) of the Rule, as stated in Investment Advisers Act Release No. 203 (August 11, 1966) [31 F.R. 10921 (August 17, 1966)] announcing its adoption, is to provide the Commission with information with which to determine whether a rule prohibiting the practice of "scalping" is necessary. "Scalping" is a practice whereby an investment adviser, or any person who obtains information concerning a securities recommendation being made by such investment adviser prior to the dissemination of such information, trades on the anticipated short-run market activity which may ensue from the issuance by the adviser of the securities rec-

ommendations. The Supreme Court, in *S.E.C. v. Capital Gains Research Bureau, Inc.* (375 U.S. 180 (1963)), found "scalping" to be a fraudulent and deceptive practice within the meaning of section 206 of the Advisers Act.

In practice, paragraph (12) has itself served as a deterrent to the practice of scalping since it requires all advisory representatives (i.e., persons who may have information concerning advisory recommendations prior to dissemination) to report all of their securities transactions to their affiliated advisory firms on a regular basis. These reports are, moreover, subject to examination by representatives of the Commission. It is necessary and important, therefore, that records of securities transactions be maintained for all persons who obtain information concerning advisory recommendations prior to the issuance and dissemination of such recommendations.

With respect to some investment advisers registered under the Advisers Act which are or may be subsidiaries or controlled companies of other companies, former paragraph (12) of the Rule clearly required the registered adviser to keep records of securities transactions of such controlling persons. These records would not, however, have been required in the case of securities transactions of certain officers or employees of the controlling person, or an affiliate thereof, who may not be deemed to be in "a control relationship to the investment adviser," but who may receive information concerning investment recommendations made by the registered adviser. The Commission believes that the potential for abuse, primarily through the practice of "scalping," by persons in a control relationship with the investment adviser also exists in the case of affiliated persons of the person in a control relationship with the registered adviser. The Commission further believes that this potential for abuse, and the consequent necessity for the recording of securities transactions, exists whether or not a controlling person, or any affiliated person of such controlling person, is itself specifically excluded from the definition of "investment adviser" pursuant to paragraphs (A) through (F) of section 202(a) (11) of the Advisers Act (15 U.S.C. 80b-2(a) (11)) or exempted from registration under the Advisers Act pursuant to section 203(b) of the Advisers Act.

The Commission is aware, however, that certain employees, controlling persons and affiliates of registered investment advisers may obtain information concerning securities recommendations only after such information has been effectively disseminated. Since information effectively disseminated to advisory clients and other intended users is no longer suitable as a basis for engaging in scalping, the Commission believes that it is not necessary for an adviser to maintain records of securities transactions of persons who receive information concerning a securities recommendation only contemporaneous with or subsequent to the effective dissemination of such informa-

¹ That release also announced the proposal of Rule 202-1 (17 CFR 275.202-1) under the Advisers Act [later redesignated as proposed Rule 202-2 (17 CFR 275.202-2)] pertaining to an exemption from the definition of "investment adviser" for persons controlling a registered investment adviser and persons affiliated with such controlling person. The Commission is still considering the comments which were submitted pertaining to proposed Rule 202-2.

tion. The amendment to paragraph (12) and new paragraph (13), as adopted, have been revised to clarify these points.

It has also come to the attention of the Commission that certain controlling persons of investment advisers, affiliated persons of such controlling persons or affiliated persons of such affiliated persons, may receive information concerning advisory recommendations as regular clients of the investment adviser. Records of securities transactions for these persons need be kept only if (1) information concerning advisory recommendations is received by these persons prior to the effective dissemination of the information to the adviser's other advisory clients, or (2) clients of these controlling or affiliated persons are, in fact, the intended users of such information.

Accordingly, the Commission has amended paragraph (12) of Rule 204-2 (a) to revise the definition of the term "advisory representative" as underscored below:

(ii) For purposes of this subparagraph—
(A) The term "advisory representative" shall mean any partner, officer or director of the investment adviser; any employee who makes any recommendation, who participates in the determination of which recommendation shall be made, or whose functions or duties relate to the determination of which recommendation shall be made; any employee who, in connection with his duties, obtains any information concerning which securities are being recommended prior to the effective dissemination of such recommendations or of the information concerning such recommendations; and any of the following persons who obtain information concerning securities recommendations being made by such investment adviser prior to the effective dissemination of such recommendations or of the information concerning such recommendations: (1) any person in a control relationship to the investment adviser, (2) any affiliated person of such controlling person, and (3) any affiliated person of such affiliated person.

**NEW PARAGRAPH (13) UNDER
RULE 204-2(a)**

Under certain circumstances, such as in the case of life insurance companies registered as investment advisers, certain persons whose transactions were formerly required to be recorded under paragraph (12) of the Rule had no connection with the rendering of investment advisory services by the registered adviser. This was the case, for example, for officers of insurance companies who had duties as actuaries or were involved solely in administrative activities in connection with the insurance business of an insurance company registered as an investment adviser.

Accordingly, the Commission has adopted a new paragraph (13) under Rule 204-2(a) which applies only to registered investment advisers who are primarily engaged in a business or businesses other than advising registered investment companies or other advisory clients. In order to provide a guideline for the availability of paragraph (13) for investment advisers, the following has been added to paragraph (13) as item (ii) (C):

(ii) For purposes of this subparagraph—

(C) An investment adviser is "primarily engaged in a business or businesses other than advising registered investment companies or other advisory clients" when, for each of its most recent three fiscal years or for the period of time since organization, whichever is the lesser, the investment adviser derived, on an unconsolidated basis, more than 50% of (1) its total sales and revenues, and (2) its income (or loss) before income taxes and extraordinary items, from such other business or businesses.

It is suggested that, in making this determination, registered investment advisers refer to paragraph (c) (1) and the instructions thereto in Item 1 of Form 10-K under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.).

The effect of new paragraph (13) is to specify the records to be kept by registered investment advisers primarily engaged in non-advisory businesses. As in the case of Rule 204-2(a) (12), these records include every transaction in a security (except those specifically exempted) in which any partner, officer, director or employee of the adviser has any direct or indirect beneficial ownership. The Rule, however, limits the record-keeping requirements in the case of partners, officers, and directors, as well as employees, to those persons who have some relationship to the investment advisory business performed by the registered investment adviser or who obtain information concerning investment recommendations prior to the effective dissemination of such information.

Thus, the record-keeping requirement of amended paragraph (12) now applicable to employees who are not connected with the advisory function will be applied in new paragraph (13) to partners, officers and directors, as well as employees, of registered investment advisers primarily engaged in a business or businesses other than advising registered investment companies or other advisory clients. New paragraph (13) also adopts the amended portions of paragraph (12) with respect to the revision of the term "advisory representative" as it relates to controlling persons of a registered investment adviser, affiliated persons of such controlling persons, and affiliated persons of such affiliated persons.

A person should be deemed to have obtained "information concerning which securities are being recommended" or "information concerning securities recommendations being made" within the meaning of paragraph (12) and new paragraph (13) when such person learns of the recommendation or of the fact that the adviser is considering a particular security for recommendation.

The Commission is cognizant that the record-keeping provisions of paragraphs (12) and (13) could impose a substantial burden on investment advisers which have many directors, officers and employees and other affiliated persons. The Commission believes, however, that this burden can be considerably reduced if

investment advisers implement tight controls on the availability of information concerning recommendations until such information is effectively disseminated.

**WITHDRAWAL OF PROPOSED PARAGRAPH (14)
UNDER RULE 204-2(a)**

Paragraph (14) was proposed in order to define more clearly the concept of control in paragraphs (12) and (13) of Rule 204-2(a), by adopting the definition of control set forth in Section 2(a) (9) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a) (9)). For ease of reference, this definition has been incorporated into both paragraphs (12) and (13) as item (ii) (B). Accordingly, proposed paragraph (14) of Rule 204-2(a) is hereby withdrawn.

COMMISSION ACTION

The Securities and Exchange Commission, pursuant to authority given it in Sections 204, 206(4) and 211(a) of the Investment Advisers Act of 1940, hereby amends § 275.204-2(a) of Chapter II of Title 17 of the Code of Federal Regulations by revising subparagraph (12) and adding a new subparagraph (13). The amendment starts with subparagraph (12) below; the preliminary language of paragraph (a) of Rule 204-2 has been included only for purposes of readability.

§ 275.204-2 Books and records to be maintained by investment advisers.

(a) Every investment adviser who makes use of the mails or of any means or instrumentality of interstate commerce in connection with his or its business as an investment adviser (other than one specifically exempted from registration pursuant to section 203(b) of the Act) shall make and keep true, accurate and current the following books and records relating to his investment advisory business:

(12) (i) A record of every transaction in a security in which the investment adviser or any advisory representative (as hereinafter defined) of such investment adviser has, or by reason of such transaction acquires, any direct or indirect beneficial ownership, except (A) transactions effected in any account over which neither the investment adviser nor any advisory representative of the investment adviser has any direct or indirect influence or control; and (B) transactions in securities which are direct obligations of the United States. Such record shall state the title and amount of the security involved; the date and nature of the transaction (i.e., purchase, sale or other acquisition or disposition); the price at which it was effected; and the name of the broker, dealer or bank with or through whom the transaction was effected. Such record may also contain a statement declaring that the reporting or recording of any such transaction shall not be construed as an admission that the investment adviser or advisory representative has any direct or indirect beneficial ownership in

the security. A transaction shall be recorded not later than 10 days after the end of the calendar quarter in which the transaction was effected.

(ii) For purposes of this paragraph—

(A) The term "advisory representative" shall mean any partner, officer or director of the investment adviser; any employee who makes any recommendation, who participates in the determination of which recommendation shall be made, or whose functions or duties relate to the determination of which recommendation shall be made; any employee who, in connection with his duties, obtains any information concerning which securities are being recommended prior to the effective dissemination of such recommendations or of the information concerning such recommendations; and any of the following persons who obtain information concerning securities recommendations being made by such investment adviser prior to the effective dissemination of such recommendations or of the information concerning such recommendations: (1) any person in a control relationship to the investment adviser, (2) any affiliated person of such controlling person, and (3) any affiliated person of such affiliated person.

(B) "Control" shall have the same meaning as that set forth in section 2(a) (9) of the Investment Company Act of 1940, as amended.

(iii) An investment adviser shall not be deemed to have violated the provisions of paragraph (a) (12) of this section because of his failure to record securities transactions of any advisory representative if he establishes that he instituted adequate procedures and used reasonable diligence to obtain promptly reports of all transactions required to be recorded.

(13) (i) Notwithstanding the provisions of paragraph (a) (12) of this section above, where the investment adviser is primarily engaged in a business or businesses other than advising registered investment companies or other advisory clients, a record must be maintained of every transaction in a security in which the investment adviser or any advisory representative (as hereinafter defined) of such investment adviser has, or by reason of such transaction acquires, any direct or indirect beneficial ownership, except (A) transactions effected in any account over which neither the investment adviser nor any advisory representative of the investment adviser has any direct or indirect influence or control; and (B) transactions in securities which are direct obligations of the United States. Such record shall state the title and amount of the security involved; the date and nature of the transaction (i.e., purchase, sale or other acquisition or disposition); the price at which it was effected; and the name of the broker, dealer or bank with or through whom the transaction was effected. Such record may also contain a statement declaring that the reporting or recording of any such transaction shall not be construed as an admission that the investment ad-

viser or advisory representative has any direct or indirect beneficial ownership in the security. A transaction shall be recorded not later than 10 days after the end of the calendar quarter in which the transaction was effected.

(ii) For purposes of this paragraph—

(A) The term "advisory representative", when used in connection with a company primarily engaged in a business or businesses other than advising registered investment companies or other advisory clients, shall mean any partner, officer, director, or employee of the investment adviser who makes any recommendation, who participates in the determination of which recommendation shall be made, or whose functions or duties relate to the determination of which recommendation shall be made, or who, in connection with his duties, obtains any information concerning which securities are being recommended prior to the effective dissemination of such recommendations or of the information concerning such recommendations; and any of the following persons who obtain information concerning securities recommendations being made by such investment adviser prior to the effective dissemination of such recommendations or of the information concerning such recommendations: (1) any person in a control relationship to the investment adviser, (2) any affiliated person of such controlling person, and (3) any affiliated person of such affiliated person.

(B) "Control" shall have the same meaning as that set forth in section 2(a) (9) of the Investment Company Act of 1940, as amended.

(C) An investment adviser is "primarily engaged in a business or businesses other than advising registered investment companies or other advisory clients" when, for each of its most recent three fiscal years or for the period of time since organization, whichever is lesser, the investment adviser derived, on an unconsolidated basis, more than 50 percent of (1) its total sales and revenues, and (2) its income (or loss) before income taxes and extraordinary items, from such other business or businesses.

(iii) An investment adviser shall not be deemed to have violated the provisions of this paragraph (a) (13) because of his failure to record securities transactions of any advisory representative if he establishes that he instituted adequate procedures and used reasonable diligence to obtain promptly reports of all transactions required to be recorded.

(Secs. 204, 206(4), 211(a); Pub. L. 76-768, as amended by Pub. L. 86-750; 54 Stat. 852, 855 as amended by 74 Stat. 886, 887, 888; 15 U.S.C. 80b-4, 80b-6(4), 80b-11(a))

Effective Date. This amendment becomes effective on March 31, 1975.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

FEBRUARY 21, 1975.

[FR Doc. 75-5515 Filed 2-27-75; 8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

CHANGE REGARDING IMPORTS

The Commissioner of Food and Drugs is amending "Part 2—Administrative Functions, Practices, and Procedures" (21 CFR Part 2) to redelegate the authority delegated to him under section 362 of the Public Health Service Act relating to prohibition of imports into the United States when it is deemed necessary in the interest of public health. The authority was delegated to the Commissioner by the Assistant Secretary for Health by memorandum dated December 6, 1974. The delegation to the Commissioner is not exclusive but rather is in addition to delegations made to other Public Health Service officials.

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 2 is amended in § 2.121 by adding a new paragraph (c) (4). As revised, paragraph (c) reads as follows:

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

(c) *Delegations regarding imports.* (1) The Regional Food and Drug Directors, Deputy Regional Food and Drug Directors, and District Directors are authorized to designate officials who may request, under section 801(a) of the Federal Food, Drug, and Cosmetic Act, from the Secretary of the Treasury samples of foods, drugs, devices, or cosmetics imported, or offered for import, in order to determine whether such articles are in compliance with the act.

(2) The Director and Deputy Director of the Bureau of Radiological Health, and the Director of the Division of Compliance of that Bureau are authorized to request, under section 360(a) of the Public Health Service Act, from the Secretary of the Treasury samples of electronic products imported or offered for import in order to determine whether such articles are in compliance with the act.

(3) The Director and Deputy Director of the Bureau of Radiological Health,

and the Director of the Division of Compliance of that Bureau may, under section 360B(b) of the Public Health Service Act, exempt persons from issuing a certification as required by section 358(h) of the act, for electronic products imported into the United States for testing, evaluation, demonstrations, or training, which will not be introduced into commerce and upon completion of their function, will be destroyed or exported in accord with Bureau of Customs regulations.

(4) The Regional Food and Drug Directors, Deputy Regional Food and Drug Directors, and District Directors are authorized to exercise all of the functions of the Commissioner of Food and Drugs under section 362 of the Public Health Service Act (42 U.S.C. 265) that relate to the prohibition of the introduction of foods, drugs, devices, cosmetics, and electronic products and other items or products regulated by the Food and Drug Administration into the United States when it is determined that it is required in the interest of public health, and such functions relate to the law enforcement functions of the Food and Drug Administration.

Effective date. This order shall be effective on February 28, 1975.

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

Dated: February 24, 1975.

SAM D. PINE,
Associate Commissioner for
Compliance.

[FR Doc.75-5322 Filed 2-27-75; 8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting from Contact with Containers or Equipment and Food Additives Otherwise Affecting Food

POLYAMIDE-IMIDE RESINS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 4B2956) filed by Phelps Dodge Magnet Wire Corp., Division of Phelps Dodge Industries, Inc., P.O. Box 600, Fort Wayne, IN 46801, published in the FEDERAL REGISTER of September 16, 1974 (39 FR 33251), and other relevant material, concludes that the food additive regulations (21 CFR Part 121) should be amended, as set forth below, to provide for safe use of polyamide-imide resins as components of articles intended for repeated use in contact with food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding a new section to Subpart F, as follows:

§ 121.2628 Polyamide-imide resins.

Polyamide-imide resins identified in paragraph (a) of this section may be safely used as components of articles in-

tended for repeated use in contact with food, in accordance with the following prescribed conditions:

(a) Identity: For the purposes of this section the polyamide-imide resins are derived from the condensation reaction of substantially equimolar parts of trimellitic anhydride and *p,p'*-diphenylmethane diisocyanate.

(b) Specifications: Polyamide-imide resins identified in paragraph (a) of this section shall conform to the following specifications (analytical methods for paragraph (b) (2) and (3) of this section are available upon request from the Commissioner of Food and Drugs):

(1) Nitrogen content: not less than 7.80 weight percent and not more than 8.20 weight percent, as determined by the Dumas Nitrogen Determination as set forth in "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th ed., 1970, p. 123, secs. 7.017 to 7.024.¹

(2) Solution viscosity: not less than 1.550.

(3) Residual monomers, as determined by gas chromatography, in the polyamide-imide resin, heat cured at 600° F for 15 minutes: *p,p'*-diphenylmethane diisocyanate, not more than 100 parts per million; trimellitic anhydride, not more than 500 parts per million.

(c) Extractive limitations are applicable to the polyamide-imide resin in the form of films of 1 mil uniform thickness after coating and heat-curing at 600° F for 15 minutes on stainless steel plates, each having such resin-coated surface area of 100 square inches. The cured-resin film coatings shall be extracted in accordance with the method described in § 121.2526(d)(3), using a plurality of spaced coated stainless steel plates, exposed to the respective food simulating solvents. The resin shall meet the following extractive limitations under the corresponding extraction conditions:

(1) Distilled water at 250° F for 2 hours: Not to exceed 0.01 milligram per square inch.

(2) Three percent acetic acid at 212° F for 2 hours: Not to exceed 0.05 milligram per square inch.

(3) Fifty percent ethyl alcohol at 160° F for 2 hours: Not to exceed 0.03 milligram per square inch.

(4) *n*-Heptane at 150° F for 2 hours: Not to exceed 0.05 milligram per square inch.

(d) In accordance with good manufacturing practice, those food contact articles, having as components the polyamide-imide resins identified in paragraph (a) of this section and intended for repeated use shall be thoroughly cleansed prior to their first use in contact with food.

Any person who will be adversely affected by the foregoing order may at any time on or before March 31, 1975, file

¹ Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

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

Effective date. This order shall become effective February 28, 1975.

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

Dated: February 20, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

NOTE.—Incorporation by reference provisions approved by the Director of the Federal Register, March 20, 1973.

[FR Doc.75-5325 Filed 2-27-75; 8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 751—JUNKYARD CONTROL AND ACQUISITION

Regulations concerning junkyard control and acquisition are hereby published and will appear in Title 23, Chapter I, Subchapter H of the Code of Federal Regulations as Part 751.

A notice of proposed rulemaking was issued by the Administrator, Federal Highway Administration (FHWA) on September 3, 1974 (39 FR 33010, September 13, 1974). Seventeen comments on the proposed regulations were received, additional comments were received from the Advisory Commission on Intergovernmental Relations (A.C.I.R.) and State Members of the American Association of State Highway and Transportation Officials (AASHTO) pursuant to the clearance process required by Office of Management and Budget Circular A-85 and section 302 of the Highway Beautification Act of 1965, Pub. L. No. 89-295, 79 Stat. 1028. The proposed regulations have been modified in light of some of the comments received and after further consideration of the regulations within FHWA. Section 751.15, dealing with just compensation, has been changed to eliminate the hiatus period, pursuant to the Federal-Aid Highway Amendments of 1974.

Policy. One commentator stated that it is incumbent upon FHWA to promulgate rules and regulations relative to the junkyard control program which are liberal enough to give every conceivable advantage to the recyclers of solid waste so that the maximum attainable level of recycling can be achieved as quickly as possible. FHWA recognizes the importance of the role that the recycling industry plays in the conservation of our national resources. In support of that role, it is FHWA policy that every effort shall be made to screen an ongoing junkyard business, thus keeping it in operation and enabling it to continue its contribution to the overall effort. FHWA has endeavored to accommodate the spirit and intent of both the National Environmental Policy Act of 1969 and the Highway Beautification Act of 1965.

Definitions. Comments were received from various trade associations to the effect that the regulations did not highlight the practical differences between junkyards, automobile graveyards, business establishments of used auto and truck parts dealers, and scrap processing facilities, and that the definitions should be revised to clarify the distinctions between these different operations. These suggestions have not been adopted. The principal definitions are contained in the Title 23, U.S.C., and all of the foregoing types of operations are subject to control. Thus, while the terms may have definite connotations in trade usage, it is not necessary to distinguish between them for purposes of these regulations.

A comment was received to the effect that "place of business" in the definitions of junkyard and automobile graveyard appears too inclusive, and that it tends to cover operations which should be excluded. This language comes from the law, but the regulations permit application of reasonable judgment as to what actually constitutes a junkyard within the spirit and intent of the law.

Two comments were received which expressed the concern that the regulations would have a seriously adverse effect on antique and classic automobile hobbyists, first by destroying junkyards and thus affecting the source of supply of parts, and second, by requiring large collections of cars to be screened from view. It was suggested that the definition of a junkyard be revised by specifically excluding such collections. This suggestion has not been adopted. The regulations implementing 23 U.S.C. 136 allow sufficient latitude for reasonable judgment as to what actually constitutes a junkyard within the spirit and intent of the law. As to the effect of this program on the source of supply of parts, it is a policy that every effort shall be made to screen an ongoing junkyard business, thus keeping an owner in business. The emphasis on recycling is directed toward getting dead inventory, not valuable stock-in-trade, back into the recycling chain.

One commentator suggested that the definition of "unzoned industrial area" be revised to read "the definition of an

unzoned industrial area shall be as determined by agreement between the State and FHWA." We have not adopted this suggestion because it does not conform to the language of the law.

One commentator recommended that the definition of "automobile graveyard" be revised to state that five vehicles, rather than ten, will constitute an automobile graveyard. We have not adopted this recommendation. However, the regulations provide that a State may be more restrictive than the Federal requirements, so a State may adopt its own standards on this matter.

Sanitary landfills. The Environmental Protection Agency (EPA) asked if a landfill is not covered daily, does it then become a dump (junkyard) and thus require screening or other control pursuant to the regulations. The answer to the question is yes.

Another commentator suggested that State regulations and local ordinances should govern in determining what constitutes a sanitary landfill. This suggestion was not adopted because we do not believe the law allows that discretion.

Three comments were received to the effect that the regulations should contain control on open burning, emission of harmful air contaminants, minimum earth coverage of sanitary landfills, and proper drainage and erosion. This is beyond the scope and authority of this program, but is a proper matter for other local, State, and Federal regulations on environmental matters.

The EPA said the statement that sanitary landfills need not be screened may be misleading in that EPA has a policy requiring fences for control of litter from the operation. They recommended a revision to indicate that the installation of screening is not required solely for esthetic purposes. The recommendation has been accommodated by revising the section to read "Sanitary landfills as described herein need not be screened to satisfy requirements of Title 23, U.S.C., but landscaping should be required when . . ."

One commentator asked why it is necessary to landscape a sanitary landfill after operations have ceased since everything would be covered with a layer of earth and there would be nothing left to hide. We point out that although sanitary landfills are specified in 23 U.S.C. 136 as being subject to control under this program, the regulations state that landscaping "should" be required. Thus it is not a mandatory requirement applying in all cases.

Control measures. The Environmental Protection Agency (EPA) recommended clarification of the conditions under which recycling should take place. We have accommodated this recommendation.

The EPA and the Idaho Department of Public Health and Welfare strongly recommended revision of the language encouraging the use of junk or scrap for fish habitats, rip rap, erosion control, etc. The reason stated was that such uses may not be environmentally ac-

ceptable. The regulation has been revised to accommodate these comments.

One commentator stated that fencing used to screen a junkyard could become as offensive as the junkyard if not properly maintained, and that the regulations should provide for proper control. It was intended that this matter be covered by the provision requiring a State to establish criteria governing the location, construction, maintenance, and materials used in fencing or other screening.

Several comments were received relative to the requirement that screening must immediately and completely screen a junkyard on a year-round basis. Most comments were to the effect that this is expensive, if not impractical or impossible, if landscape plantings are to be used. This matter has been carefully considered, and the regulation has been revised. The regulation now provides that where screening is utilized, the screen must, upon completion of the screening project, effectively screen the junkyard. This language permits a somewhat greater degree of latitude. Nevertheless, an important point of this regulation is to upgrade and professionalize the use of screening through use of landscape architects and thorough advance planning. We do not believe high screening standards preclude the use of plant materials, in screening, although it is recognized that additional expense is involved. FHWA strongly advocates that the States secure professional assistance if it is not already available on the staff.

Authorizations. One commentator recommended that more latitude be given the States relative to the type of plans to be furnished FHWA. This recommendation has been accepted.

Editorial comments. Numerous editorial revisions and clarifications have been made throughout the regulations, including some reorganization of content. These modifications reflect further discussions within FHWA and public comments received.

The regulations here published will become effective on the date of issuance set forth below.

Issued on February 20, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Chapter I of Title 23 is amended by adding Part 751 as follows:

Sec.	
751.1	Purpose.
751.3	Applicability.
751.5	Policy.
751.7	Definitions.
751.9	Effective control.
751.11	Nonconforming junkyards.
751.13	Control measures.
751.15	Just compensation.
751.17	Federal participation.
751.19	Documentation for Federal participation.
751.21	Relocation assistance.
751.23	Concurrent junkyard control and right-of-way projects.
751.25	Programming and authorization.

AUTHORITY: 23 U.S.C. 136 and 315, 42 U.S.C. 4321-4347 and 4601-4655, 23 CFR 1.32, 49 CFR 1.48.

§ 751.1 Purpose.

Pursuant to 23 U.S.C. 136, this Part prescribes Federal Highway Administration (FHWA) policies and procedures adjacent to the Interstate and Federal-aid by the States of junkyards in areas adjacent to the Interstate and Federal-aid primary systems. Nothing in this Part shall be construed to prevent a State from establishing more stringent junkyard control requirements than provided herein.

§ 751.3 Applicability.

The provisions of this Part are applicable to all areas within 1,000 feet of the nearest edge of the right-of-way and visible from the main traveled way of all Federal-aid Primary and Interstate Systems regardless of whether Federal funds participated in the construction thereof, including toll sections of such highways. This Part does not apply to the Urban System.

§ 751.5 Policy.

In carrying out the purposes of this Part:

(a) Emphasis should be placed on encouraging recycling of scrap and junk where practicable, in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.);

(b) Every effort should be made to screen nonconforming junkyards which are to continue as ongoing businesses; and

(c) Nonconforming junkyards should be relocated only as a last resort.

§ 751.7 Definitions.

For purposes of this Part, the following definitions shall apply:

(a) **Junkyard.** (1) A Junkyard is an establishment or place of business which is maintained, operated or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, auto-wrecking yards, salvage yards, scrap yards, autorecycling yards, used auto parts yards and temporary storage of automobile bodies and parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises. The definition includes garbage dumps and sanitary landfills. The definition does not include litter, trash, and other debris scattered along or upon the highway, or temporary operations and outdoor storage of limited duration.

(2) An Automobile Graveyard is an establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Ten or more such vehicles will constitute an automobile graveyard.

(3) An Illegal Junkyard is one which was established or is maintained in violation of State law.

(4) A nonconforming Junkyard is one which was lawfully established, but which does not comply with the provisions of State law or State regulations

passed at a later date or which later fails to comply with State regulations due to changed conditions. Illegally established junkyards are not nonconforming junkyards.

(b) **Junk.** Old or scrap metal, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof.

(c) **Main Traveled Way.** The traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.

(d) **Industrial Zones.** Those districts established by zoning authorities as being most appropriate for industry or manufacturing. A zone which simply permits certain industrial activities as an incident to the primary land use designation is not considered to be an industrial zone. The provisions of volume 7, chapter 6, section 2 of the Federal-Aid Highway Program Manual relative to Outdoor Advertising Control shall apply insofar as industrial zones are concerned.¹

(e) **Unzoned Industrial Areas.** An area where there is no zoning in effect and which is used primarily for industrial purposes as determined by the State and approved by the FHWA. An unzoned area cannot include areas which may have a rural zoning classification or land uses established by zoning variances or special exceptions.

§ 751.9 Effective control.

(a) In order to provide effective control of junkyards located within 1,000 feet of Interstate and Federal-aid primary highways, the State must:

(1) Require such junkyards located outside of zoned and unzoned industrial areas to be screened or located so as not to be visible from the main traveled way, or be removed from sight.

(2) Require the screening or removal of nonconforming junkyards within a reasonable time, but no later than 5 years after the date the junkyard becomes nonconforming unless Federal funds are not available in adequate amounts to participate in the cost of such screening or removal as provided in 23 U.S.C. 136 (j).

(3) Prohibit the establishment of new junkyards unless they comply with the requirements of paragraph (a) (1) of this section.

(4) Expeditiously require junkyards which are illegally established or maintained to conform to the requirements of paragraph (a) (1) of this section.

(b) Sanitary landfills as described herein need not be screened to satisfy requirements of Title 23, U.S.C., but landscaping should be required when the fill has been completed and operations have ceased, unless the landfill area is to

¹ The Federal-Aid Highway Program Manual is available for inspection and copying as prescribed in 49 CFR Part 7, App. D.

be used for immediate development purposes. A sanitary landfill, for the purposes of this Part, is a method of disposing of refuse on land without creating a nuisance or hazards to public health or safety by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

(c) The State shall have laws, rules, and procedures sufficient to provide effective control, to discover illegally established or maintained junkyards shortly after such occurrence, and to cause the compliance or removal of same promptly in accordance with State legal procedures.

§ 751.11 Nonconforming junkyards.

Subject to the provisions of § 751.9 above, the following requirements for the maintenance and continuance of a nonconforming junkyard apply:

(a) The junkyard must have been actually in existence at the time the State law or regulations became effective as distinguished from a contemplated use, except where a permit or similar specific State governmental action was granted for the establishment of a junkyard prior to the effective date of the State law or regulations, and the junkyard owner acted in good faith and expended sums in reliance thereon.

(b) There must be existing property rights in the junkyard or junk affected by the State law or regulation. Abandoned junk and junkyards, worthless junk, and the like are not similarly protected.

(c) If the location of a nonconforming junkyard is changed as a result of a right-of-way taking or for any other reason, it ceases to be a nonconforming junkyard, and shall be treated as a new junkyard at a new location.

(d) The nonconforming junkyard must have been lawful on the effective date of the State law or regulations and must continue to be lawfully maintained.

(e) The nonconforming junkyard may continue as long as it is not extended, enlarged, or changed in use. Once a junkyard has been made conforming, the placement of junk so that it may be seen above or beyond a screen, or otherwise becomes visible, shall be treated the same as the establishment of a new junkyard.

(f) The nonconforming junkyard may continue as long as it is not abandoned, destroyed, or voluntarily discontinued. Each State should develop criteria to define these terms.

§ 751.13 Control measures.

(a) Consistent with the goals of the National Environmental Policy Act of 1969 (42 U.S.C. 4321), recycling of junk and scrap is to be encouraged to the greatest extent practicable in the implementation of the junkyard control program. Recycling should be considered in conjunction with other control measures. To facilitate recycling, junk or scrap

should be moved to an automobile wrecker, or a scrap processor, or put to some other useful purpose.

(b) Every effort shall be made to screen where the junkyard is to continue as an ongoing business. Screening may be accomplished by use of natural objects, landscaping plantings, fences, and other appropriate means, including relocating inventory on site to utilize an existing natural screen or a screenable portion of the site.

(c) Where screening is used, it must, upon completion of the screening project, effectively screen the junkyard from the main traveled way of the highway on a year-round basis, and be compatible with the surroundings. Each State shall establish criteria governing the location, design, construction, maintenance, and materials used in fencing or screening.

(d) A junkyard should be relocated only when other control measures are not feasible. Junkyards should be relocated to a site not visible from the highway or to an industrial area, and should not be relocated to residential, commercial, or other areas where foreseeable environmental problems may develop.

(e) The State may develop and use other methods of operation to carry out the purposes of this directive, subject to prior FHWA approval.

§ 751.15 Just compensation.

(a) Just compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully established under State law, which are required to be removed, relocated, or disposed of pursuant to 23 U.S.C. 136.

(b) No rights to compensation accrue until a taking or removal has occurred. The conditions which establish a right to maintain and continue a nonconforming junkyard as provided in § 751.11 must pertain at the time of the taking or removal in order to establish a right to just compensation.

§ 751.17 Federal participation.

(a) Federal funds may participate in 75 percent of the costs of control measures incurred in carrying out the provisions of this Part including necessary studies for particular projects, and the employment of fee landscape architects and other qualified consultants.

(b) Where State control standards are more stringent than Federal control requirements along Interstate and primary highways, the FHWA may approve Federal participation in the costs of applying the State standards on a statewide basis. Where State standards require control of junkyards in zoned or unzoned industrial areas, Federal funds may participate only if such action will make an effective contribution to the character of the area as a whole and the cost is reasonable, but such projects should be deferred until the work in the areas where control is required has progressed well toward completion.

(c) Generally, only costs associated with the acquisition of minimal real property interests, such as easements or temporary rights of entry, necessary to ac-

complish the purposes of this Part are eligible for Federal participation. The State may request, on a case-by-case basis, participation in costs of other interests beyond the minimum necessary, including fee title.

(d) Federal funds may participate in costs to correct the inadequacies of screening in prior control projects where the inadequacy is due to higher screening standards established in this Part or due to changed conditions.

(e) Federal funds may participate in the costs of moving junk or scrap to a recycling place of business, or in the case of junk with little or no recycling potential, to a site for permanent disposal. In the latter case, reasonable land rehabilitation costs or fees connected with the use of such a disposal site are also eligible. In a case where the acquisition of a permanent disposal site by the State would be the most economical method of disposal, Federal funds may participate in the net cost (cost of acquisition less a credit after disposal) of a site obtained for this purpose.

(f) Federal funds may participate in control measure costs involved in any junkyard lawfully established or maintained under State law which is reclassified from conforming to nonconforming under revised State regulations and policy pursuant to this Part.

(g) Federal funds may participate in the costs of acquisition of a dwelling in exceptional cases where such acquisition is found necessary and in the public interest, and where acquisition of the dwelling can be accomplished without resort to eminent domain.

(h) Federal funds shall not participate in:

(1) Costs associated with the control of illegal junkyards except for removal by State personnel on a force account basis or by contract, or in costs of controlling junkyards established after the effective date of the State's compliance law except where a conforming junkyard later becomes nonconforming due to changed conditions;

(2) Any costs associated with the acquisition of any dwelling or its related buildings if acquired through eminent domain in connection with the junkyard control program;

(3) Costs of acquisition of interests or rights as a measure for prohibition or control of the establishment of future junkyards;

(4) Costs of maintaining screening devices after they have been erected; or

(5) Costs of screening junk which has been or will be removed as a part of a junkyard control project.

§ 751.19 Documentation for Federal participation.

The following information concerning each eligible junkyard must be available in the States' files to be eligible for Federal participation in the costs thereof:

(a) Satisfactory evidence of ownership of the junk or junkyard or both.

(b) Value or cost documentation (including separate interests if applicable)

including proof of obligation or payment of funds.

(c) Evidence that the necessary property interests have passed to the State and that the junk has been screened, relocated, removed or disposed of in accordance with the provisions of this Part.

(d) If a dwelling has been acquired by condemnation, evidence that the costs involved are not included that the costs claim for participation.

§ 751.21 Relocation assistance.

Relocation assistance benefits pursuant to Part 740, 23 CFR are available for:

(a) The actual reasonable moving expenses of the junk, actual direct loss of tangible personal property and actual reasonable expenses in searching for a replacement business or, if the eligibility requirements are met, a payment in lieu of such expenses.

(b) Relocation assistance in locating a replacement business.

(c) Moving costs of personal property from a dwelling and relocation assistance in locating a replacement dwelling, provided the acquisition of the real property used for the business causes a person to vacate a dwelling.

(d) Replacement housing payments if the acquisition of the dwelling is found by FHWA to be necessary for the federally assisted junkyard control project.

§ 751.23 Concurrent junkyard control and right-of-way projects.

The State is encouraged to coordinate junkyard control and highway right-of-way projects. Expenses incurred in furtherance of concurrent projects shall be prorated between projects.

§ 751.25 Programming and authorization.

(a) Junkyard control projects shall be programmed in accordance with the provisions of volume 6, chapter 3, section 2, subsection 2, of the Federal-Aid Highway Program Manual.² Such projects may include one or more junkyards.

(b) Authorization to proceed with a junkyard control project may be given when the State submits a written request to FHWA which includes the following:

(1) The zoning and validation of the legal status of each junkyard on the project;

(2) The control measures proposed for each junkyard including, where applicable, information relative to permanent disposal sites to be acquired by the State;

(3) The real property interest to be acquired in order to implement the control measures;

(4) Plans or graphic displays indicating the location of the junkyard relative to the highway, the 1,000 foot control lines, property ownership boundaries, the general location of the junk or scrap material, and any buildings, structures, or improvement involved; and

²The Federal-Aid Highway Program Manual is available for inspection and copying as prescribed in 49 CFR Part 7, App. D.

(5) Where screening is to be utilized, the type of screening, and adequately detailed plans and cross sections, or other adequate graphic displays which illustrate the relationship of the motorist, the screen, and the material to be screened at critical points of view.

[FR Doc.75-5301 Filed 2-27-75;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Michigan Plan; Approval of Completed Developmental Steps

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On October 3, 1973, a notice was published in the FEDERAL REGISTER (38 FR 27388) concerning the approval of the Michigan plan and the adoption of Subpart T of Part 1952 containing the decision. Section 1952.263 sets forth the developmental schedule under which the plan will meet the criteria of section 18(c) of the Act and 29 CFR Part 1902 within three years following commencement of operations under the plan. On October 28, 1974, Michigan submitted a supplement to the plan involving the completion of a development step i.e. the signing of a new interagency agreement. In addition, the State on June 19, 1974, submitted a supplement containing its enabling legislation enacted on June 18, 1974, thereby completing another developmental step. (See Subpart B of 29 CFR Part 1953.)

2. *Issues.* The decision approving the Michigan State plan incorporated several assurances from the State on the development of a revised interagency agreement and on revisions to the legislation as originally submitted to meet the requirements of the Act and 29 CFR Part 1902. These revisions have been made as follows:

(a) *Interagency agreement.* (1) As stated in the approval decision, the Michigan Departments of Labor and Public Health were to develop a new interagency agreement including (i) a description of the standards-setting jurisdiction of the three commissions created by the legislation, (ii) a description of the procedures for referral of employee complaints between the departments, and (iii) a description of the jurisdiction of the three appeal bodies contained in the proposed legislation.

(2) The new interagency agreement, signed on September 23, 1974, contains a description of the standard-setting responsibilities and the criteria to be used in determining which department and

commission has jurisdiction over which standards. It also describes a system of written referrals of employee complaints, petitions for standards, or variance requests and requests for education and training, to the appropriate department with an expedited oral referral system in cases of imminent danger. There is no longer a need to determine the jurisdiction of the three appeal bodies because the enabling legislation as enacted provides for only one Board of Health and Safety Compliance and Appeals (see section 46 of Act 154 of the Michigan Public Acts of 1974). This revision in the legislation brings Michigan's administrative structure closer to the Federal system and is not inconsistent with the flexibility permitted a State in arranging its administrative functions within the requirements of due process and at least as effective operation.

(b) *Revised legislation.* (1) In accordance with the assurances contained in the decision of approval, Michigan's legislation as enacted, contains a substantial number of revisions. Among other items, the legislation, section 41, requires that when an employer or employee petitions the appropriate department within 15 working days of receipt of a citation and proposed penalty, if any, the department has 15 working days to act on the petition. This meets the requirement in the approval decision that the time period between receipt of a citation and the date an appeal may be filed with the appeals body be no more than thirty days. In addition, section 44(3) includes the department in the provision authorizing an appeal to the courts from an adverse decision of the single appeals board.

(2) In order that employers have the right to receive a variance from compliance with a standard on a temporary basis, the legislation, section 27(1), deletes the requirement that an employer must show equivalent protection and provides that he must show he is taking all available steps to protect employees as under the Federal program provisions. With regard to permanent variances, section 24(4) includes a provision on modification or revocation at any time after six months following issuance of the variance.

(3) The department's procedures have been revised as follows: (i) section 29(3) broadens the subpoena power to all inspections and investigations; (ii) the right of employers and employees to accompany inspectors extends to all investigations and inspections under section 29(4); (iii) the prohibition against advance notice and the penalty for giving advance notice under sections 29(5) and 35(8) also apply to inspections and investigations; and (v) the provision on trade secrets, section 63, was revised as required in the approval decision.

(4) The legislation, section 5(3), revises the definition of imminent danger to mirror the Federal language and section 31(1) makes the required change in the conditions for issuing imminent danger orders. Penalty and citation pro-

visions were made applicable to standards, orders, or rules, a provision for notification of failure to abate was added in section 33(4), and a criminal penalty for knowingly making false statements was provided in section 35(7).

(5) Section 69(4) of the enacted legislation provides that occupational safety and health standards adopted or continued in effect under this legislation supersede other occupational safety or health standards promulgated under other State laws. However, where the other standards are applicable to public health or safety, the other agency standards shall have concurrent applicability with the standards set under this legislation.

(6) The legislation as enacted incorporates a number of revisions strengthening employee protections as follows: (i) the discrimination prohibition in section 65 extends to any person not only employers and also requires the State to notify the complainant of the determination within 90 days; (ii) citations are to be posted at or near the place of the violation under section 33(2); (iii) the inspectors are authorized under section 29(1) to question employees privately; (iv) employees and former employees shall have access to their exposure records under section 61(2), and the health standards, under section 24 (6), shall prescribe appropriate forms of warning and relevant symptoms of exposure with a provision for employees or their representative to observe the monitoring.

(7) The definition of an employee representative in section 4(2) has been revised to include not only certified labor organizations but also a member of an organization which as a collective bargaining relationship with the employer but which is not certified, and in the absence of such organization, a person designated by affected employees to represent them. In accordance with the approval decision there is no requirement in the legislation that the representative be an employee of the employer at the affected place of employment.

3. *Location of plan and its supplement for inspection and copying.* A copy of the plan and the supplements may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room 850, 1726 M Street NW., Washington, D.C. 20210; Office of the Assistant Regional Director for Occupational Safety and Health, 230 S. Dearborn Street, Room 3259, Chicago, Illinois 60604; Michigan Department of Labor, Bureau of Safety and Regulation, 2nd Floor, 300 East Michigan Avenue, Lansing, Michigan 48926; Michigan Department of Public Health, Division of Occupational Health, Media Building, 2nd Floor, 3500 North Logan Street, Lansing, Michigan 48114.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary of Labor for Occupational Safety and Health

(hereinafter called the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that good cause exists for not publishing Michigan's enacted legislation and interagency agreement for public comment because, as detailed in this notice, the legislation and the interagency agreement meet the requirements set out in the approval decision and further public notice and comment is unnecessary.

5. *Decision.* After consideration of the Michigan plan supplements in relation to the requirements of the Act and 29 CFR Part 1902, as well as the provisions in the original approval decision they are hereby approved and incorporated in the plan, under Subpart B of Part 1953. The decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

In accordance with this decision, Subpart T of 29 CFR Part 1952 is amended as set forth below, effective February 28, 1975.

§ 1953.264 is added to read as follows:

§ 1953.264 Completed developmental steps.

(a) In accordance with § 1952.263(a), the Michigan Occupational Safety and Health Act was enacted on June 18, 1974 and is effective January 1, 1975. This legislation, Act 154 of Michigan Public Acts of 1974, was submitted to the Assistant Secretary on June 19, 1974 and approved on February 21, 1975.

(b) In accordance with § 1952.263(f) the Michigan Department of Labor and the Michigan Department of Public Health have entered into a new interagency agreement on September 23, 1974. The agreement was submitted to the Assistant Secretary on October 28, 1974 and approved on February 21, 1975.

(Secs. 8(g), 18, Pub. L. 91-596, 84 Stat. 1596, 1606 (29 U.S.C. 657(g), 667))

Signed at Washington, D.C. this 21st day of February 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc. 75-5344 Filed 2-27-75; 8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER I—MILITARY PERSONNEL

PART 888e—DISPOSITION OF CONSCIENTIOUS OBJECTORS

Miscellaneous Amendments

Correction

In FR Doc. 75-4859 appearing at page 7912, in this issue of Monday, February 24, 1975, on page 7913 in the first

line of amendatory paragraph 8, "888e.25(f)" should read "888e.24(f)".

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 103—RESEARCH AND TRAINING, EXEMPLARY, AND CURRICULUM DEVELOPMENT PROGRAMS IN VOCATIONAL EDUCATION

Appendix B—Research Projects in Vocational Education, Additional Criteria

On October 11, 1974 there was published in the FEDERAL REGISTER at 39 FR 36592, a notice of proposed rule making which set forth additional criteria for selection of applicants for fiscal year 1975 under Part C of the Vocational Education Act, as amended, 20 U.S.C. 1281(a). The additional criteria were set forth in a revision of Appendix B to Part 103. The General Provisions Regulations (45 CFR Part 100a) published in the FEDERAL REGISTER on November 6, 1973 at 38 FR 30654 and effective December 6, 1973 are also applicable to these grants.

Interested persons were given thirty days after October 11, 1974 to submit comments, suggestions, or objections to the proposed criteria. Three comments were received. Two comments were received relating to Item F concerning the State Director of Vocational Education review of applications for duplication purposes. One comment strongly supported the statement, and another comment suggested that the applications should be received by the Chief State School Officer. In light of the conflicting opinion, the regulation remains unchanged. The third comment related to Item E(2) which reads "The Commissioner is authorized to support applied studies (curriculum development, demonstrations, or installation projects are not encouraged) to produce information about one or more of the following concerns". The comment indicated that the section in parentheses appeared to be contradictory to the heading. In order to clarify the difference between the word "studies," and the words, "curriculum development," "demonstrations," or "installation projects," the wording within the parentheses has been expanded to read as follows: "(2) The Commissioner is authorized to support applied studies (curriculum development, demonstrations, or installation projects are not encouraged since this priority area requests applications designed to produce information rather than products) to produce information about one or more of the following concerns."

The criteria in Appendix B are revised with the exception noted above as set forth below.

Effective date. The criteria are effective February 28, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.498; Vocational Education Research)

Dated: January 27, 1975.

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

Approved: February 24, 1975.

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

APPENDIX B

RESEARCH PROJECTS IN VOCATIONAL EDUCATION—ADDITIONAL CRITERIA FOR THE FISCAL YEAR 1975

In granting of awards from funds available for the program, the Commissioner will give priority to applications which rank high on the basis of the criteria in 45 CFR 100a.26(b) which propose projects in one or more of the priority areas described below. In addition, the Commissioner will give special consideration to programs or projects of national, regional, or interstate significance in the priority areas described below. The results of these projects should improve and extend existing federally supported vocational education programs.

(A) *Administration of Vocational Education at the State Level.* (1) The administrative capability of utilizing information to make decisions about educational programs, short- and long-range, needs to be improved in order to maximize the attainment of vocational education goals. The administrative capability to utilize student supply, manpower demand, cost analysis, student placement and follow-up services, and evaluation information needs to be improved. Administrators need better information to facilitate the improved articulation of vocational, occupational, manpower, and adult education programs across and within various educational programs administered or supported at the State level.

(2) The Commissioner is authorized to support applied studies and development projects that build on existing knowledge to design, develop, and field test comprehensive educational management and information systems that are results-oriented for vocational education at the State level. Projects may focus on one or more of the following activities:

(i) The design of a comprehensive educational management and information system for vocational education or one or more components;

(ii) The development of a comprehensive educational management and information system or one or more of the components;

(iii) The field testing of a comprehensive educational management and information system or one or more of the components.

(B) *Administration of Vocational Education at the Local Level.* (1) To expand vocational education to ensure articulated programs; to improve coordination and cooperation with business, industry, and community organizations; to initiate new programs in emerging occupational areas; to utilize student needs data; to utilize manpower information; and to utilize cost-benefit and similar data require improved needs assessment, planning, and management techniques and skills at the local educational level.

(2) The Commissioner has authority to support applied studies and development

projects that address one or more of the following:

(1) The development of alternative administrative strategies for the maximizing of educational program goals of vocational education while utilizing varying levels of resource allocations;

(2) the design, development, and field testing of a comprehensive educational management and information system or components of such a system at the local level for vocational education which is based on a needs assessment and existing technology;

(3) based on a needs assessment, the development and field testing of inservice training materials for vocational education administrators along with user guides in order to ensure the transportability of the materials.

(C) *Comprehensive Systems of Guidance, Counseling, Placement, and Follow-Through Services.* (1) Comprehensive systems of guidance, counseling, placement and follow-through services for all youth—both in and out of school—and adults have become increasingly important at the elementary, secondary, and post-secondary levels. The need to articulate such systems with business, industry, other service agencies, and manpower information systems is evident as is the need to ensure such services for minorities and for all youth without sex discrimination.

(2) The Commissioner is authorized to support development projects that address all of the following:

(i) Conceptualization, design, and development of comprehensive systems of guidance, counseling, placement, and follow-through services for all youth and adults at the elementary, secondary, and post-secondary levels;

(ii) utilization of existing tested materials and procedures for implementing and field testing a comprehensive system;

(iii) development of materials for training educational personnel to operate a comprehensive system; and

(iv) development of user guides which help to ensure the transportability of the comprehensive system.

(3) The Commissioner is authorized to support applied studies which produce information concerning (i) career planning and assessing student capabilities for selected populations, (ii) evaluation of intended and unanticipated effects of components of existing systems of guidance, counseling, placement and student follow-through systems, and determining cost and cost-benefits of components of a comprehensive system of guidance, counseling, placement and follow-through services.

(D) *Educational Personnel Serving the Educationally Disadvantaged, Handicapped, and Minorities.* (1) Educational personnel who administer programs, teach, and who serve the educationally disadvantaged, handicapped, and minority populations, need special motivational awareness, and instructional and service-oriented skills in order to assist both young men and women to succeed in vocational awareness, exploration, and preparation programs of their choice, and in their career progression.

(2) The Commissioner is authorized to support applied studies and development projects which produce information, models, and pre- and in-service training materials. These projects should:

(i) Create an awareness on the part of vocational educators and employers of the capabilities of the target populations;

(ii) improve the motivation, instructional, and service skills of vocational educators to improve learning opportunities for the target populations;

(iii) utilize knowledge gained from such groups or organizations such as AMIDS, COP,

Teacher Corps, Urban and Rural Programs, and as stipulated in Part F of EPDA; and

(iv) assist in attracting and qualifying persons from all ethnic backgrounds to be involved in vocational education.

(E) *Curriculum, Demonstration, and Installation Studies.* (1) More information is needed regarding: (i) the required curriculum and instructional material for vocational education in open entry-exit situations; (ii) the initiating and implementing of demonstration and innovative activities in vocational education at the local level within a framework that allows for the transportability of the activities; and (iii) the methods of installing tested and demonstrated innovations in other educational settings.

(2) The Commissioner is authorized to support applied studies (Curriculum development, demonstrations, or installation projects are not encouraged since this priority area requests applications designed to produce information rather than products) to produce information about one or more of the following concerns:

(i) The required types of curricula and instructional materials that are needed for vocational education in open entry-exit situations;

(ii) the necessary information, organizational requirements, and administrative arrangements to initiate and operate demonstration activities in order that the innovation will remain when outside sources of funds are no longer available; also, what is required to enable other user groups to understand the nature and effectiveness of the demonstration activity; and

(iii) the information needed regarding successful administrative techniques and other information necessary in installing tested demonstrations in other educational settings.

(20 U.S.C. 1248, 1281-1284)

(F) *Applications.* In order to assure that applications do not duplicate projects already undertaken in the state, the applicants shall send a copy of the application to the State Director of Vocational Education and notify the Commissioner of Education of this action. The State Director should advise the Commissioner of Education of applications considered to be a duplication of other projects in the state.

(20 U.S.C. 1283(a))

(G) *Application Review Criteria.* Criteria will be utilized by the Federal and non-Federal reviewers in reviewing formally transmitted applications in Fiscal Year 1975. These criteria are consistent with § 100a.26, Review of Applications, in the Office of Education's General Provisions for Programs, Volume 38, Number 213, Part III, of November 6, 1973. Segments or a segment of the application must address each criterion area. Each criterion is weighted and includes the maximum score that can be given to a segment of an application in relation to the criteria. The criteria and maximum weights for each criterion are as follows:

Criteria	Maximum score
(1) <i>Priority Area</i> —Application is focused on an announced priority area(s), and further delineates the priority area	15
(2) <i>Need and Problem</i> —Application clearly defines the need for the project and delineates the problem rather than symptoms of the problem	15
(3) <i>Objectives</i> —The objectives of the proposed project are sharply defined, clearly stated, capable of being attained by the proposed procedures, and capable of being measured	15

(4) *Plan*—The application clearly describes the general design for the proposed project. The procedures specify in detail how each objective will be accomplished, and an adequate project management plan is available. If appropriate, inservice training, evaluation procedures, and dissemination plans are included.

(5) *Results*—The proposed results or end products are identified and described in terms of transportability to other educational projects or programs.

(6) *Personnel*—The qualifications and experience of personnel are appropriate for the proposed project.

(7) *Institutional Commitment*—The application shows reasonable evidence of commitment to provide adequate facilities and equipment, and the application provides documented assurance of support from cooperating institutions and agencies when necessary for project success.

(8) *Budget*—The estimated cost is reasonable in relation to anticipated results, and the size, scope, and duration of the project are reasonable.

[FR Doc.75-5376 Filed 2-27-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-442]

PART 1—PRACTICE AND PROCEDURE

Supplemental Technical Information

In the matter of the adoption of a supplemental form (402-S) to FCC Form 402.

1. On November 14, 1973, the Commission adopted a Memorandum Opinion and Order and notice of proposed rule making in Docket 19860 which looks toward the establishment of a separate rule part (Part 94) governing the licensing of private operational-fixed microwave stations in the frequency bands above 952 MHz.

2. Among other things, Part 94 proposed new rules which would require all applicants for new and modified stations to perform a detailed frequency engineering analysis of the interference potential of their stations and to certify that the proposed stations will comply with the proposed protection criteria in relation to existing microwave facilities.

3. In order that an applicant may comply with the provisions as proposed in Part 94, he needs to have readily available the technical information required about existing microwave facilities. The Commission records of microwave station authorizations is the source of the needed data except for the fact that the present FCC Form 402 does not obtain sufficient technical data to implement the proposed interference protection criteria. Supplemental information about each existing, new, or modified microwave station will be required.

4. In order to obtain the required supplemental information, a new form, FCC Form 402-S "Supplemental Technical Information for Microwave Station Authorization in the Safety and Special

Radio Services" has been adopted. On or about April 1, 1975, copies of the Supplemental Form will be mailed to all private microwave licensees. They will then be required to complete and return this form to the Commission within 90 days. New applications filed with the Commission on Form 402 after August 1, 1975, will not be accepted unless accompanied by a supplemental form.

5. Therefore, it is ordered, Pursuant to sections 4(i) and 308(b) of the Communications Act of 1934, as amended, that effective April 1, 1975, FCC Form 402-S is adopted as a supplement to FCC Form 402, and that licensees as well as applicants shall provide the information specified therein in accordance with the schedule outlined in paragraph 4 of this Order.

Adopted: April 18, 1974.

Released: February 24, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-5349 Filed 2-27-75;8:45 am]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RST-2]

PART 213—TRACK SAFETY STANDARDS

Approval of Supplementary Track Inspection Devices

On January 6, 1975, the Federal Railroad Administration (FRA) published in the FEDERAL REGISTER (40 FR 1076) a notice of proposed rulemaking to amend Part 213, Track Safety Standards, by deleting the provision in § 213.233(b) that track inspection devices "approved by the Administrator" may be used to supplement visual inspection. Deletion of this provision does not change in any way the mandatory procedures for, or frequency of, visual track inspections prescribed in § 213.233; it merely removes the present requirement for FRA approval of track inspection devices before these devices may be used to supplement the required visual track inspections.

Interested persons were invited to submit written data, views, or comments by February 17, 1975. One written comment supporting the proposal was received. The proposed amendment is hereby adopted without change as set forth below.

Effective Date: Since this amendment merely deletes a procedural requirement and imposes no additional burden on any person, it is effective March 1, 1975.

(Sec. 202, 84 Stat. 971, 45 USC 431; sec. 149 regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n))

Issued in Washington, D.C. on February 25, 1975.

ASAPH H. HALL,
Deputy Administrator.

(1) Paragraph (b) of section 213.233 of Title 49 of the Code of Federal Regulations is amended to read as follows:

(b) Each inspection must be made on foot or by riding over the track in a vehicle at a speed that allows the person making the inspection to visually inspect the track structure for compliance with this part. However, mechanical, electrical and other track inspection devices may be used to supplement visual inspection. If a vehicle is used for visual inspection, the speed of the vehicle may not be more than 5 miles per hour when passing over track crossings, highway crossings, or switches.

[FR Doc.75-5375 Filed 2-27-75;8:45 am]

CHAPTER IX—UNITED STATES RAILWAY ASSOCIATION

PART 931—INTERIM DISCONTINUANCE OF SERVICE OR ABANDONMENT OF RAIL LINES

On November 25, 1974 (39 FR 41185), the United States Railway Association (Association) issued a notice of proposed rule making to implement section 304(f) of the Regional Rail Reorganization Act of 1973 (Pub. L. 93-236), which authorizes the Association to consider discontinuances of service and abandonment of lines by railroads in reorganization during the period preceding the effective date of the final system plan to be issued under that Act. Section 304(f) provides that no railroad in reorganization may discontinue any service or abandon any line of railroad other than in accordance with the Act, unless it is authorized to do so by the Association, and unless no State or local or regional transportation authority reasonably opposes that action, notwithstanding any other Federal law, the constitution or law of any State, or decision or order of, or the pendency of any proceeding before, any Federal or State court, agency, or authority.

Interested persons have been afforded an opportunity to participate in the rule-making proceeding as a result of the notice, and due consideration has been given to all comments received in response to the notice.

On the basis of the comments received, it is apparent that clarification of the type of proceeding envisaged by the notice is needed. It is the Association's intention that the proceeding on each application be an informal one, not adversary in nature, with information obtained from materials contained in applications for discontinuance or abandonment, from information available to the Association, and from comments made in the proceedings by interested persons. It is not intended that there will be mandatory cross-servicing of papers and documents, except to the extent required by § 931.13 of the regulation, and except as the Association may require under that section. A FEDERAL REGISTER notice of each application will be filed, and each application will be available in

the Office of the General Counsel of the Association for public study and inspection.

As originally proposed, the new part would have required the applicant to file the application only with the Association. Several comments suggested that copies should be served on shippers, transportation authorities, and governmental bodies. The Association agrees, and has modified the part accordingly, that copies of the application should be served on the Governor of each State affected by the application, and on the railroad regulatory commission and department of transportation (if any) of that State. It does not consider it advisable to require service of the application on others. The application will be available for public inspection in the Association's public docket and, locally, through jurisdictional problem in any case in which any such person did not receive service. The Association does reserve the right, however, to require the applicant to serve notice of the application on specified persons, as may be appropriate, such as shippers and receivers, creditors, and labor unions, and to require posting of the notice. It will use this authority where warranted. In addition, the Association will, itself, notify identifiable State, local, and regional transportation authorities, news media, and other interested agencies. Since the Association will notify all news media in this manner, it is not considered necessary to require the applicant to provide for newspaper publication.

A new § 931.14 has been added to require proof of service and posting.

Several comments suggested that § 931.11 be amended to require each application filed to include several additional items of information in addition to those enumerated in the notice. In general, the Association considers that the requirements in the notice would provide sufficient information for the purposes of instituting the proceeding and that additional requirements would, except for certain specific changes discussed below, be redundant and burdensome. It has, however, in response to the comments, made certain changes in several of the requirements and has added a new Subparagraph (22) requiring a statement of the estimated net salvage value of the line, and the basis for that estimate. Other than for editorial changes, these changes are summarized as follows: Subparagraph (9) has been restated to require a showing that all of the shipping and receiving facilities on the line, rather than only the commercial facilities thereon, must be listed, to include not only those in being but those which the applicant is aware of that are being constructed; Subparagraph (12) has been revised to require a statement of the basis for the forecast of freight volume; Subparagraph (15) has been revised to reflect the recent amendments, by the Interstate Commerce Commission, of its "Standards for Determining Rail Service Continuation Subsidies" (January 8, 1975; 40 FR 1624), and to

require a statement of the level to which the service or line would be restored for the purposes of that subparagraph; Subparagraph (16) has been revised to reflect the same amendment by the I.C.C.; and Subparagraph (20) has been revised to require that governmental units having tax liens on a branch and persons having a reversionary interest in branch property be identified as creditors.

Several comments suggested that § 931.13 be amended to allow more than 30 days for the submission of comments on application notices published in the FEDERAL REGISTER. Although the 30 day period stated in the notice was stated as a minimum period, in view of the possible delays in mail and the nature of the proceedings, the minimum period has been extended to 45 days. For similar reasons, § 931.14 has been amended to provide a period of 20, rather than 10, days after the date of publication, for the effective late of decisions and orders issued under the new part.

A few comments suggested that the Association provide a method of appeal from its decisions under the new part. The Association cannot accede to this suggestion since, to be effective, such an appeal would have to be made to a body other than the Association, which the Act would not authorize. It should be noted in this regard that the 20 day period preceding the effective date of any decision or order would provide adequate time for any affected person to request the Association to reconsider any aspect of the case, and for sufficient reason, the Association could stay the decision or order. For these reasons, a provision authorizing the filing of petitions for reconsideration during this period has been added.

The comments of one local governmental body evinced a concern that there was no definition of the term "State, local or regional transportation authority". In view of the many and varied organizations that might so qualify, and the fact that such an organization could exist without the knowledge of the Association, it is not feasible to define that term. In view, however, of the provisions providing for widespread notification of each pending application, it is believed that each such authority will receive appropriate notice and will be able to identify itself to the Association for the purposes of the proceeding.

Several comments regarding proposed § 931.21 stated that the lack of reasonable opposition from a State, local or regional transportation authority should be a threshold question to further consideration of an application, and not a factor to be weighted equally with the other listed criteria. In view of these comments, and to clarify this provision, former paragraph (a) of the section has been divided into two parts. The new paragraph (a) restates the rules relating to opposition by such an authority to make it clear that the standard is not whether the opposition is sound but whether there is a reasonable basis for it. It will be considered reasonable un-

less it is without substance from a transportation standpoint. Former Subparagraphs (2) through (8) have been restated as a new paragraph (b) to set forth the criteria to be applied in cases in which such an authority does not reasonably oppose the application.

Several comments indicated that the question of discontinuance of service and abandonment of lines pursuant to an application should be clearly distinguished and that the Association go slow in allowing lines to be dismantled. The procedure spelled out in the new part clearly distinguishes between the two types of applications (see § 931.11). The Association will be able, in appropriate cases, to impose proper time conditions on any abandonment (see § 931.21 (c)) and can thus control, to the extent necessary, any possible complete removal of the facilities on a line.

A new Subpart D setting forth the provisions applicable to comments on applications has been added. New § 931.31 authorizes any person to file comments on an application and states the method and place of filing. It further provides that all timely received comments will be considered before action is taken on an application. New § 931.32 provides for identification of persons commenting, and states that each comment should contain any information, views, or arguments to support the commenter's position. New § 931.33 provides that each application and all comments made under the part will be available for examination by interested persons during the Association's regular business hours.

Several comments expressed concern regarding the effective date of the new part. Several stated that the part should not be made effective until the publication of the Preliminary System Plan. In view of the imminent publication of that plan this question has become mooted. A few comments suggested delay until the publication of the Final System Plan. This would not be possible as the purpose of section 304(f) of the Act is to provide an "interim" system of controlling discontinuances and abandonments during the period before the Final System Plan.

In addition to the changes discussed above, several changes of an editorial nature have been made in response to the comments.

In consideration of the foregoing, Chapter IX of Title 49 of the Code of Federal Regulations is amended by adding the following new Part 931 thereto, effective February 24, 1975.

(Sec. 304(f), Regional Rail Reorganization Act of 1973 (Pub. L. 93-236, 87 Stat. 935))

Issued in Washington, D.C. on February 19, 1975.

EDWARD G. JORDAN,
President.

Subpart A—General

- Sec.
931.1 Purpose and scope.
931.2 Definitions.

Subpart B—Procedures

- 931.11 Application.
931.12 Verification of application.
931.13 Publication of notice and application.
931.14 Proof of service or posting.
931.15 Issuance of decision and order.

Subpart C—Criteria

- 931.21 General.

Subpart D—Requirements for Comments Opposing or Supporting Discontinuance or Abandonment

- 931.31 Filing; place; time.
931.32 Content of comments.
931.33 Availability of application and comments.

AUTHORITY: Sec. 304(f), Regional Rail Reorganization Act of 1973 (Pub. L. 93-236, 87 Stat. 935).

Subpart A—General

§ 931.1 Purpose and scope.

(a) Section 304(f) of the Act provides, in general, that no railroad in reorganization may discontinue service or abandon any line of railroad, other than in accordance with the provisions of sections 304(a) and (b) of the Act, unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provisions of any other Federal law, the constitution or law of any State, or decision or order of, or the pendency of any proceeding before any Federal or State court, agency or authority.

(b) This part sets forth the Association's procedures and criteria for the exercise of its jurisdiction under section 304(f) of the Act with respect to railroads in reorganization in the region.

§ 931.2 Definitions.

Unless otherwise required by the context, the following definitions apply in this part:

"Act" means the Regional Rail Reorganization Act of 1973, Pub. L. 93-236 (87 Stat. 935).

"Association" means the United States Railway Association.

"Railroad in reorganization" means a railroad that is subject to a bankruptcy proceeding and which has not been determined by a court to be reorganizable or not subject to reorganization pursuant to the Act as prescribed in section 207 (b) of the Act. For the purpose of this definition, a "bankruptcy proceeding" includes a proceeding pursuant to Section 77 of the Bankruptcy Act (11 U.S.C. 205) and an equity receivership or equivalent proceeding.

"Region" means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Michigan, Illinois, and the District of Columbia; and those portions of contiguous States in which are located rail properties owned or operated by railroads doing business primarily in those jurisdictions, as determined by the

order of the Interstate Commerce Commission issued in Ex Parte 293, dated January 14, 1974.

"State" means any State or the District of Columbia.

Subpart B—Procedures

§ 931.11 Application.

(a) Each application for authorization to discontinue rail service or abandon a line of railroad under this part must contain the following information:

(1) The applicant's name and address;

(2) A statement showing that the applicant is a railroad in reorganization;

(3) The name, title, and post office address of the responsible official of the applicant to whom correspondence in regard to the application should be sent;

(4) The route, stations, active sidings and terminals of the line on which service is proposed to be discontinued or which is proposed to be abandoned, with its total length in miles, naming each county and other political subdivision in which any portion is located;

(5) A scale map of the area in which the line is located showing the line to be abandoned in relation to the other rail lines, and the highways, water routes, and important points surrounding the line, with the subject line and stations thereon shown in clear relief;

(6) A statement as to whether discontinuance of service or abandonment of line is sought, and a summary statement of each of the reasons therefor; and the service, if any, to be continued over the line;

(7) A brief description of the present rail service on the line and of significant changes therein during the last two years;

(8) A description of each joint facility agreement or trackage rights agreement relating to the line;

(9) The location and nature of the shipping and receiving facilities on the line, or which the applicant is aware are being constructed on the line, and the extent to which each is or will be dependent on the line for transportation;

(10) The freight carload and tonnage, by class of traffic, moving over the line for each of the last two calendar years, and that part of the current year for which information is available;

(11) The number of freight cars per mile moved over the line concerned during the last 12 months of service;

(12) A forecast of the freight volume, by class of traffic, to be moved on the line for the two years following the date of the application; and a statement of the basis for the forecast;

(13) A description of passenger service, if any, provided on the line and of the alternate passenger service available;

(14) A description of the bridge or overhead traffic, if any, moving over the line, and alternate routes available;

(15) The avoidable costs of providing the service or maintaining and operating the line determined according to the standards established pursuant to section 205(d)(3) of the Act (as set forth

in 49 CFR Part 1125.5; 40 FR 1632, January 8, 1975) for the most recent three months of operation, and, if applicable, the cost of restoring it to service, and a statement of the level to which the service would be restored;

(16) The revenues attributable to the applicant as a result of proving the service or operating the line, determined according to the standards established pursuant to section 205(d)(3) of the Act (as set forth in 49 CFR 1125.4, 40 FR 1632, January 8, 1975);

(17) Separate statements as to the effect of discontinuance of service or abandonment on the applicant's cash flow (excluding any net proceeds of liquidation) and on its net operating income, and an explanation as to the basis of the computations therefor;

(18) A statement as to what efforts have been made to dispose of the line in a manner which will ensure its continued operation, and what, if any, transportation service will remain or may be substituted for that proposed to be discontinued;

(19) A copy of the applicant's latest general balance sheet statement, and a copy of its income account for each of the last two calendar years, and for that part of the current year for which the information is available;

(20) The name and address of each creditor having a lien on the involved line segment, including each governmental unit having a tax lien thereon and each person having a reversionary interest therein;

(21) The minimum capital improvements, and the costs thereof, that would be required if the service were to be continued or the line be continued in operation;

(22) The estimated net salvage value of the line, and a statement of the basis for the estimate;

(23) A statement of the job losses or other employment impact, if any, with respect to the applicant's work force that would be occasioned by the discontinuance or abandonment and the potential steps to be taken by the applicant to minimize the effect thereof; and

(24) A general description of any significant environmental impact of the proposed discontinuance or abandonment.

(b) The applicant shall file the original and two copies of each application required by this section, by mail or in person, with the Association at its office, 2100 Second Street SW., Washington, D.C. 20595. In addition, the applicant shall, at the time the application is filed, serve a copy of it on the Governor, the railroad regulatory commission, and the department of transportation (if any) of each State within which the branch is located, and file a copy, available for public inspection, at its rail office (if any) in each county in which the branch is located.

§ 931.12 Verification of application.

The original of each application submitted under this part must be signed by an officer of the applicant who is

familiar with the facts of the case and verified under oath, and must show that the trustee and the court have authorized the filing of the application.

§ 931.13 Publication of notice and application.

(a) The Association will review each application filed under this part, and assign it a docket number.

(b) The Association will publish in the Federal Register a notice describing the application received, and will request written public comments on the proposed abandonment or discontinuance, not less than 45 days after the date of publication.

(c) Whenever it considers it to be appropriate, the Association will require the applicant to send a copy of the actual notice of the proposed discontinuance or abandonment to specified persons, such as shippers and receivers on the line; to creditors holding a lien secured by the property thereon; to each labor union representing employees of the applicant on the line; and to post notice of the application at appropriate places. The Association will notify the State, local and regional transportation authorities, and other interested agencies to the extent considered feasible by the Association, and the news media, in the geographical areas affected.

(d) The Association may request additional information concerning the proposed discontinuance or abandonment from the applicant or any other person, in the form and manner that the Association considers appropriate.

§ 931.14 Proof of service or posting.

In any case in which an applicant is required by this part to serve a copy of the application or to send or post notice thereof, the applicant shall promptly file proof of that service sending, or posting.

§ 931.15 Issuance of decision and order.

Each decision and order issued by the Association under this part will be published in the FEDERAL REGISTER, sent to the appropriate interested persons, and shall provide that it will become effective not earlier than 20 days after the date of publication. The Association will consider applications for reconsideration filed before the specified effective date.

Subpart C—Criteria

§ 931.21 General.

(a) In deciding whether to approve an application for discontinuance of service or abandonment of a railroad line under this part, the Association will first determine whether a State, local or regional transportation authority reasonably opposes the proposed action. The standard that the Association will apply is not whether the opposition is sound but whether there is a reasonable basis for it. The opposition will be considered to be reasonable unless it is without substance from a transportation standpoint.

(b) If a State or local or regional transportation authority does not reasonably oppose the proposed action, the Association will consider—

(1) The applicant's financial status and the financial consequences to the applicant of the proposed action;

(2) Whether there is a reasonable possibility that the line concerned will be included in the Final System plan;

(3) Whether there is a reasonable possibility that the line may be operated under a subsidy that meets the standards set forth in section 304(c) (2) of the Act;

(4) Whether the service covered by the application is essential in character, and whether there are feasible alternatives to that service;

(5) The relationship of the discontinuance or abandonment to the purposes of the Act and the goals of the Final System Plan;

(6) The effect of the proposed action on the applicant's labor force; and

(7) Any other matters that the Association deems relevant.

(c) The Association may condition its authorization of any proposed discontinuance or abandonment in any manner it considers to be consistent with the purposes of the Act. In particular, with respect to employees adversely affected by a proposed discontinuance or abandonment, the Association will impose the conditions customarily imposed by the Interstate Commerce Commission in similar proceedings subject to its jurisdiction under section 1(18)-(20) of the Interstate Commerce Act. An employee protective provision imposed under this Section will not, however, remain effective beyond the effective date of mandatory offers to "protected employees" under section 502(b) of the Act.

Subpart D—Requirements for Comments Opposing or Supporting Discontinuance or Abandonment

§ 931.31 Filing, place; time.

(a) Any person may submit written comments concerning any application for discontinuance or abandonment filed under this part.

(b) Communications should identify the regulatory docket or notice number contained in the Federal Register publication concerning the application and be submitted, in duplicate, to: United States Railway Association, Office of the General Counsel, 2100 Second Street, S.W., Washington, D.C. 20595.

(c) All communications received before the closing date specified in the FEDERAL REGISTER publication of the notice of the application will be considered by the Association before it takes action on the application.

§ 931.32 Content of comments.

(a) Each comment must state the name and address of the person making the comment and his interest in the proceeding.

(b) Each comment should contain any information, views, or arguments known to the commenter to support his position and the reasons why the application should or should not be approved, including material in support or in rebuttal of information in the application.

§ 931.33 Availability of application and comments.

Each application filed under this part and all comments received thereon will be available, both before and after the closing date for comments, in the docket in the Office of the General Counsel, for examination by interested persons, during regular business hours (8:30-5, Monday through Friday).

[FR Doc.75-5367 Filed 2-27-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1123, Amdt. 4]

PART 1033—CAR SERVICE

Northwestern Oklahoma Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 21st day of February, 1975.

Upon further consideration of Service Order No. 1123 (38 FR 5174, 24902, 25183 and 39 FR 8327 and 32137), and good cause appearing therefor:

It is ordered, That § 1033.1123 Service Order No. 1123 (Frank W. Pollock, Jr., d/b/a Northwestern Oklahoma Railroad Co., authorized to operate over certain trackage abandoned by Missouri-Kansas-Texas Railroad Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

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

Effective date. This amendment shall become effective at 11:59 p.m., February 28, 1975.

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

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

By the Commission, Railroad Service Board.

[SEAL]

ROBERT L. OSWALD,
Director.

[FR Doc.75-5387 Filed 2-27-75;8:45 am]

[S.O. 1126, Amdt. 4]

PART 1033—CAR SERVICE

Baltimore and Ohio Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 21st day of February, 1975.

Upon further consideration of Service Order No. 1126 (38 FR 6999, 22790; 39 FR 8327, 32137), and good cause appearing therefor:

It is ordered, That § 1033.1126 Service Order No. 1126 (The Baltimore and Ohio Railroad Company authorized to operate over tracks of Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

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

Effective date. This amendment shall become effective at 11:59 p.m., February 28, 1975.

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

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

By the Commission, Railroad Service Board.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5388 Filed 2-27-75;8:45 am]

[S.O. 1180, Amdt. 2]

PART 1033—CAR SERVICE

Baltimore and Ohio Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 21st day of February, 1975.

Upon further consideration of Service Order No. 1180 (39 FR 11891 and 32138), and good cause appearing therefor:

It is ordered, That: § 1033.1180 Service Order No. 1180 (The Baltimore and Ohio Railroad Company authorized to operate over tracks of Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur,

trustees) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

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

Effective date. This amendment shall become effective at 11:59 p.m., February 28, 1975.

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

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

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

By the Commission, Railroad Service Board.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5389 Filed 2-27-75;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-484]

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	Deland, city of	February 19, 1975. Emergency.	Aug. 2, 1974		
Illinois	Kane	St. Charles, city of	do.	Mar. 15, 1974		
Indiana	Howard	Kokomo, city of	do.	Dec. 17, 1973		
Do	Huntington	Warren, town of	do.	Nov. 23, 1973		
Kentucky	Campbell	Unincorporated areas	do.	Dec. 27, 1974		
Louisiana	Lincoln	Ruston, city of	do.			
Maryland	Allegany	Westernport, city of	do.	Feb. 1, 1974		
Missouri	Wright	Mountain Grove, city of	do.	Apr. 5, 1974		
New Jersey	Bergen	Park Ridge, borough of	do.	Jan. 23, 1974		
Do	Passaic	Clifton, city of	do.	May 31, 1974		
Do	Salem	Mannington, township of	do.	Oct. 25, 1974		
Pennsylvania	Mercer	West Middlesex, borough of	do.			
Ohio	Wood	Grand Rapids, village of	do.	Mar. 1, 1974		
Texas	Colorado	Columbus, city of	do.	Feb. 15, 1974		
Washington	Kitsap	Unincorporated areas	do.			
Wisconsin	Sauk	Lake Delton, village of	do.			

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

Issued: February 12, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-5292 Filed 2-27-75;8:45 am]

[Docket No. FI-485]

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	Windham	Plainfield, town of	February 30, 1975. Emergency.	Sept. 6, 1974		
Illinois	Cook	Forest View, village of	do	Apr. 5, 1974		
Indiana	Harrison	Mauckport, town of	do	Dec. 7, 1973		
Maryland	Cecil	Charlestown, town of	do	Sept. 20, 1974		
Oklahoma	Jackson	Altus, city of	do	June 28, 1974		
Do	Pawnee	Pawnee, city of	do	Jan. 16, 1974		
Pennsylvania	Beaver	Conway, borough of	do	Feb. 1, 1974		
Do	Allegheny	Fawn, township	do	Nov. 29, 1974		
Do	Fayette	Newell, borough of	do	June 28, 1974		
Do	Butler	Zellenople, borough of	do	June 14, 1974		
South Dakota	Codington	Watertown, city of	do	June 28, 1974		
Texas	Tarrant	Crowley, city of	do	do		
Do	Dallas and Collin	Richardson, city of	do	May 24, 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 13, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc. 75-5293 Filed 2-27-75; 8:45 am]

[Docket No. FI-486]

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
Alabama	Houston	Dothan, city of	February 21, 1975. Emergency.	Dec. 28, 1973		
Do	Baldwin	Daphne, city of	do	June 7, 1974		
Do	Jefferson	Vestavia Hills, city of	do	May 10, 1974		
Do	Coffee	Enterprise, city of	do	July 26, 1974		
California	Los Angeles	El Segundo, city of	do	do		
Connecticut	Litchfield	North Canaan, town of	do	Aug. 30, 1974		
Georgia	Macon	Montezuma, city of	do	Aug. 16, 1974		
Kansas	Barton	Holington, city of	do	Feb. 22, 1974		
Kentucky	Campbell	Mentor, city of	do	do		
Maine	Penobscot	Brewer, city of	do	Mar. 29, 1974		
Massachusetts	Berkshire	Savoy, town of	do	do		
New Jersey	Sussex	Andover, township of	do	Dec. 20, 1974		
Do	Atlantic	Felton, borough of	do	do		
Oklahoma	Dewey	Taloga, town of	do	Nov. 22, 1974		
Pennsylvania	Adams	Franklin, township of	do	Jan. 3, 1975		
Do	Fayette	Washington, township of	do	Dec. 20, 1974		
Do	Allegheny	Heldleburg, borough of	do	Feb. 1, 1974		
Tennessee	Henry	Paris, city of	do	do		
Texas	Atascosa	Pleasanton, city of	do	June 21, 1974		
Virginia	Russell	Honaker, town of	do	May 10, 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 18, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc. 75-5294 Filed 2-27-75; 8:45 am]

[Docket No. FI-487]

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
Alabama	Jefferson	Graysville, city of	February 24, 1975. Emergency.	Dec. 27, 1974		
Arizona	Cochise	Sierra Vista, city of	do	May 10, 1974		
Connecticut	Litchfield	Morris, town of	do			
Idaho	Ada	Kuna, city of	do			
Illinois	DuPage	Burr Ridge, village of	do	Mar. 15, 1974		
Do	Cook	Calumet, city of	do	Apr. 5, 1974		
Do	Hancock	Hamilton, city of	do	Mar. 29, 1974		
Do	Cook	Niles, village of	do	do		
Do	do	Willow Springs, village of	do	Apr. 12, 1974		
Indiana	St. Joseph	Mishawaka, city of	do	Dec. 28, 1973		
Do	Pulaski	Montarey, town of	do	Feb. 1, 1974		
Do	St. Joseph	North Liberty, town of	do	Nov. 30, 1973		
Iowa	Clayton	Clayton, city of	do	Aug. 23, 1974		
Kansas	Johnson	Shawnee, city of	do	June 28, 1974		
Maine	York	Sanford, town of	do	Sept. 13, 1974		
Michigan	Berrien	St. Joseph, township of	do			
Minnesota	Morrison	Lastrup, city of	do	Aug. 9, 1974		
North Carolina	Onslow	Jacksonville, city of	do	May 10, 1974		
North Dakota	Sioux	Fort Yates, city of	do	Mar. 8, 1975		
Ohio	Washington	Lower Salem, village of	do	Aug. 30, 1974		
Do	Champaign	North Lewisburg, village of	do	Apr. 5, 1974		
Oregon	Malheur	Ontario, city of	do	Nov. 30, 1973		
Utah	Beaver	Milford, city of	do	Aug. 9, 1974		
Virginia	Frederick	Middletown, town of	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, 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 18, 1975.

[FR Doc.75-5295 Filed 2-27-75;8:45 am]

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[Docket No. FI-488]

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	Poinsett	Harrisburg, City of	February 27, 1975. Emergency.	May 10, 1974		
Do	Faulkner	Mayflower, city of	do	Nov. 28, 1973		
Georgia	Macon	Oglethorpe, city of	do	June 28, 1974		
Do	De Kalb	Pine Lake, city of	do	Apr. 12, 1974		
Illinois	Douglas	Villa Grove, city of	do	May 17, 1974		
Kentucky	Clark	Winchester, city of	do	May 31, 1974		
Maine	Kennebec	Gardiner, city of	do	Feb. 22, 1974		
Maryland	Caroline	Hillsboro, town of	do			
Mississippi	Walthall	Tylertown, town of	do	June 28, 1974		
Missouri	Jackson	Raytown, city of	do			
Nebraska	Thayer	Hebron, city of	do	Jan. 23, 1974		
New Mexico	Socorro	Socorro, city of	do	June 28, 1974		
Ohio	Summitt	Cuyahoga Falls, city of	do	Feb. 1, 1974		
Do	Columbiana	Wellsville, city of	do	Jan. 10, 1974		
Tennessee	Clay	Celina, city of	do	June 21, 1974		
Texas	Kimble	Junction, city of	do	Mar. 22, 1974		
Wisconsin	Trempealeau	Blair, city of	do	Dec. 7, 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: February 20, 1975.

[FR Doc.75-5296 Filed 2-27-75;8:45 am]

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[Docket No. FI-489]

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	Craighead	Bay, city of	February 26, 1975, Do. Emergency.	Oct. 13, 1974		
California	Orange	Cypress, city of	do	June 7, 1974		
Florida	Clay	Unincorporated areas	do			
Indiana	Lake	East Chicago, city of	do	Apr. 12, 1974		
Kansas	Montgomery	Independence, city of	do	Dec. 17, 1973		
Kentucky	Lincoln	Stanford, city of	do	May 17, 1974		
Do	Bracken	Angusta, city of	do	May 24, 1974		
Do	Harrison	Cynthiana, city of	do	June 7, 1974		
Maryland	Kent	Rock Hall, town of	do	July 26, 1974		
Do	Hartford	Hayre De Grace, city of	do	do		
Do	Frederick	Woodshoro, town of	do			
Michigan	Saginaw	Saginaw, city of	do	June 21, 1974		
Do	Allegan	Allegan, city of	do	June 28, 1974		
Nebraska	Cass	Plattsmouth, city of	do	May 19, 1974		
New Hampshire	Hillsborough	Wilton, town of	do	Apr. 8, 1974		
New York	Rensselaer	Troy, city of	do	do		
Do	Dutchess	LaGrange, town of	do			
North Carolina	Wake	Unincorporated areas	do			
Ohio	Columbiana	Columbiana, village of	do	May 8, 1974		
Oklahoma	Garvin	Lindsay, city of	do	Dec. 27, 1974		
Do	Payne	Cushing, city of	do	Jan. 16, 1974		
Tennessee	Henderson	Lexington, city of	do	June 14, 1974		
Virginia	Botetourt	Trontville, town of	do	do		
Do	Surrey	Claremont, town of	do			
Washington	Adams	Unincorporated areas	do			
Wisconsin	Washburn	Birchwood, village of	do			

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

Issued: February 19, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc. 75-5297 Filed 2-27-75; 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 AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 991]

HANDLING OF HOPS OF DOMESTIC PRODUCTION

Notice of Proposed Salable Quantity and Allotment Percentage for the 1975-76 Marketing Year

Notice is hereby given of a proposal to establish, for the 1975-76 marketing year, beginning August 1, 1975, a salable quantity of 60,270,000 pounds, and an allotment percentage of 100 percent, for hops grown in Washington, Oregon, Idaho, and California. The salable quantity is the total quantity of hops that may be freely marketed from any crop grown in those states and handled by handlers. The salable quantity is prorated among producers by applying the allotment percentage to each producer's allotment base.

The proposed salable quantity and allotment percentage would be established in accordance with the provisions of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was recommended by the Hop Administrative Committee.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than March 18, 1975. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed salable quantity and allotment percentage are based upon recommendations of the Committee made at their meeting of January 20, 1975, and derive from the following estimates for the marketing year beginning August 1, 1975:

- (1) Total domestic consumption of 39,500,000 pounds of hops;
- (2) Minus imports of 11,000,000 pounds of hops to result in domestic consumption of U.S. hops of 28,500,000 pounds;
- (3) Plus total U.S. exports of 30,000,000 pounds of hops to equal 58,500,000 pounds total usage of U.S. hops;
- (4) Minus a desirable inventory adjustment, as of September 1, 1976 of 5,000,000 pounds;
- (5) Plus an adjustment of 6,770,000 pounds to provide for adequate supplies

should some producer allotments not be fully produced.

Thus, the salable quantity during the 1975-76 marketing year would be 60,270,000 pounds.

The proposed salable percentage is computed by subtracting from this salable quantity 1,000,000 pounds for additional allotment bases for hops of the Fuggle variety pursuant to §§ 991.38(b) and 991.138(c) and dividing the remainder by 59,270,000 pounds, the total of all allotment bases less the 1,000,000 pound additional allotment bases for Fuggle variety hops.

The proposal is as follows:

§ 991.213 Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1975.

The allotment percentage during the marketing year beginning August 1, 1975 shall be 100 percent, and the salable quantity shall be 60,270,000 pounds.

Dated: February 25, 1975.

CHARLES R. BRADER,

Deputy Director,

Fruit and Vegetable Division.

[FR Doc. 75-5377 Filed 2-27-75; 8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 225]

CONSERVATION OF ENDANGERED AND THREATENED SPECIES

Federal/State Cooperation

Notice is hereby given that pursuant to the authority vested in the Secretary of Commerce by section 6(h) of the Endangered Species Act of 1973 (the "Act"; 87 Stat. 884; 16 U.S.C. 1531-43), Part 225 of Title 50, Chapter II of the Code of Federal Regulations, is proposed.

The purpose of this proposed rule-making is to formalize procedures governing applications by States for Federal financial assistance under Section 6 of the Act, "Cooperation with the States". This includes criteria for approval of grants-in-aid to the States.

This proposed rulemaking states the policies and procedures of the National Marine Fisheries Service to be followed in the consideration of applications for financial assistance under section 6. At present, the National Marine Fisheries Service has no funds appropriated for this purpose. States having applied for or entered into a Cooperative Agreement with the National Marine Fisheries Service will be notified as soon as such funds become available.

Identical regulations will be published by the U.S. Fish and Wildlife Service in 50 CFR Part 81.

Written comments, views, and objections may be made with respect to these proposed regulations to the Director, National Marine Fisheries Service, Washington, D.C. 20235, on or before May 2, 1975. Final regulations will be promulgated as soon as possible after the 60-day comment period required by the Act. If any person feels that he may be adversely affected by the proposed regulations, he may file objections thereto and request a public hearing thereon on or before April 14, 1975.

JOSEPH W. SLAVIN,

Acting Director,

National Marine Fisheries Service.

PART 225—FEDERAL/STATE COOPERATION IN THE CONSERVATION OF ENDANGERED AND THREATENED SPECIES

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|--------|---|
| Sec. | Definitions. |
| 225.1 | Cooperation with the States. |
| 225.2 | Cooperative Agreement. |
| 225.3 | Allocation of funds. |
| 225.4 | Information for the Secretary. |
| 225.5 | Financial Assistance Award/Project Agreement. |
| 225.6 | Availability of funds. |
| 225.7 | Payments. |
| 225.8 | Assurances. |
| 225.9 | Submission of documents. |
| 225.10 | Divergent opinions over project merit. |
| 225.11 | Contracts. |
| 225.12 | Inspection. |
| 225.13 | Comprehensive plan alternative. |
| 225.14 | |

AUTHORITY: Endangered Species Act of 1973, sec. 6(h), 87 Stat. 884, 16 U.S.C. 1531-43, Pub. L. 93-205.

§ 225.1 Definitions.

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

(a) *Agreements*. Signed documented statements of the actions to be taken by the State(s) and the Secretary in furthering the purposes of the Act. They include:

(1) A Cooperative Agreement entered into pursuant to section 6(c) of the Endangered Species Act of 1973 and containing provisions found in section 6(d) (2) of the Act.

(2) A Financial Assistance Award/Project Agreement which includes a statement as to the actions to be taken in connection with the conservation of endangered or threatened species, benefits derived, cost of actions, and costs to be borne by the Federal Government and by the States.

(b) *Conserve, conserving, and conservation*. The use of all methods and procedures which are necessary to bring any

endangered species or threatened species to the point at which the measures provided pursuant to the Endangered Species Act of 1973 are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

(c) *Endangered species.* Any species which is in danger of extinction throughout all or a significant portion of its range (other than a species of the Class Insecta as determined by the Secretary to constitute a pest whose protection under the provisions of The Endangered Species Act of 1973 would present an overwhelming and overriding risk to man).

(d) *Fish or wildlife.* Any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.

(e) *Plant.* Any member of the plant kingdom, including seeds, roots, and other parts thereof.

(f) *Program.* A State-developed plan for the conservation of all species of fish and wildlife that exist in the wild in that State during any part of their life which are deemed by the Secretary to be endangered or threatened, which include goals, objectives, strategies, actions, and funding necessary to be taken to accomplish the objectives on an individual species basis.

(g) *Secretary.* The Secretary of Commerce or his authorized representatives.

(h) *Species.* This term includes any subspecies of fish or wildlife or plants and any other group of fish or wildlife of the same species or smaller taxa in common spatial arrangement that interbreed when mature.

(i) *State.* Any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

(j) *State agency.* The State agency or agencies, department, board, commission, or other governmental entity which is responsible for the management and conservation of fish or wildlife resources within a State.

(k) *Threatened species.* Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range, as determined by the Secretary.

(l) *Project.* A substantial undertaking to conserve the various endangered or threatened species of fish or wildlife and plants.

(m) *Act.* The Endangered Species Act of 1973, Pub. L. 93-205, 16 U.S.C. 1531-43.

(n) *Project segment.* An essential part or a division of a project, usually separated as a period of time, occasionally as a unit of work.

(o) *Resident species.* For the purposes of the Endangered Species Act of 1973, a species is resident in a State if it exists in the wild in that State during any part of its life.

(p) The definitions set forth in Part 217 are incorporated herein by reference unless inconsistent with the definitions as defined above.

§ 225.2 Cooperation with the States.

The Secretary is authorized by the Act to cooperate with any State which establishes and maintains an adequate and active program for the conservation of endangered and threatened species. In order for a State program to be deemed an adequate and active program, the Secretary must find and reconfirm, on an annual basis, that:

(a) Authority resides in the State agency to conserve resident species of fish and wildlife determined by the State agency or the Secretary to be endangered or threatened;

(b) The State agency has established an acceptable conservation program, consistent with the purposes and policies of the Act, for all resident species of fish and wildlife in the State which are deemed by the Secretary to be endangered or threatened, and has furnished a copy of such plan and program together with all pertinent details, information, and data requested to the Secretary;

(c) The State agency is authorized to conduct investigations to determine the status and requirements for survival of resident species of fish and wildlife;

(d) The State agency is authorized to establish programs, including the acquisition of land or aquatic habitat or interests therein, for the conservation of resident endangered or threatened species; and

(e) Provisions are made for public participation in designating resident species of fish and wildlife as endangered or threatened.

§ 225.3 Cooperative agreement.

Upon determination by the Secretary that a State program is adequate and active, the Secretary shall enter into an Agreement with the State. A Cooperative Agreement is necessary before a Financial Assistance Award or Project Agreement can be approved for endangered or threatened species projects. It must be reconfirmed annually to reflect new laws, species lists, rules or regulations, and programs, and to demonstrate that the program is still active and adequate. Further, such agreement must contain:

(a) The actions that are to be taken by the Secretary and the State;

(b) The benefits that are expected to be derived in connection with the conservation of endangered or threatened species;

(c) The estimated cost of these actions; and

(d) The share of such costs to be borne by the Federal Government and by the States.

§ 225.4 Allocation of funds.

The Secretary shall allocate funds, appropriated for the purpose of carrying out section 6, to various State programs using the following as the basis for his determination:

(a) The international commitments of the United States to protect endangered or threatened species;

(b) The readiness of a State to proceed with a conservation program consistent with the objectives and purposes of this Act;

(c) The number of federally listed endangered and threatened species within a State;

(d) The potential for restoring endangered and threatened species within a State; and

(e) The relative urgency to initiate a program to restore and protect an endangered or threatened species in terms of survival of the species.

§ 225.5 Information for the secretary.

Before any Federal funds may be obligated for any project to be undertaken in a State, the State must have entered into a Cooperative Agreement pursuant to section 6(c) of the Act.

§ 225.6 Financial Assistance Award/Project Agreement.

Subsequent to the establishment of a Cooperative Agreement pursuant to § 225.3, the Secretary may further agree with the States to provide financial assistance in the development and implementation of acceptable projects for the conservation of endangered and threatened species. Financial agreements will consist of an Application for Federal Assistance and a Financial Assistance Award/Project Agreement. Such agreements' continued existence, and continued financial assistance under such agreements, shall be contingent upon the continued existence of the Cooperative Agreement described in § 225.3. The Application for Federal Assistance will show the need for the project, the objectives, the expected benefits and results, the approach, the period of time necessary to accomplish the objectives, and both the Federal and State costs. To meet the requirements of the Act, the Application for Federal Assistance shall certify that the State agency submitting the project is committed to its execution and that it has been reviewed by the appropriate State officials and is in compliance with other requirements of the Office of Management and Budget Circular No. A-95 (as revised). The Financial Assistance Award/Project Agreement will follow approval of the Application for the Federal Assistance by the Secretary. The mutual obligations by the cooperating agencies will be shown in this agreement executed between the State and the Secretary. An agreement shall cover the financing proposed in one project segment and the work items described in the documents supporting it. The form and content for

both the Application for Federal Assistance and the Financial Assistance Award/Project Agreement are provided in the Federal Aid Handbook/Manual.

§ 225.7 Availability of funds.

Funds allocated to a State are available for obligation during the fiscal year for which they are allocated and until the close of the succeeding fiscal year. For the purpose of this section, obligation of allocated funds occurs when a Financial Assistance Award/Project Agreement is signed by the Secretary, or his authorized representative, attesting to his approval.

§ 225.8 Payments.

The payment of the Federal share of costs incurred in the conduct of activities included under a Financial Assistance Award/Project Agreement shall be in accordance with Treasury Circular 1075.

(a) Federal payments under the Act shall not exceed 66 2/3 percent of the program costs as stated in the agreement; except, the Federal share may be increased to 75 percent when two or more States having a common interest in one or more endangered or threatened species, the conservation of which may be enhanced by cooperation of such States, enter jointly into an agreement with the Secretary.

(b) The State share of program costs may be in the form of cash or in-kind contributions, including real property, subject to standards established by the Secretary as provided in Federal Management Circular 74-7.

(c) Payments under the Endangered Species Act, including such preliminary costs and expenses as may be incurred in connection with projects, shall not be made unless all documents that may be necessary or required in the administration of this Act shall have first been submitted to and approved by the Secretary. Payments shall be made for expenditures reported and certified by the State fish and game departments. Payments shall be made only to the State office or official designated by the State fish and game department and authorized under the laws of the State to receive public funds of the State.

(d) Vouchers and forms provided by the Secretary and certified as therein prescribed, showing amounts expended and the amount of Federal Aid funds claimed to be due on account thereof, shall be submitted to the Secretary by the State fish and wildlife agency.

§ 225.9 Assurances.

The State must assure and certify that it will comply with all applicable Federal laws, regulations, and requirements as they relate to the application, acceptance, and use of Federal funds for projects under the Act in accordance with Federal Management Circular 74-7.

§ 225.10 Submission of documents.

Papers and documents required by the Act or by regulations in this part shall be deemed submitted to the Secretary from the date of receipt by the Director

of the U.S. Fish and Wildlife Service and the Director of the National Marine Fisheries Service.

§ 225.11 Divergent opinions over project merits.

Any difference of opinion about the substantiality of a proposed project or appraised value of land to be acquired are considered by qualified representatives of the Secretary and the State. Final determination in the event of continued disagreement rests with the Secretary.

§ 225.12 Contracts.

The State may use its own regulations in obtaining services providing that they adhere to Federal laws and the requirements provided by Federal Management Circular 74-7. The State is the responsible authority without recourse to the Secretary regarding settlement of contractual issues.

§ 225.13 Inspection.

Supervision of each project by the State shall include adequate and continuous inspection. The project will be subject to periodic Federal inspection.

§ 225.14 Comprehensive plan alternative.

In the event that the State elects to operate under a comprehensive fish and wildlife resource planning system, the Cooperative Agreement will be an attachment to the plan. No Cooperative Financial Assistance Agreement will be required since the documentation will be incorporated in the plan. However, the continued existence of the comprehensive plan, and Federal financing thereunder, will be contingent upon the continued existence of the cooperative agreement described in § 225.3.

[FR Doc.75-5502 Filed 2-27-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 74-EA-91]

AIRWORTHINESS DIRECTIVE

Canadair Aircraft

The Federal Aviation Administration is considering amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Canadair CL-215-1A10 airplanes.

There has been a report of a deficiency in the wiring of the Firex fire extinguishing system which would cause discharge of the wrong Firex bottle. Since this deficiency can exist in aircraft of similar design, an airworthiness directive is proposed which will require an alteration of the wiring harness.

Interested parties are invited to participate in the making of the proposed rule by submitting written data or views. Communications should identify the docket number and be submitted in

duplicate to the Office of Regional Counsel, FAA, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430.

All communications received on or before March 31, 1975 will be considered before taking action upon the proposed rule. The proposals contained in this Notice may be changed in the light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to issue a new airworthiness directive, as hereinafter set forth.

CANADAIR.—Applies to Canadair CL-215-1A10 airplanes certificated in all categories.

Compliance required with the next twenty-five hours' time in service after the effective date of this AD unless already accomplished.

To preclude the possibility of incorrect connection being made to the engine Firex bottles, accomplish the following:

Modify the routing of the wire harness to the engine Firex bottles in accordance with Canadair Service Information Circular No. 68-CL-215, Revision A, dated August 13, 1974, or an equivalent modification approved by Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

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

Issued in Jamaica, N.Y., on February 20, 1975.

JAMES BISPO,
Acting Director,
Eastern Region.

[FR Doc.75-5311 Filed 2-27-75;8:45 am]

[14 CFR Part 39]

[Docket No. 75-80-16]

AIRWORTHINESS DIRECTIVES

Grumman Model G-1159 Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Grumman Model G-1159 airplanes. During an investigation of an accident involving a G-1159, the longitudinal trim was found in full electric nose down position. Although the FAA does not presently feel this was the primary cause of the accident, it may have been one of the contributing factors. Type certification data, which has been substantiated by flight tests, shows that no more than 4.5 degrees of nose down longitudinal trim availability is required at any point in the approved airplane operating envelope. However, the installed electric trim system is capable of driving the longitudinal trim to the 8.5±0.5 degrees nose down position. Since this condition exists on all airplanes of the same type design, the proposed airworthiness directive would require reducing the nose down electric trim authority from 8.5 degrees to 4.5±0.5 degrees on the Grumman G-1159 airplanes.

Interested persons are invited to participate in making of the proposed rule

by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Chief, Engineering and Manufacturing Branch, ASO-210, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before March 30, 1975 will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments in Room 275 of the Federal Aviation Administration Building, 3400 Whipple Street, East Point, Georgia 30344, for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 165(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive.

GRUMMAN AMERICAN AVIATION CORPORATION.—Applies to Grumman G-1159 airplanes, S/N's 1 thru 156 and S/N 775, certificated in all categories.

Compliance required within the next 800 hours' time in service after the effective date of this AD, or before January 31, 1976, whichever occurs first, unless already accomplished.

To prevent unnecessarily high longitudinal stick forces due to an inadvertent excessive increase of nose down electric trim, reduce the elevator trim nose down authority from 8.5 ± 0.5 degrees to 4.5 ± 0.5 degrees in accordance with Grumman Aircraft Service Change 182 or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, Southern Region.

Issued in East Point, Georgia on February 20, 1975.

P. M. SWATEK,

Director, Southern Region, ASO-1.

[PR Doc.75-5312 Filed 2-27-75; 8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 75-3; Notice 1]

SCHOOL BUSES

Emergency Exit Requirements

This notice proposes to amend 49 CFR 571.217, *Bus Window Retention and Release* (Motor Vehicle Safety Standard No. 217) to specify requirements for emergency doors for school buses. Standard No. 217 was initially published on May 10, 1972 (37 FR 9394), and became effective on September 1, 1973.

Standard No. 217 presently does not require school buses to contain emergency exits. However, it does require that when a school bus contains push-out windows or other emergency exits these exits conform to requirements specified in the standard. This notice would require

school buses to contain emergency exits, and would require those exits to meet requirements which differ in some respects from the standard's present requirements. Any school bus emergency exit in addition to those specifically required would be required to meet the requirements presently specified in the standard for emergency exits in buses other than school buses.

The notice proposes that each school bus contain either a single rear emergency door, or two side emergency doors, one located in each side in the rear half of the bus passenger compartment. All emergency doors would be required to open outward. Two side emergency doors are utilized in order that a rollover will not eliminate all available emergency exits.

Release mechanisms for these emergency doors would be required to be operable manually, from both inside and outside the bus, by a single person without the use of special tools or remote controls, and in the event of a vehicle power failure. If a release mechanism becomes unlatched, a continuous audible warning would be required to sound in the driver's compartment and in the vicinity of the door having the unlatched mechanism. At the same time, any condition rendering the release mechanism inoperable, such as a locked mechanism, would prevent the bus engine from being started. The release mechanism for each door would be required to be between 24 and 52 inches from the floor of the bus. Each release mechanism would be required to be operable from inside the bus with an upward vertical force of not more than 40 pounds, which a child passenger should be able to perform. The location requirement and the 40-pound limitation would also apply to the mechanism operable from outside the bus.

Following release of the emergency door, the standard would require the door to be manually extendable by a single person so as to permit passage of a rectangular parallelepiped having the dimensions 48" x 24" x 24", which is intended to provide an exit of sufficient size to permit occupant egress. Emergency exit identification would be required on or above each emergency door on both the inside and outside of the bus. An arrow, indicating the direction the release mechanism must be moved to open the emergency door, would also be required.

In light of the above, it is proposed to amend 49 CFR § 571.217, *Bus window retention and release* (Motor Vehicle Safety Standard No. 217) as follows:

1. S5.2 would be revised by the addition of the following sentence at the end of the paragraph:

"School buses shall provide unobstructed openings for emergency exits which conform to S5.2.3."

2. S5.2.3 would be revised to read:

S5.2.3 School buses.

S5.2.3.1 Each school bus shall meet unobstructed openings requirements by providing, at the manufacturer's option, one emergency door in each side in the rear half of the bus passenger compart-

ment, or one rear emergency door. Each door shall open outward. A rear emergency door shall be hinged on the right side. Any side emergency door shall be hinged on its forward side. Any emergency exit provided in addition to those required by this paragraph shall meet the requirements specified in paragraphs S5.3 through S5.5 for buses other than school buses.

S5.2.3.2 The engine starting system of a school bus shall not operate if any emergency exit is locked or otherwise inoperable from either inside or outside the bus.

3. S5.3.1 and S5.3.2 would be revised by adding "In buses other than school buses," before the text of both paragraphs.

4. A new S5.3.3 would be added to read:

S5.3.3 *School buses.* When tested under the conditions of S6., both before and after the window retention test required by S5.1, each school bus emergency door shall allow manual release of the door by a single person, from both inside and outside the bus passenger compartment, in accordance with paragraph (a) or (b). Each release mechanism shall operate without the use of remote controls or tools, and notwithstanding any failure of the vehicle's power system. When the release mechanism is unlatched and the vehicle ignition is in the "on" position, a continuous warning sound shall be audible in the driver's compartment and in the vicinity of the emergency door having the unlatched mechanism.

(a) For side emergency doors.

(1) *Location of release mechanism:* Within the high access region shown in Figure 3A.

(2) *Type of motion:* Upward from inside the bus; in any direction from outside the bus.

(3) *Magnitude:* Not more than 40 pounds.

(b) For rear emergency doors.

(1) *Location of release mechanism:* Within the high access region shown in Figure 3D.

(2) *Type of motion:* Upward from inside the bus; in any direction from outside the bus.

(3) *Magnitude:* Not more than 40 pounds.

5. S5.4 would be revised by adding a new paragraph S5.4.1 beginning with, "In buses other than school buses," and followed by the text of existing paragraph S5.4, and by adding a new S5.4.2 to read:

S5.4.2 *School buses.* Each school bus emergency door shall, after the release mechanism has been operated, under the conditions of S6., before and after the window retention test required by S5.1, using the force levels specified in S5.3.3, be manually extendable by a single person to a position that provides an opening large enough to permit unobstructed passage of a rectangular parallelepiped 48 inches high, 24 inches wide, and 24 inches deep, keeping the

longest dimension vertical and the parallelepiped in contact with the floor of the bus at all times.

6. S5.5.1 and S5.5.2 would be revised by adding "In buses other than school buses," before the text of both paragraphs and a new S5.5.3 would be added to read:

S5.5.3 *School buses.* Each school bus emergency door shall have the designation "Emergency Door" in letters at least 2 inches high, of a color that contrasts with its background, located at the top of or directly above the emergency door on both the inside and outside surfaces of the bus. An arrow at least 6 inches in length and at least 3/4-inch in width, of a color that contrasts with its background, indicating the direction in which the release mechanism should be operated to open the emergency door, shall be located within 6 inches of the release mechanism on the inside of the door.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: April 29, 1975.

Proposed effective date: April 1, 1976. This proposed date reflects provisions of Title II of the Motor Vehicle and School Bus Safety Amendments of 1974 (Sec. 202, Public Law 93-492, 88 Stat. 1484, October 27, 1974) requiring that mandated school bus safety standards be published within 15 months of the passage of Title II and made effective not later than nine months following their publication. These statutory provisions remove the otherwise discretionary authority of NHTSA to establish lead times for compliance under the general rulemaking provisions of the National Traffic and Motor Vehicle Safety Act. The NHTSA expects, therefore, that a final rule in this matter will be issued not later than July 1, 1975.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718; sec. 202, Pub. L. 93-492, 88 Stat. 1484, 15

U.S.C. 1392, 1401, 1407; delegations of authority at 49 CFR 1.51 and 59 CFR 501.8.)

Issued on February 24, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-5338 Filed 2-27-75;8:45 am]

[49 CFR Part 571]

[Docket No. 75-2; Notice 01]

SCHOOL BUSES

Rollover Protection

This notice proposes a new motor vehicle safety standard, *School bus rollover protection*, that would establish performance requirements for the structural integrity of the passenger compartment of school buses when subjected to forces encountered in rollovers.

The "Motor Vehicle and Schoolbus Safety Amendments of 1974" mandate the issuance of Federal motor vehicle safety standards for several aspects of school bus performance, including crashworthiness of the vehicle body and frame. Pub. L. 93-492, section 202 (15 U.S.C. 1392 (1) (1) (A)). Prior to these amendments, continuing Congressional interest and voluminous mail from the public emphasized the high level of importance that society places on the protection of children from death and injury. The NHTSA has also undertaken research in the crashworthiness of conventional schoolbus bodies (Contract DOT-HS-046-3-694 by Dynamic Sciences).

The crashworthiness testing by Dynamic Sciences was based on a static load test code for school bus body structures (the test code) that was developed by the School Bus Body Manufacturers Association. The test results in that contract indicate that a bus body built in conformity with the test code is capable of sustaining forces of approximately twice the vehicle's unloaded weight, exerted in a downward vertical direction.

In establishing performance requirements, the NHTSA determines what level of performance meets a need for motor vehicle safety, whether that level of performance is reasonable and practicable, and whether the requirement is appropriate for the particular vehicle type. The test code evaluated at Dynamic Sciences specifies that the bus roof withstand a force equal to the vehicle's loaded weight, which is approximately 1 1/2 times the vehicle's unloaded weight. It is the NHTSA's judgment that this level of 1 1/2 times the unloaded weight would establish a minimum performance standard that provides a practicable and reasonable level of school bus rollover protection. To ensure that each bus will be capable of passing these requirements (which have in the past provided nominal design strength to withstand 2 times the unloaded vehicle weight), this proposal would establish a minimum performance requirement of 1 1/2 times vehicle weight.

The costs anticipated to meet this standard would be limited to some additional test expenses in test programs that have already been established and implemented for industry standards applicable to these buses.

The NHTSA tentatively concludes that this requirement is appropriate for all classes of school buses within the definition of "school bus" set out in the 1971 Safety Amendments (15 U.S.C. 1391), which reads:

(14) "Schoolbus" means a passenger motor vehicle which is designed to carry more than 10 passengers in addition to the driver, and which the Secretary determines is likely to be significantly used for the purpose of transporting primary, preprimary, or secondary school students to or from such schools or events related to such schools.

This definition includes smaller van-type vehicles than those for which the static test code was developed. The NHTSA concludes, however, based on engineering evaluation of the construction of these smaller vehicles, that their structural integrity is comparable to the chassis-cab-mounted bodies and capable of withstanding the force requirements in this proposal.

Several modifications of the static test code are proposed to simplify certification and compliance testing. The complexity of measuring interior deflection of the body in relation to the original body dimensions is eliminated by measuring only the travel of the force application plate. The plate is specified as flat and rigid, to simplify test equipment requirements for both the manufacturer and any compliance contractor, and to assure that the applied load is evenly distributed over the specified area of the roof. The test procedure provides for an initial force application of 500 pounds that precedes the measured travel of the plate to absorb the initial deformation due to use of a flat rigid surface. The rate of force application has been added to ensure comparability of certification and compliance test results.

The requirement for operability of the emergency exists during and after the application of force is essentially equivalent to the requirement of the static test code that all windows and doors be capable of opening in these circumstances.

The NHTSA expects to promulgate the final rule on school bus rollover protection between June 1, 1975, and August 1, 1975, in satisfaction of the legislative and executive direction that promulgation occur as soon as possible, with implementation no later than 9 months after issuance of the final rule.

In consideration of the foregoing, it is proposed that Part 571 of Chapter V, Title 49 Code of Federal Regulations, be amended by the addition of a new standard, *School bus rollover protection*, to read as set forth below.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street S.W., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: April 29, 1975.

Proposed effective date: April 1, 1976.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); sec. 202, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1392); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on February 24, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

**§ 571. Standard No. _____;
School bus rollover protection.**

S1. Scope. This standard establishes performance requirements for school bus rollover protection.

S2. Purpose. The purpose of this standard is to reduce the number of deaths and the severity of injuries that result from failure of the school bus body structure to withstand forces encountered in rollover crashes.

S3. Applicability. This standard applies to school buses.

S4. Requirements. When a force equal to 1½ times the unloaded vehicle weight is applied to the roof of the vehicle's body structure through a force application plate as specified in S5., *Test procedures*—

(a) The downward vertical movement of the force at any point on the application plate shall not exceed 5½ inches; and

(b) Each emergency exist of the vehicle provided in accordance with Standard No. 217 (§ 571.217) shall be capable of operation as specified in that standard during the full application of the force, and after release of the force.

S5. Test procedures. Each vehicle shall be capable of meeting the requirements of S4. when tested in accordance with the procedures set forth below.

S5.1 Place the vehicle on a rigid surface so that the vehicle is entirely supported by means of the vehicle frame. If the vehicle is constructed without a frame, place the vehicle on its body sills.

S5.2 Use a force application plate that is flat and rigid, 36 inches wide, and of a length 20 inches less than the length of the vehicle's roof measured along its longitudinal centerline.

S5.3 Position the force application plate above the vehicle roof so that its rigid surface is horizontal, and so that in the top view its longitudinal centerline coincides with the longitudinal centerline of the vehicle and its rear edge is positioned 10 inches from the rear edge of the vehicle roof.

S5.4 Apply an evenly-distributed vertical force in a downward direction through the force application plate at a rate of not less than 900 and not more than 1,000 pounds per minute until a force of 500 pounds has been applied.

S5.5 Apply additional vertical force in a downward direction through the force application plate at a rate of not less than 900 and not more than 1,000 pounds per minute until the force specified in S4. has been applied, and maintain this application of force.

S5.6 Measure the downward movement of the force application plate which occurred during the application of force in accordance with S5.5, and operate the emergency exits as specified in S4. Return emergency exits to the closed position.

S5.7 Release all downward force applied through the force application plate and operate the emergency exit as specified in S4.

S6. Test conditions. The following conditions apply to the requirements specified in S4.

S6.1 Temperature. The ambient temperature is any level between 32° F. and 90° F.

S6.2 Windows and doors. Vehicle windows, doors, and emergency exits are in the fully-closed position, and latched but not locked.

[FR Doc.75-5337 Filed 2-27-75; 8:45 am]

**FEDERAL COMMUNICATIONS
COMMISSION**

[47 CFR Part 73]

[Docket No. 20203; RM-1977]

BERNARD A. BALMUTH

**Order Extending Time for Filing Reply
Comments**

In the matter of use of "re-run" material in prime time on network-owned or affiliated television stations in regular network program series; and on-air identification of such material ("S.T.O.P." Petition of Bernard A. Balmuth).

Reply comments in this proceeding are now due February 24, 1975 (initial comments were due by January 27). The Commission has received an informal request for additional time to file reply comments, from Mr. Bernard Balmuth, Hollywood, California, the petitioner herein. Citing the difficulty of obtaining the comments filed because of his distant location, Mr. Balmuth asks an additional three weeks, or to and including March 17, 1975.

It appears that good cause is shown for the requested extension, particularly since it will not significantly delay Commission consideration of this matter, and since one of the three national TV networks, opponents of Mr. Balmuth's petition, asked for and received additional time in which to file initial comments.

In view of the foregoing, it is ordered, That the time for filing reply comments in this proceeding is extended to and including March 17, 1975.

This action is taken pursuant to delegated authority contained in § 0.281 of the Commission's rules.

Adopted: February 19, 1975.

Released: February 21, 1975.

[SEAL] PAUL WILLIAM PUTNEY,
Acting Chief, Broadcast Bureau.
[FR Doc.75-5350 Filed 2-27-75; 8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 154]

[Docket No. RM75-19]

END USE RATE SCHEDULES

**Utilization and Conservation of Natural
Resources**

FEBRUARY 20, 1975.

In the notice of rulemaking issued January 8, 1973, in Docket No. R-468, the Commission proposed revisions to the Commission's Regulations under the Natural Gas Act which would occur in §§ 153.4, 154.38(b), 154.39, 156.5 and 157.14, and detailed the revised language under consideration. Included in the notice was proposed amended language to § 154.38(b) of the regulations which would require that certain large volume industrial sales, both present and future, be made under interruptible contracts and rate schedules.

The notice of proposed rulemaking in Docket No. R-468 was specifically related to a notice of proposed policy statement in Docket No. R-467 which concerned the Utilization and Conservation of Natural Resources—Natural Gas. It is our view that this earlier notice did not provide adequate notice of specific proposals which might evolve therefrom, and accordingly, we issue this notice to advise that the Commission now has under consideration a proposal to require that natural gas purchased for ultimate utilization or consumption in various classes of usage be sold under separate pipeline contracts and rate schedules.

The basic authority of the Commission initiate this proposed rulemaking action is the Natural Gas Act as amended, particularly sections 3, 4, 5, 7, 8, 10 and 16 (52 Stat. 822, 823, 824, 825, 826, 830; 56 Stat. and 83 and 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717, b, c, d, f, i, g and o) and the Administrative Procedure Act (5 U.S.C. 553). The responses received will be utilized in the formulation of such rules and policy as may be finally adopted by the Commission.

It does not appear appropriate to continue rate design techniques which

promote industrial¹ consumption of natural gas. Natural gas is a premium resource which is in short supply and every effort must be made to channel its usage to the higher priority categories of service. At the very least, natural gas consumed for industrial purposes must bear its fair share of the costs.

This notice submits for public comments the Commission's proposal to employ rate techniques designed to eliminate any incentive for pipelines to sell natural gas for ultimate industrial consumption, for distributors to attempt to improve their purchase load factors through the sale of gas for industrial purposes, and for industrial consumers to purchase natural gas for low priority uses when other fuels can be utilized. We invite comments on the methods of determining pipeline rates described herein as well as any other alternatives which the responding parties may consider appropriate.

We are particularly concerned in this time of critical natural gas shortage, when most major interstate pipeline companies are finding it necessary to curtail service to their customers, that substantial amounts of natural gas are still being sold for industrial consumption at rates which understate both the cost and the value of the gas. Much of this gas is purchased from interstate pipelines under two-part rate structures which make it possible for distributors to sell substantial volumes of interruptible gas at prices only slightly above the commodity levels of the two-part rates.

Of particular concern to us is the fact that most gas made available for interruptible industrial purposes is purchased as valley gas under presently effective contract demand rate schedules. This situation makes it difficult to distinguish between gas purchased from the pipeline for resale to residential, commercial, and industrial consumers. Consequently, our efforts to encourage more efficient usage of the nation's natural gas resources through rate design has not been effective. In our Notice of Proposed Rulemaking and Request for Comments issued January 8, 1973, in Docket No. R-468, we solicited comments on the possibility of modifying the availability clause in pipeline rate schedules to differentiate between types of service. Comments on this Notice of Proposed Rulemaking have been received. However, the purpose of this earlier rulemaking was designed more to implement the priorities of service then contemplated in Docket No. R-467 and the resulting comments offer little assistance to us in attempting to arrive at a solution to the underlying problem of the sale of natural gas for industrial purposes at rate levels which encourage the depletion of this resource for uses which can, and should, be served by alternate fuels.

¹ "Industrial" as the term is used in this order shall refer to that service, as defined in § 2.78(c) (3) of the Commission's general rules of practice and procedure, (18 CFR 2.78 (c) (3)).

In our Order No. 431 issued April 15, 1971, in Docket No. R-418, we stated our intent to reexamine existing commodity rate levels and expressed the possibility that commodity-demand rate relationships may be changed in future pipeline rate cases. In Opinion No. 600-A, issued May 9, 1972, in *El Paso Natural Gas Company*, we found that costs should be classified according to the unmodified Seaboard formula and reiterated our intent to carry out a searching reappraisal of cost classification, allocation and rate design techniques. Consistent with our efforts to reduce the incentive for making industrial sales, we stated in our order of April 10, 1973, in *Michigan Wisconsin Pipe Line Company*, Docket No. RP72-118, that the minimum rate design acceptable for settlement purposes shall be unmodified Seaboard costs. In a subsequent order of July 18, 1973, in *Natural Gas Pipeline Company of America*, Docket No. RP72-132, we encouraged parties to consider setting the commodity level of pipeline rates on parity with competitive fuel prices. Most recently, in our Opinion No. 671, issued on October 31, 1973, in *United Gas Pipe Line Company*, Docket No. RP72-75, we found that 75 percent of the fixed transmission and storage costs should be assigned to the commodity component of United's rates based upon the current operation of its pipeline system.

It is now apparent that increasing the cost of natural gas to industrial consumers through the limited means of altering the demand-commodity relationship will not drastically reduce industrial gas use under present day circumstances. Availability of alternative fuels is limited and their prices greatly exceed the price of natural gas. Accordingly, the Commission proposes to modify the previously proposed amendment to § 154.38(b) and consider instead a proposal to amend the availability clause under all rate schedules and contracts contained in pipeline tariffs to provide that all sales for resale in interstate commerce be made only in accordance with rate schedules which provide rates based upon end usage of the gas sold; separate rate schedules shall be required for gas sold "or resale for (1) nonindustrial purposes, including residential and commercial purposes and (2) industrial purposes. Special pipeline services such as transportation and storage services shall be rendered under separate rate schedules.

To implement this proposal, the Commission would, in all pipeline rate cases, make a determination of: (a) the total costs of rendering service; (b) an allocation of costs, where appropriate, between jurisdictional and nonjurisdictional service; such allocation being determined volumetrically, based on average annual day facilities utilization; and (c) the total revenues necessary to recover the pipeline's cost of service, including a fair return on capital, with respect to jurisdictional services rendered. A total rate design would then be established which will produce the revenues necessary to meet the cost of pipeline jurisdictional

service, which design would include the following:

(1) Transportation, storage, and other special service rate schedules, including LNG, SNG and other synthetic gas rate schedules, shall be designed to recover all costs allocable thereto on a volumetric basis, plus costs specifically attributable to the rendition of the particular service covered by the rate schedule.

(2) An industrial rate schedule shall be designed to cover all sales for resale for industrial purposes; such industrial rate shall not be less than the sum of (a) the pipeline's average cost of gas purchased from any source under contracts dated after December 31, 1972, and (b) an allocation of fixed and variable costs (other than purchased gas) determined volumetrically, based on average annual day facilities utilization.

(3) Nonindustrial rate schedules covering sales for resale for nonindustrial purposes shall be designed to recover all jurisdictional costs not allocated to the rate schedules described in paragraphs (1) and (2) above. Provided, however, that the nonindustrial rate shall not be less than the average cost of purchase gas under contracts dated prior to January 1, 1973.

In designing rates for individual pipelines, the industrial rate shall be applied systemwide; zoning may be employed to reasonably allocate the remaining costs among other customers where circumstances warrant. Conjunctive billing, or group billing, may be employed where it is necessary to protect high priority loads. Rate schedules and contracts governing sales by a jurisdictional pipeline to a jurisdictional pipeline shall conform to the requirements herein set forth. Purchased gas adjustments shall be made to the appropriate rate schedule in accord with the allocation of purchased gas costs set forth above; e.g., an increase in cost under a producer contract dated after December 31, 1972, shall flow to the industrial rate schedule, and cost increases attributable to gas purchased under producer contracts dated prior thereto shall flow to the nonindustrial rate schedule, except for new gas dedications after December 31, 1972.

In recognition of the hardships which might result if industrial sales decline under the rate pressure exerted by the proposals here under consideration, or if sales estimates prove to be unreliable until experience demonstrating the degree of demand elasticity in the industrial market is acquired, the Commission will consider the use of volume variation adjustment clauses to permit periodic adjustment, between regular rate filings, in pipeline rates so that the pipeline will recover the full cost of service intended at the time overall revenue requirements are determined.

The rationale for these proposals is three-fold: First, we believe it a national energy policy imperative that natural gas should be used efficiently. Where other fuels can be used, they should be used. This goal is unobtainable so long as natural gas is priced substantially below substitutable fuels, for a reference to other fuels will not voluntarily occur. Any attempt to achieve demand reduction through fuel substitution should not,

however, be directed at the residential or commercial user. We believe this market to be relatively price inelastic, with the normal householder and small businessman virtually "locked-in" to natural gas service. The interstate industrial gas market demand, however, has been stimulated, and continues to be stimulated, by gas rates which are totally out of line with prices for alternate fuels and alternate gas supplies in the intrastate market and from supplementary sources, e.g., LNG, SNG and pipeline imports. Here we believe fuel substitution can occur if there is economic reason for the substitution, that is, if natural gas is no longer offered at less than its value. To the extent that industrial gas demand slackens, the natural gas supply of this nation will be conserved for use by householders and businesses, and for essential, non-substitutable feedstock and process needs. This too, we believe, is a national imperative.

Second, we believe end use rates can be cost justified so as to allocate limited natural gas resources more efficiently. Industrial consumers characteristically consume natural gas at high average daily rates, and as a consequence accelerate the depletion of our limited natural gas resources. The depletion of existing supplies has made it necessary for pipeline companies to seek new higher priced supplies, including imported liquefied natural gas and various forms of synthetic gas. Although industrial consumption has contributed greatly to the increased costs of gas supply, the costs levied against that consumption have generally been based upon the pipeline's average cost of purchased gas which greatly understates the cost of providing the service. Moreover, the rapid depletion of existing gas supplies has made it necessary to make advance payments, construct additional gas supply facilities, increase the rate of depreciating present facilities and incur substantially higher financing costs. As a result of the pervasive and deepening shortage of natural gas, this Commission has been forced to the basic determination that presently available, presently deliverable natural gas supplies be dedicated, as a matter of priority, to residential and commercial needs on an end use basis.³ It follows that the costs of the gas set aside to the high-priority market should be allocated to that market and that it is no longer appropriate regulation to assess new gas costs to a market which will benefit the least therefrom. Thus we assign the proposed nonindustrial service the cost of "old" gas and to the proposed industrial service the cost of "new" gas. We recognize also that certain markets are supplied by imported gas. To the extent that domestic gas delivered to those markets is sufficient to meet the nonindustrial

loads, the cost of imported gas should be exclusively assigned to the industrial rate schedule. In the event imported gas is needed to serve nonindustrial loads, only that portion required above domestic gas shall be assigned to nonindustrial service. Pipelines are permitted to price their own production at the nationwide rate for wells drilled after or for gas dedicated to the interstate market after January 1, 1973,⁴ and the cost of this gas should also be assigned to the industrial rate schedule.

Third, we are mindful that interstate pipelines and their distributor customers have invested substantial capital in the development of natural gas storage as well as in various other forms of peak shaving capacity. We have stated our desire to encourage the development and utilization of storage to the extent it enables the pipelines and the distributors to meet the temperature-sensitive requirements of their market areas. The benefits of storage are generally considered to be far-reaching: (1) storage tends to assure to independent producers a year-round cash flow which makes funds available for further exploration and development; (2) storage reduces the need for more expensive pipeline capacity and makes possible more efficient utilization of existing pipeline facilities; (3) storage benefits the high priority consumers through the availability of natural gas during peak demand periods at the lowest reasonable costs; and (4) storage reduces the requirement for higher priced peak shaving SNG, LNG and other substitutes. It is important that any rate design approach give appropriate consideration to the benefits of storage.

We anticipate that our proposals will result in a relative increase in industrial sales rates, and a relative decline in nonindustrial sales rates. We anticipate further that as "new" gas costs rise, the increase will be assigned in its entirety, to the industrial rate schedule, thus achieving a long-term stabilization of rates to householders and smaller businessmen, and rates to industrial consumers more nearly equating to the incremental costs of gas supplies. We recognize the possibility of some shift in historical revenue patterns, however, there should be no adverse effect to the pipeline on an annual basis since it would continue to recover its jurisdictional cost of service.

We fully recognize that our rate jurisdiction is limited to sales for resale in interstate commerce and does not extend to direct industrial sales. Accordingly, any action taken in this docket will not prescribe the rate at which direct industrial gas sales are made by pipelines, but will exert pressure on the rate at which such direct sales are made. If, however, we delayed or refused to take action because our rate jurisdiction is limited, we would be properly criticized for failing to do all that is within our limited powers in this time of a national fuels crisis.

³ Opinion No. 699-H, issued December 4, 1974, in Docket No. R-389-B.

So also, we know that use of end use rate schedules at the wholesale level does not necessarily mean that retail sales will follow the same configuration. State commissions have it within their power to ignore end use considerations in setting and designing retail rates. We believe, however, that if the wholesale rate structure clearly demonstrates that gas is being sold at wholesale to distribution companies for residential and commercial users at rates far lower than the gas wholesaled for industrial use, state commissions will be encouraged to extend to residential and commercial users in their respective jurisdictions the benefits of our cost determinations. In any event, speculation concerning state commission action, or inaction, cannot be determinative of how this Commission should discharge its responsibilities within the sphere of its jurisdiction.⁵ We must do what we can, in the hope and belief that state regulatory agencies share our concern that the rate structure for end use consumption requires radical revision to allocate gas supplies more efficiently and will, in turn, continue to discharge their responsibilities to the public interest.

We concede also, in advance of comments we anticipate, that application of the cost allocation and rate design proposals set forth in this Notice will be difficult, and in the initial stages, will create uncertainties. A determination of the market profile for each pipeline, which is essential to implement end use rate schedules, is not a simple undertaking. We have, however, been faced with this task, as have the pipelines and their customers, in the curtailment cases which have been before us continuously over the past four years. Accordingly, while we acknowledge the difficulty of the task which lies ahead, we know it is not an impossible task. To this end, pipelines in their rate change filings will be required to include in their test period sales estimates a breakdown of sales between the various end use categories and we intend to amend our filing requirements to so provide.

The more difficult problem lies in the manner of implementing end use rate schedules after they have been established. At the time of delivery, neither the distributor nor the pipeline knows to a great degree of certainty to what use the gas will be put. How, then, can a rational decision be made concerning which rate schedule covers the delivery? We are tentatively of the view that the level of deliveries for residential and commercial service may be reasonably estimated in terms of historical delivery levels to this market and that special market requirements can be similarly identified. With the level of deliveries destined for residential, and commercial requirements thus determinable with reasonable certainty, the volumes so ascertained should be billed at the non-industrial rate, and all excess volumes should be billed at the industrial rate. If this manner of implementation is em-

⁴ Order 467, 49 FPC 85 (1973); Order 467-A, 49 FPC 217 (1973); Order 467-B, 49 FPC 83 (1973); affirmed *Pacific Gas and Electric Company, et al. v. F.P.C.* — U.S. App. D.C. —, F.2d — (Nos. 73-1358, et al., decided June 26, 1974).

⁵ *Texas Eastern Transmission Corp. v. F.P.C.*, 470 F.2d 757, 760 (1972).

ployed, it may be necessary to make adjustments, at the time of and in conjunction with, major pipeline rate increase proceedings, in the end use market profile applicable to the pipeline.

The cost allocation and rate design formulae proposed herein are in accord with applicable law. As the Supreme Court has stated in *Colorado Interstate Gas Company v. F.P.C.*, 324 U.S. 581-590 (1945) in regard to the Commission's authority to prescribe cost allocation formulae:

*** Congress indeed prescribed no formula for determining how the interstate wholesale business whose rates are regulated, should be segregated from the other phases of the business whose rates are not regulated. *** When Congress, as here, fails to provide a formula for the Commission to follow, courts are not warranted in rejecting the one which the Commission employs unless it plainly contravenes the statutory scheme of regulation. If Congress had prescribed a formula it would be the duty of the Commission to follow it. But we cannot say that under the Natural Gas Act the Commission can employ only one allocation formula and that the formula must entail a segregation of property. *** Allocation of costs is not a matter for the alder-rule. It involves judgment on a myriad of facts. It has no claim to an exact science. *** Under this Act the appropriateness of the formula employed by the Commission in a given case raises questions of fact, not of law. (Underscoring added.)

Moreover, in approving the *Seaboard* cost allocation formula, the Court, in *State Corporation Commission of Kansas v. F.P.C.*, 260 F.2d at 710 (8th Cir. 1953; cert. denied 346 U.S. 922 (1954)) clearly expressed its belief that the Commission must be permitted to modify its approach in the future to meet changed circumstances:

We do not feel that the Commission is bound to follow its past practices if experience and study show that those past practices should be modified. In the subject under discussion we feel it is peculiarly within the Commission's discretion to so alter their application of the demand-commodity approach to the problem of allocation as to reflect what appears to the Commission to be important factors not previously considered.

Immediately following adoption of the *Seaboard* formula the Commission found that *Seaboard* would not apply with rational results where large amounts of unused capacity existed in the pipeline's system and instead prescribed a volumetric allocation based on actual usage.*

The rate design formula proposed herein is also sustainable on a legal basis. In *F.P.C. v. Natural Gas Pipeline Company*, 315 U.S. 575, at 586 (1942), the Supreme Court described the Commission's rate making authority:

The Constitution does not bind rate-making bodies to the service of any single formula or combination of formulas. Agencies to whom this legislative power has been delegated are free, within the ambit of their statutory authority, to make the pragmatic

adjustments which may be called for by particular circumstances. Once a fair hearing has been given, proper findings made and other statutory requirements satisfied, the courts cannot intervene in the absence of a clear showing that the limits of due process have been overstepped. If the Commission's order, as applied to the facts before it and view in its entirety, produces no arbitrary result, our inquiry is at an end.*

After experimentation with one-part rate structures as well as rates based upon the pure peak responsibility method of cost assignment, the Commission, in 1952, decided the *Atlantic-Seaboard* case, 11 FPC 43, 53 (1952), which prescribed the *Seaboard* formula of cost classification, cost allocation and rate design. For a time, the Commission translated the *Seaboard* formula for cost classification and cost allocation into rate design. However, almost immediately, the translation of the formula into rates began to be questioned. The basis for this criticism was that the commodity component of the two-part, demand-commodity rate contained too high a proportion of the pipeline's fixed costs.

Thus, it was alleged that the resultant commodity rate discouraged the distributor customers of the pipelines from making industrial boiler fuel sales at rates low enough to compete with alternate fuels* thus thwarting efforts by the pipelines' distributors to improve their capacity utilization or load factor by attaching "valley" industrial customers who would use the capacity made available when the low load factor, primarily space heating, customers were not placing large demands on the distributors.

The Commission itself began to echo this criticism of the *Seaboard* formula and to mitigate its practical results began "tilting" the *Seaboard* rates; that is, assigning a portion of the fixed costs normally assignable to the commodity component of the rate to the demand component. The level of a given pipeline's commodity rate was a function of the price of competitive fuels in the pipeline's distributor's market area.† The

Commission's method of tilting was described by the Court in *Fuels Research Council, Inc. v. Federal Power Commission*, 374 F.2d 842 (1967), affirmed Opinion No. 477, 34 FPC 973 (1965) which set rates for Midwestern Gas Transmission Company and Natural Gas Pipeline Company for rates for resale to their respective distributors in the Chicago, Illinois and Gary, Indiana market areas. The Court noted that at the time of the Commission's order then under review, the commodity component of a pipeline's two-part rate to a distributor was used by state commissions as a "floor" for the distributor's industrial resale rates. The Court noted that the State Commissions, in general, would not permit a distributor to sell industrial gas at a rate lower than the commodity component of the distributor's supplier's commodity rate. (*Ibid.* at 850, Footnote 14). The Court then upheld the Commission's rate design in the order under review which based on the pipeline's commodity rate at a level:

*** which would ultimately permit the distributors to compete with coal in the industrial boiler fuel market. Once the commodity component level necessary for this purpose was selected, the remaining step was simply to compute the level of the demand component which would insure the recovery of the remainder of the pipelines' total cost of service (*Ibid.* at 850).

In response to the contention of the Coal Association that such a process involved "backward ratemaking" and that "rate designs must be constructed through cost allocations, not by pricing competitive products", the Court responded that the Commission's conclusion that the rates were just and reasonable within the meaning of section 5(a) of the Natural Gas Act finds adequate support in the record.

It is clear that the rate design proposed herein is analogous to the rate design approved in *Fuels Research supra*, in that both formulas take end use and the price of alternate fuels into consideration in designing the pipeline's rates. In *Fuels Research*, the focus was on designing the pipelines' rates used for sales to its distributors so as to enable the distributors in turn, to design industrial retail rates low enough to compete with alternate fuels. In the instant rulemaking, because of the high price, relatively speaking, of alternate fuels, we are attempting to design the pipelines' rates so as to encourage distributors and their state commissions to shift more costs to the industrial customers in light of the gas supply situation and in view of our desire to discontinue the incentives which now exist for sale of industrial gas.

We are aware, of course, that our rate design proposal might be construed by

*See also *Federal Power Commission v. Hope Natural Gas Co.*, 320 U.S. 591, 600-603 (1944), and dissenting opinions at pages 620-623, 625-628, 645, 652-653, 64 S. Ct. 281, 286-288 and dissenting opinions at pages 297, 298-300, 308, 311-312, 83 L. Ed. 333, dissenting opinions; *Colorado Interstate Gas Co. v. Federal Power Commission*, 324 U.S. 581, 589-590, 604-605 (1945) 65 S. Ct. 829, 89 L. Ed. 1206; *Battle Creek Gas Company v. Federal Power Commission*, 108 U.S. App. D.C. 209, 281 P. 2d 42, 46 (1960).

†*State Corporation Commission of Kansas v. F.P.C.*, 206 F.2d 690 (1953), certiorari denied 346 U.S. 922 (1954).

*"Is FPC Gas Cost Allocation Equitable?" by Larry Shomaher, *Public Utilities Fortnightly*, Vol. L, No. 10, November 6, 1952, p. 680; "Impact of Cost Allocation on Gas Pricing" by Henry Herz, 58 *Public Utilities Fortnightly* 685 (1956); "The Impact of Cost Allocation upon Future of the Natural Gas Industry" by Hans E. Nissel, 66 *Public Utilities Fortnightly* 512 (1960); Garfield & Lovejoy, *Public Utility Economics* at 184-185 (1964).

*Midwestern Gas Transmission Company, 21 FPC 653 (1959); *Natural Gas Pipe Line Company*, 28 FPC 731 (1962); *Southern Nat-*

**Alabama-Tennessee Natural Gas Company*, 11 FPC 75 (1952), affirmed, *Alabama-Tennessee Natural Gas Company v. F.P.C.*, 203 F.2d 494 (1953).

ural Gas Company, 20 FPC 323, at 353-353 (1963); *United Fuel Gas Company, et al.*, 31 FPC 1342, at 1340-1352 (1964); *United Gas Pipe Line Company*, 31 FPC 1180, 1200 (1964); *American Louisiana Pipe Line Company, et al.*, 29 FPC 932 at 944 (1963).

those opposing change as one which conflicts with the holding in *F.P.C. v. Hope Natural Gas Company*, 320 U.S. 591, at 616-617 (1944) that the Commission is without power to design rates so as to discourage the industrial use of gas. In *Fuel Research*, however, the Court reconciled *Hope* and its decision when it stated the concept that while the Commission could consider competitive fuel prices in rate design in a Section 5(a) proceeding, it could not consider end use and conservation in such a proceeding. However, by the very act of considering competitive fuel prices for boiler fuel in the distributor's market area and designing the pipeline's rates to permit the distributor to compete with the alternate fuels, the Commission, with Court approval, in *Fuel Research* was looking at the end use of the gas and was attempting to design rates to encourage industrial boiler fuel gas sales which necessarily, by the shifting of costs, acted to discourage residential and small commercial sales by the distributors. It would seem anomalous to say that the Commission cannot now, in the face of a severe natural gas shortage, design rates which would remove the incentives for sales of natural gas for industrial purposes, those same incentives which the Commission itself was responsible for establishing. Clearly, then, the holding of *Hope* that: "The Commission (is) not bound to the use of any single formula or combination of formulas in determining rates" (320 U.S. 591, 602 (1944)) is broad enough to encompass the rate design structure proposed in the instant rulemaking. Moreover, the rationale of *Fuels Research* is clear support for the Commission's proposed rate design.

The rate design proposed herein is not unique. The Commission has approved rate schedules and tariffs filed by natural gas pipelines subject to this Commission's jurisdiction which designate the end-use of the gas to be sold under the schedule.¹⁰

To implement the proposal described above we propose to amend our present Regulation Under The Natural Gas Act in the following manner:

Section 154.33(b) of Part 154, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations, would be amended by adding a new subparagraph (2), by redesignating the present paragraphs as (1), and by revising paragraph (d) (4) (ii) to read as follows:

§ 154.33 Composition of rate schedule.

(b) Availability. (1) * * *

(2) All sales for resale in interstate commerce must be made under rate schedules which provide for rates based upon the end use of the gas sold; separate rate schedules are required for natural gas sold for resale for (i) industrial purposes and (ii) nonindustrial purposes (including residential-commercial). Separate rate schedules may be filed to cover

special pipeline services such as transportation, storage, irrigation, LNG, SNG, and other synthetic gas services.

(4) * * *

(ii) The methods of determining changes in cost of gas purchased from producer and pipeline suppliers shall be separately established. Increases in cost of gas purchased from small producers shall be shown separately, and the provisions of Order No. 428 shall apply to these increases. Independent producer rate changes shall be applied to the nonindustrial and industrial rate schedules according to the date of the independent producer contract. Changes associated with contracts dated after December 31, 1972, shall be assigned to the industrial rate schedules. Independent producer changes associated with contracts dated prior to January 1, 1973, shall be assigned to the non-industrial rate schedule except for new gas dedications after December 31, 1972. Company and/or affiliated production shall be treated similarly. Changes in the price of imported volumes shall be assigned exclusively to the nonindustrial rate schedules to the extent domestic gas is insufficient to satisfy the total load served by these rate schedules; the remaining cost of changes in the price of imported volumes shall be assigned exclusively to the industrial rate schedules based upon service for which the gas was purchased.

§ 154.63 [Amended]

The following Statements and Schedules required by § 154.63(f) would be amended as follows:

In Statement G, Amend first, the paragraph to read:

Statement G—Gas Operating revenues and sales volumes. This statement shall show the operating revenues from sales of gas to the various end use categories of service, and the related volumes of gas and products. Sales and services and related volumes shall be classified between end use categories and between jurisdictional and nonjurisdictional; items which are reflected as credits to cost of service in preparing Statement A, Overall Cost of Service, shall be identified. Statement G shall disclose for both the base and test periods the revenues and sales associated with each end use category of service on a 3 day peak and annual basis. Such disclosure shall be as follows, using supporting schedules as necessary.

In Schedule H(1)–3 Add a new paragraph to read:

The schedule shall clearly indicate the contracts, purchased volumes and prices of gas assigned to the nonindustrial and industrial rate schedules. In the event gas is purchased for service under special rate schedules, e.g., storage, LNG or synthetic gas service, such gas should be clearly identified and designated for the individual service.

In Statement I, Amend the first paragraph to read:

Statement I—Allocation of overall cost of service. This statement shall show with respect to overall cost of service (Statement A); (a) Grouping and allocation of various items of cost and credits to cost of service

into functional totals; (b) Allocation among jurisdictional and nonjurisdictional sales and service, such allocation being determined volumetrically based on average annual day facilities utilization and the data used in computing such allocation factors.

Delete Schedules I-2 and I-6 and renumber remaining schedules as follows:

Present designation:	New designation
I-3	I-2
I-4	I-3
I-5	I-4
I-7	I-5

In Schedule I(7), Amend the language to read:

Schedule I(7) showing by months, and total thereof, for the 12 months of actual experience, the company's Gas Account, in the form required by the Commission's Annual Report Form No. 2, pages 568 and 569, except that such schedule shall also show the end use of the gas for each of the categories of sales and gas receipts shall be divided based upon whether it is related to nonindustrial or industrial service. In addition, there shall be shown corresponding estimated data, if claimed to be different from actual experience.

In Schedule K-1, Amend the language to read:

Schedule K-1 showing the derivation of each of the increased rates shall be submitted. Such rates shall be established which produce the revenues necessary to meet the cost of pipeline jurisdictional service as derived pursuant to Statement I of this section, which design would include the following:

(1) Transportation, storage, and other special service rate schedules, including LNG, SNG and other synthetic gas rate schedules, shall be designated to recover all costs allocable thereto on a volumetric basis, plus costs specifically attributable to the rendition of the particular service covered by the rate schedule.

(2) An industrial rate schedule shall be designed to cover all sales for resale for industrial purposes; such industrial rate shall be not less than the sum of (a) the pipeline's average cost of gas purchased from any source under contracts dated after December 31, 1972, and (b) an allocation of fixed and variable costs (other than purchased gas) determined volumetrically, based on average annual day facilities utilization.

(3) Nonindustrial rate schedules covering sales for resale for nonindustrial purposes shall be designed to recover all jurisdictional costs not allocated to the rate schedules described in paragraphs (1) and (2) above. Provided, however, that the non-industrial rate shall not be less than the average cost of purchased gas under contracts dated prior to January 1, 1973.

We offer all proposals set forth in this notice for public comment. We earnestly seek the assistance of all sectors of the economy and federal and state energy, resource and environmental agencies in reaching conclusions on how best to achieve gas conservation and equitable pricing. To the fulfillment of these goals we are firmly and unequivocally dedicated. We seek advice on how to attain these goals at the earliest possible date consistent with fairness and efficiency.

¹⁰ See Appendix A.

In order to assist the Commission in this endeavor major Class A and B natural gas pipeline companies (as identified in the Statistics For Interstate Natural Gas Pipeline Companies—1973) shall be considered respondents for purposes of this rulemaking and are specifically directed to submit the information and data showing the potential impact of this rulemaking if implemented on themselves and their customers in the manner set forth in the attached Appendix B. Other pipeline companies may also submit such information in the form prescribed by Appendix B if they so desire.

Any interested person including Commission Staff may submit to the Federal Power Commission, Washington, D.C. 20426, not later than April 30, 1975, data, views, comments or suggestions in writing concerning all or part of the amendment proposed herein. Written submit-

tals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street, Washington, D.C., during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, and mailing address of the person to whom communications concerning the proposal should be addressed and whether the person filing them requests a conference.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By Direction of the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

[Docket No. RM75-19]

Company	Rate schedule	Description
Alabama-Tennessee Natural Gas Co.	I-1, Interruptible-Industrial Gas Service.	Available to entire system; to schedule G-1 and SG-1 buyers for resale to approved consumers for industrial use.
Cities Service Gas Co.....	I Series, Industrial Interruptible Deliveries.	Available to F schedule buyers for resale to any approved large industrial consumer.
	LVS-2, Large Volumes Special Industrial Service.	Available to schedule F-2 buyers for resale to approve large volume power plants only for the purpose of generating electricity and steam for sale for ultimate public consumption.
	C Series, Commercial Interruptible Deliveries.	Available to schedule F buyers for resale to any approved large commercial consumer.
	IRG-1, Irrigation Service.	Available any division 1 customers which is a utility executing agreement for a specified maximum daily quantity for current resale for irrigation and other incidental farm purposes and which is receiving natural gas from seller's pipeline system and does not purchase under rate schedule F-1.
El Paso Natural Gas Co.....	A Series, Residential Service.	Available to distributors for resale for domestic use.
	B Series, Non-Residential Service.	Available to distributors for all purposes except those covered by A series, D series X-1 and X-7 rate schedules.
	D Series, Irrigation Services.	Available to distributors for resale for use in gas-driven irrigation pumps.
Florida Gas Transmission Co.	I, Preferred Industrial Service.	Available to entire system to G buyers for resale to an approved commercial or industrial consumer.
Northern Natural Gas Co....	ACDS-1, Agriculture Corp Service.	Available to any schedule CD-1 buyer for the specific purpose of drying seed, grain and other crops provided such requirements cannot be met under any other rate schedule.
Northwest Pipeline Corp....	I-1, Interruptible Industrial and Institutional Service.	Available to schedule DS-1 buyers for resale to industrial or an institutional consumers whose requirements exceed 500 therms per day, or to distributors for resale to such institutional and industrial consumers.
	PL-5, Pipeline Service-Idaho Interruptible Large Industrial Service.	Available to Southwest Gas Corp. when purchasing under schedule PL-4, for resale to any large industrial consumer. Large industrial consumer is one utilizing volume in excess of 300,000 therms per day.
South Georgia Natural Gas Co.	I-1, Interruptible Service.....	Available to schedule G-1 buyers for resale to approved commercial or industrial consumers, including buyer as a consumer.
	AC-1, Seasonal Service.....	Available to schedule G-1 and G-2 buyers during period May through September for resale to approved consumers for use as prime energy source for air conditioning and ice manufacturing.
Texas Gas Transmission Corp.	I Series, Interruptible Industrial Gas Service.	Available to buyers under firm rate schedules contracting for specific maximum daily volumes for resale to specified industrial consumers.
Transwestern Pipeline Co....	SG-1, Small General Service.	Available in New Mexico, Texas, and Oklahoma for deliveries of not more than 3,000 Mcf of any one to natural gas distribution systems served by seller's pipeline system situated east of seller's Roswell, N. Mex. compressor station for resale to residential or small commercial customers.
	RW-1, Right-of-Way Service.	To all grantors of easements and right-of-way to seller in the Panhandle area of Texas and Oklahoma and to buyers who require service for agricultural or irrigation purposes in the vicinity of seller's pipeline in Texas, Oklahoma, and certain parts of New Mexico.

APPENDIX B—FORMAT FOR PRESENTATION OF POTENTIAL IMPACT

[Docket No. RM75-19]

For purposes of presenting potential impact, the major Class A and B pipeline respondents should supply data in the manner detailed below.

I. Actual revenue data for calendar year 1974 should be used; for purposes of this study such data should be limited to revenues attributable to all services subject to FPC jurisdiction and will be considered representative of the costs associated with these jurisdictional revenues.

II. The costs to be assigned to the industrial and nonindustrial services should be determined as follows:

A. Credit revenues received from services performed under special rate schedules such as those covering transportation, storage, LNG and SNG to the total jurisdictional costs for 1974 as described in I above.

B. Deduct from the remaining cost the following: (1) the product of multiplying actual unit purchased gas cost for calendar year 1974 times jurisdictional sales volumes for that year, and (2) where the pipeline has its own production, either the product of multiplying jurisdictional sales volumes by unit production cost or area/national rate as may be applicable.

C. The remaining cost should then be divided by the sales determined in III-A below to arrive at the approximate unit fixed cost per Mcf.

III. The sales to be assigned to the industrial and nonindustrial services should be determined as follows:

A. From total jurisdictional sales for 1974 deduct sales volumes associated with special rate schedules such as LNG, SNG and with storage volumes where not provided by the buyer's own gas supply.

B. Separate remaining sales between industrial and nonindustrial based upon the end use of the gas.

IV. The rate levels for the industrial and nonindustrial services shall be determined as follows:

A. The industrial rate level shall be determined on a system-wide basis and shall equal the sum of the unit cost per Mcf determined in II-C above and the average cost of gas purchased under contracts dated on and after January 1, 1973.

B. The nonindustrial rate or rates shall recover the remaining jurisdictional costs and shall equal the quotient of these costs divided by the nonindustrial sales determined in III-B above, except where the pipeline's rates in 1974 were collected on a zoned basis in which case the pipeline may design its nonindustrial rate for each zone to reflect zone differentials; provided however, that no nonindustrial rate shall be less than the average cost of gas purchased under contracts dated prior to January 1, 1973. In the event zone rates are employed, the method of determining these rates should be clearly described.

V. Computation of Impact:

A. Determine total cost that each jurisdictional customer would have incurred during 1974 had rate levels in IV above been in effect based upon their end use markets.

B. Compare by customer the cost determined above with the actual cost incurred in 1974.

C. Summarize by zone, where appropriate, the comparative costs and show the resulting effect upon zone differentials.

NOTE.—Where pipelines purchase from other pipelines it is contemplated that the purchasing pipelines will provide end use data to their pipeline suppliers consistent with that to be utilized in their own studies and in sufficient time to enable them to make timely responses.

[FR Doc. 75-5238 Filed 2-27-75; 8:45 am]

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Street to 14th Street between but not including Madison Drive to Jefferson Drive, and establishment as a demonstration project of fringe parking at Robert F. Kennedy Stadium and a visitor bus shuttle system, Washington, D.C.

If your organization or you need additional information or wish to provide information for consideration during preparation of the statement, please advise the Director, National Capital Parks, 1100 Ohio Drive, SW., Washington, D.C. 20242. Telephone inquiries should go to the Chief, Division of Urban Coordination and Environmental Impact, telephone 202-426-7750.

Dated: February 25, 1975.

MANUS J. FISH, JR.,
Director,
National Capital Parks.

[FR Doc.75-5422 Filed 2-27-75;8:45 am]

DELAWARE WATER GAP NATIONAL RECREATION AREA, N.J. AND PENN.

Proposed Master Plan and Development Concept Plan; Availability of Environmental Assessment

A public workshop will be held beginning at 10 a.m. on March 29, 1975 in the Monroe County Courthouse, Stroudsburg, Pennsylvania, to elicit the public's views on alternative methods for preservation and use of Delaware Water Gap National Recreation Area.

The purpose of the workshop is to inform the public about the several alternative plans under consideration by the National Park Service and the type of impacts the Service will consider in assessing the relative impacts of each alternative. Those individuals wishing to make oral statements are requested to notify the Superintendent, Delaware Water Gap National Recreation Area, Highway I-80, Columbia, New Jersey 07832, by March 25 of their desire to do so. Written statements may be submitted to that address up to thirty (30) days after the meeting. Questions and suggestions at the meeting will also be welcomed.

Conceptual sketches of the alternatives under consideration with brief narrative descriptions are available for review at National Recreation Area headquarters; Mid-Atlantic Regional Office, 143 South Third Street, Philadelphia, Pennsylvania 19106 or by mail upon request to the Mid-Atlantic Regional Office, Attention: David A. Kimball.

Dated: February 24, 1975.

CHESTER L. BROOKS,
Regional Director.

[FR Doc.75-5503 Filed 2-27-75;8:45 am]

Office of the Secretary ALASKAN NATURAL GAS TRANSMISSION SYSTEMS

Termination of Memorandum of Understanding for Preparation of Environmental Impact Statement

On May 15, 1974, and on May 20, 1974, respectively, the Secretary of the Interior and the Chairman of the Federal

Power Commission signed a Memorandum of Understanding which was published in its entirety in the *FEDERAL REGISTER*, July 19, 1974, page 26433.

By letter of February 20, 1975, the Secretary of the Interior withdrew from the Memorandum of Understanding. The letter is published in its entirety below:

WILLIAM W. LYONS,
Deputy Under Secretary of Interior.

FEBRUARY 25, 1975.

FEBRUARY 20, 1974.

DEAR JOHN: On May 15, 1974, and May 20, 1974, respectively, the Department of the Interior (Interior) and the Federal Power Commission (FPC) entered into a Memorandum of Understanding (Memorandum) for the preparation of an Alaskan Natural Gas Transportation System Environmental Impact Statement (EIS). At the time it was executed, the Memorandum was predicated upon then existing applications of the Alaska Arctic Gas Pipeline Company (Arctic Gas) for a Federal right-of-way and a certificate of public convenience and necessity to construct and operate a natural gas pipeline on a Canadian route, and contemplated future applications of the El Paso Alaska Company (El Paso) for a right-of-way and a certificate to construct and operate a pipeline on a competing Alaskan route. While El Paso has now filed an application with the FPC for the applicable certificate, El Paso has not filed any application with Interior for the Federal right-of-way required to enable its use of Federal lands in Alaska. On the contrary El Paso has explicitly stated its intention to refrain from filing any such application with Interior until after the related FPC proceedings are completed.

Interior has made repeated attempts to induce El Paso to file the necessary applications. El Paso has steadfastly refused to do so. Because of El Paso's refusal, and in view of the recent order of the Commission denying Interior's request that El Paso be required to apply, it is evident that Interior will not receive an application from El Paso until after the FPC proceedings are concluded.

Thus, the applications pending before Interior and the FPC are no longer compatible for discussion in a single EIS. In these circumstances, it is obviously impossible to produce a viable joint environmental impact statement. At the same time, Interior has the responsibility to promptly evaluate the application of Arctic Gas in a manner that takes into account its status as a noncompeting applicant for a Federal right-of-way. Faced with this legal and administrative dilemma, we have reluctantly concluded that Interior must withdraw from the Memorandum, effective immediately.

In withdrawing from the Memorandum, it is the intention of Interior to continue to provide to the FPC as much information and assistance for preparing an EIS as is legally and administratively possible. Interior will simultaneously prepare its own EIS for the Canadian route described in the application of Arctic Gas, and will investigate all reasonable alternatives to that route, including the possibility of a pipeline route through central Alaska. Interior will make this EIS freely available to the FPC in their formal hearings and will also supply appropriate witnesses if called upon to do so. In addition, Interior will provide to the FPC any information in its possession concerning Alaska or other relevant areas of the environment.

The FPC should be aware that the lack of an application from El Paso to use Fed-

eral lands in Alaska will prevent Interior from making any formal commitment on stipulations or other mitigating measures which might be required for a specific Alaskan route. Since the information supplied by Interior concerning the Alaska route will be general in nature, rather than the result of its own investigation and analysis of a specific proposal, Interior requests that the FPC avoid any implication that Interior has participated in or is bound by any conclusion reached by the FPC on the extent of the impacts involved.

Sincerely,

ROBERT C. B. MORTON,
Secretary of the Interior.

Honorable John N. Nassikas,
Chairman,
U.S. Federal Power Commission,
Washington, D.C. 20426.

[FR Doc.75-5332 Filed 2-27-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation No. A151]

NEBRASKA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Nebraska as a result of natural disasters consisting of:

Dundy—Hailstorms May 9, 10, and 24, 1974,
Drought July 30 to November 5, 1974, Freeze
September 3, 10, and 11, 1974.

Johnson—Drought June 1 to September 1,
1974, Frost September 3, 4, and 13, 1974.

Lancaster—Drought June 11 to July 30, 1974,
Freeze September 3, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor J. James Exon that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 21, 1975, for physical losses and November 20, 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 24th day of February 1975.

FRANK B. ELLIOTT,
Administrator,

Farmers Home Administration.

[FR Doc.75-5341 Filed 2-27-75;8:45 am]

[Notice of Designation No. A148]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in three counties in Texas as a result of various adverse

weather conditions. The following chart shows the counties, natural disasters, and dates on which the disasters occurred.

TEXAS

County	Drought	Hailstorms	Windstorms	Early Freeze	Excessive Rainfall
Castro.....	Oct. 1, 1973 to Aug. 4, 1974.	May 4 and May 23, 1974; June 2, 1974, Oct. 5, 1974.	June 5 and June 10, 1974.	Oct. 15, 1974	Sept. 1 to Oct. 31, 1974.
Floyd.....	Oct. 1, 1973 to Aug. 31, 1974.	May 26, 1974; June 1, 2, and 4, 1974.			Sept. 1 to Oct. 31, 1974 (low temperatures).
Hale.....	Aug. 1, 1973 to Aug. 1, 1974.	May 23 and May 24, 1974; June 1, 2, and 3, 1974.	May 23 and May 24, 1974; June 1, 2, and 3, 1974.		Aug. 2, 1974 to Nov. 31, 1974 (cool).

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 Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 18, 1975, for physical losses and November 18, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 24th day of February 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-5342 Filed 2-27-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business
Administration

UNIVERSITY OF WASHINGTON

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: 75-00152-56-17500. Applicant: Univ. of Washington, Dept. of Oceanography, Seattle, WA 98195. Article: Six (6) Recording Current Meters, Model No. 5. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The article is intended to be used to study time-dependent velocity and temperature fields in the deep North Pacific. Experiments will involve the continuous

detailed monitoring of currents and thermal structure in abyssal Pacific.

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: The applicant alleges that the article provides the following characteristics which are necessary for the accomplishment of its intended purposes: measurements of current speed, current direction and water temperature, and the capability of being deployed for a minimum of 150 days with a sampling capacity of 20,000 complete sets of observations at 10-minute sample intervals. The National Oceanic and Atmospheric Administration (NOAA) advises in its memorandum dated December 23, 1974, that the article does not provide all of the alleged necessary characteristics. Specifically, NOAA advises that the article actually provides a capacity of only 10,000 sets of observations at 10-minute sample intervals for a duration of 70 days. Therefore, NOAA advises that 150-day deployment with 20,000 complete sets of observations are not pertinent specifications within the meaning of § 701.2(n) of the regulations because these characteristics are not provided by the article. NOAA advises further that the applicant's other alleged requirements are pertinent to the applicant's purposes within the meaning of § 701.2(n).

The most closely comparable domestic instrument is the AMF Vector Averaging Current Meter (VACM) manufactured by AMF Sea-Link Systems. The VACM provides current speed, current direction, and temperature measurement capabilities with internal data recording, as well as the capability of meeting the applicant's stated sampling requirements (contrary to the applicant's statement in Section 8.c.(3) of this application). The difference in cost between the article and domestic VACM cannot be considered a pertinent specification within the meaning of § 701.2(n) of the regulations. Therefore, NOAA advises that the domestic AMF-VACM satisfies all the specifications found by NOAA to be pertinent specifications. For these reasons we find that the domestic manufactured VACM is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,

Special Import Programs Division.

[FR Doc.75-5369 Filed 2-27-75;8:45 am]

YALE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00144-01-07500. Applicant: Yale University, 20 Ashmun Street, New Haven, Connecticut 06520. Article: Differential Scanning Microcalorimeter, Model DACM-1. Manufacturer: V/O "Mashpriborintorg", U.S.S.R. Intended use of article: The article is intended to be used in studying the energetics of a wide variety of thermally-induced processes in substances of biological interest. Included in these processes will be conformational changes, such as the thermal unfolding of transfer ribonucleic acids and proteins; the endothermic association of tubulin to form microtubules; and phase transitions of phospholipids and other components of biological membranes. The general aim of these experiments will be to improve our understanding of the nature of the forces at play in stabilizing important biological structures.

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 Department of Health, Education, and Welfare (HEW) advises in its memorandum dated January 15, 1975 that the superior sensitivity of the article (by at least a factor of 100) is pertinent to the applicant's use in studies of thermally-induced processes in biological substances. HEW also advises that it knows of no commercially available domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,

Director,

Special Import Programs Division,

[FR Doc.75-5368 Filed 2-27-75;8:45 am]

[File No. 22(74)-1]

J. L. INTERNATIONAL G.M.B.H.

Related Party Determination

In the matter of J. L. International G.m.b.H., Hellwigstrasse 87, 2 Hamburg 20, Federal Republic of Germany, Respondent.

An Order effective December 12, 1968, was entered by the Office of Export Administration, Bureau of East-West Trade, Domestic and International Business Administration, Department of Commerce, against Joseph Lewo (also known as Joe Lewo, Joseph Jeuda Levos, Joseph Levo, and Joseph Liebow), as well as J. L. International, Ltd., Montreal, Quebec, Canada, and the related party Canex, Ltd. of the same city, indefinitely denying all privileges of participating, in any manner or capacity, in the exportation of U.S.-origin commodities or technical data. The Order was published in the FEDERAL REGISTER on December 13, 1968, at page 18526.

Section 388.1(b) of the Export Administration Regulations provides, in pertinent part, that:

Any order denying export privileges or excluding persons from practice before the Bureau of East-West Trade may be made applicable not only to persons named therein but also, to the extent necessary to prevent evasion, to other persons with whom such persons may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services.

By a letter of December 31, 1974, the respondent, J. L. International G.m.b.H., was notified by the Hearing Commissioner of the issuance of the above-referenced Denial Order. That letter drew the attention of the respondent to Part III of the Denial Order which provides, in pertinent part, that:

Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

Based upon information received by the Bureau of East-West Trade to the effect that the denied party, Joseph Lewo, was currently a co-manager in, and part owner of J. L. International G.m.b.H., the respondent was further notified, in the above-referenced letter that, unless it showed within 20 days that it was no longer or had wholly ceased to be related to Joseph Lewo, a

related party determination would issue against it and it would become subject to the prohibitions of the Denial Order of December 12, 1968. The reply received from the respondent having been found grossly inadequate, lacking a basis in evidence, it has been determined that J. L. International G.m.b.H. is a related party to Joseph Lewo and is within the terms of § 388.1(b) of the Export Administration regulations and Part III of the Denial Order issued against him and is, therefore, subject to all of the prohibitions and restrictions of that Order.

The related party, J. L. International G.m.b.H. is notified that if it chooses to contend that the determination which is the subject of this Notice is not justified, it may make application to have the ruling reconsidered or terminated. Such application must be made to the Hearing Commissioner, Bureau of East-West Trade, Department of Commerce, Washington, D.C. 20230.

Dated: February 19, 1975.

RAUER H. MEYER,

Director,

Office of Export Administration.

[FR Doc.75-5351 Filed 2-27-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

INSULIN SYRINGES

Public Hearing Regarding Proposed
Standards

A public hearing will be held on April 3, 1975 at 10 a.m. in Rm. 1813, FB-8, 200 C St. SW., Washington, DC 20204, to allow all interested persons an opportunity to present data, technical information, and views concerning a Food and Drug Administration proposal to establish a performance standard for insulin syringes.

On March 7, 1974 a meeting was called by the Food and Drug Administration to afford all interested parties an opportunity to comment on ways to eliminate or reduce a problem of potential insulin dosage errors when Regular Insulin is mixed with a modified insulin in insulin syringe systems of varying design. The Bureau of Medical Devices and Diagnostic Products of the Food and Drug Administration, representatives of insulin drug manufacturers, insulin syringe manufacturers, and the American Diabetes Association attended the meeting. Participants at that meeting agreed that a performance standard for syringes was needed, and that such a standard should be developed under the direction of the Food and Drug Administration. Recognition of a problem, i.e., dead space in insulin syringes, lead to the conclusion that with increasing usage of U-100 insulin, precautions should be taken as soon as possible to assure maximum protection to the insulin user. In pediatric cases, and some adult cases, variances in the dosage delivered to the diabetic can be critical.

In the FEDERAL REGISTER of November 15, 1974 (39 FR 40301), the Food and Drug Administration issued two pertinent proposals. One proposed to discontinue certifying all U-80 insulin. The other, in view of the time required to develop a performance standard, proposed that a warning to patients who mix two types of insulin be added to the labeling for syringes. The warning statement, as proposed, reads: "Warning—For patients who mix two types of insulin: Do not change: (a) The order of mixing that the physician has prescribed or (b) the model and brand of the syringe or needle, without first consulting your physician. Failure to heed this warning can result in dosage error."

On December 16, 1974 a draft document entitled "FDA-MDS-122-003 Standard for Syringes, Hypodermic Single Use Disposable, Sterile, for Insulin," was completed. Work on a draft standard for Disposable Insulin Syringes began soon after the March 7, 1974 meeting, culminating in a first draft document prepared by the Bureau of Medical Devices and Diagnostic Products, Division of Medical Devices Standards and Research of the Food and Drug Administration. The first draft was forwarded for comment on September 15, 1974 to all insulin syringe manufacturers and other interested persons. Those comments were evaluated and the second draft standard, dated December 16, 1974, covers performance requirements for a sterile insulin syringe assembly, emphasizing legibility of the syringe scale, accurate dispensing of insulin, sterility, and use of nontoxic materials. The draft standard is designed to ensure the safety and effectiveness of insulin syringes and to minimize the hazards connected with their use.

The Commissioner of Food and Drugs has concluded that all interested persons should have an opportunity to present data, technical information, and views relative to this draft standard. Therefore, to evaluate, review, and clarify the second draft document prior to preparation of a third draft, those who plan to attend the April 3, 1975 meeting and/or submit written comments should obtain a copy of the second draft by contracting Mr. John Lamb, HFK-300, Bureau of Medical Devices and Diagnostic Products, Division of Medical Device Standards and Research, 5600 Fishers Lane, Rockville, MD 20852, telephone number (301) 443-4166.

To provide time for adequate preparation for the meeting, any written submissions organized in a manner that follows the draft on a paragraph by paragraph basis are requested by March 20, 1975. Other interested persons submitting written data, information, and views for consideration at the meeting should furnish these on or before March 27, 1975. All written submissions shall be forwarded to Mr. Lamb, in triplicate.

Any interested persons who wish to present oral data, technical information, and views at the meeting must so inform Mr. Lamb of that intention, describing

which paragraph or sections of the draft he wishes to discuss and the amount of time requested for his preparation, by close of business on March 27, 1975. Mr. Lamb will then promptly inform each person requesting an opportunity to be heard of the time his oral presentation is scheduled to begin and the amount of time to be allocated for the person's presentation. In view of the limitation of time, individuals and organizations with common interests are urged to consolidate or coordinate their presentation. A hearing schedule setting forth the names of the persons making presentations and the time allotted each will be mailed to such persons and a copy will be placed on file in the office of the Hearing Clerk, address below.

Copies of the following materials are on file and available for public review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

1. Minutes—FDA-Industry meeting of March 7, 1974, on problem related to insulin syringes, March 14, 1974.

2. FDA-MDS-XXX-001 Standard for Syringes, Hypodermic Single Use Disposable, Sterile, for Insulin. First draft dated September 12, 1974.

3. FDA-MDS-122-0003 Standard for Syringes, Hypodermic Single Use Disposable, Sterile, for Insulin. Second draft dated December 16, 1974.

A transcript of the meeting and all written data, information, and views submitted in response to this notice of meeting, will be made available for public review in the office of the Hearing Clerk, at the address given above.

Dated: February 24, 1975.

SAM D. FINE,
Associate Commissioner for
Compliance.

[FR Doc.75-5326 Filed 2-27-75; 8:45 am]

PANEL CHAIRMEN FOR BUREAU OF MEDICAL DEVICES AND DIAGNOSTIC PRODUCTS

Notice of Room Change

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App. D), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of February 19, 1975 (40 FR 7119), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act.

Notice is given that the meeting of the Panel Chairmen for Bureau of Medical Devices and Diagnostic Products scheduled for March 5, 1975, in Rm. 1409, FB-8, 200 C St. SW., Washington, D.C., is rescheduled to meet in Rm. 4173, HEW-N, 330 Independence Ave. SW., Washington, D.C., at 9 a.m.

Dated: February 24, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc.75-5323 Filed 2-27-75; 8:45 am]

TRI/VALLEY GROWERS

Canned Peaches, Canned Pears, and Canned Fruit Cocktail Deviating From Identity Standards; Extension of Temporary Permit for Market Testing

Tri/Valley Growers, 100 California St., San Francisco, CA 94108, has requested and is hereby issued an extension of its permit for market testing of certain canned fruits deviating from their identity standards. Others who wish to carry out similar tests may do so according to provisions set out below.

The original permit was issued to Tri/Valley Growers pursuant to § 10.5 (21 CFR 10.5), to facilitate market testing of foods deviating from the standards of identity promulgated pursuant to sec. 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341). Notice of the issuance of the permit was published in the FEDERAL REGISTER of October 26, 1973 (38 FR 29830). The permit covered limited interstate marketing tests of canned peaches, canned pears, and canned fruit cocktail that deviate from their respective standards of identity (21 CFR 27.2, 27.20, and 27.40) in that the canned peaches and canned pears are packed in sweetened fruit nectar prepared from the same fruit being packed. The canned fruit cocktail is packed in sweetened peach nectar and pineapple juice. The nectars are prepared in accordance with the stayed identity standard for canned fruit nectars (21 CFR 27.126). The sweetness level for the entire contents of the can is within the 14° to 16° Brix range.

The principal display panel of the labels on the canned peaches and pears bears the statement "in sweetened nectar" (the blank to be filled in with the name of the fruit being packed). In addition, the statement "in peach nectar for more natural flavor" or "in pear nectar for more natural flavor" appears on the label. The label used on the canned fruit cocktail bears the statement "in sweetened peach nectar and pineapple juice" and the statement "in fruit nectar for more natural flavor."

Tri/Valley Growers has submitted a petition, in conjunction with the request for extension of the temporary marketing permit, proposing that the identity standards for canned peaches (21 CFR 27.2), canned apricots (21 CFR 27.10), canned prunes (21 CFR 27.15), canned pears (21 CFR 27.20), canned seedless grapes (21 CFR 27.25), canned cherries (21 CFR 27.30), canned berries (21 CFR 27.35), canned fruit cocktail (21 CFR 27.40), canned plums (21 CFR 27.45), and canned figs (21 CFR 27.70) be amended to provide for fruit nectar(s) as an optional packing medium. The petition also proposes amendment of the definition section for canned fruits and fruit juices (21 CFR 27.1) to include a definition for fruit nectars. The petition is on file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, for review by interested persons.

The Commissioner concludes that it will be in the interest of consumers to extend the time period for market tests. Pursuant to the proposal published in

the FEDERAL REGISTER of December 9, 1972 (37 FR 26340) to amend § 10.5 (21 CFR 10.5), all interested persons may participate in the market tests under the conditions that apply to Tri/Valley Growers, including the labeling requirements and the amount to be distributed (55,000 cases of 24/303 cans of each of peaches and fruit cocktail and 40,000 cases of 24/303 cans of pears). The designated area of distribution does not apply to such interested persons. Any interested person who elects to participate in the extended market test shall notify the Commissioner in writing of that fact, the amount to be distributed, and the area of distribution. Along with such notification, he shall submit the labeling under which the food is to be distributed.

This permit extension, as issued to Tri/Valley Growers and such others who participate in accordance with the provisions set out above, expires either on the effective date of an affirmative order ruling on the Tri/Valley petition, or 30 days after a negative order ruling on the petition, whichever comes first.

Dated: February 20, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc.75-5324 Filed 2-27-75; 8:45 am]

Office of Education

GRANTS FOR NONCOMMERCIAL EDUCATIONAL BROADCASTING FACILITIES

Acceptance of Applications for Filing

Notice is hereby given that the following described applications for Federal financial assistance in the construction of noncommercial educational broadcasting facilities are accepted for filing under provisions of Title III, Part IV of the Communications Act of 1934, as amended (47 U.S.C. 390-399) and in accordance with 45 CFR 60.8, being redesignated as 45 CFR 153.8.

Any interested person may, pursuant to 45 CFR 60.10, being redesignated as 45 CFR 153.9, within 30 calendar days of this publication, file comments regarding these applications (within 10 calendar days from such date regarding amended applications) with the Chief, Educational Broadcasting Facilities Branch, Division of Technology and Environmental Education, Bureau of School Systems, Office of Education, Washington, D.C. 20202.

EDUCATIONAL TELEVISION

The Northeastern Pennsylvania ETV Association, Old Boston Road, Pittston, Pennsylvania 18440, File No. 495-T/413AH50024, for the improvement of a noncommercial educational television station on Channel 44, Scranton, Pennsylvania, accepted as of November 25, 1974. Estimated project cost: \$731,887. Grant requested: \$541,415. Application signed by: George H. Strimel, Jr., President and General Manager.

The Commonwealth of Puerto Rico, Post Office Box 909, Hato Rey, Puerto Rico, File No. 496-T/413AH50055, for the improvement of a noncommercial educational television station on Channel 3, Hato Rey, Puerto Rico,

accepted as of November 25, 1974. Estimated project cost: \$1,312,850. Grant requested: \$984,637. Application signed by Mr. Ramon A. Crug, Secretary of Education.

The Community TV Foundation of South Florida, Inc., P.O. Box 610006, North Miami, Florida 33161, File No. 497-T/413AH50003, for the improvement of a noncommercial educational television station on Channel 2, Miami, Florida, accepted as of November 27, 1974. Estimated project cost: \$298,060. Grant requested: \$223,545. Application signed by: Mr. George Dooley, President.

The Georgia State Board of Education, 1540 Stewart Avenue, S.W., Atlanta, Georgia 30310, File No. 498-T/413AH50017, for the improvement of a noncommercial educational television station on Channel 28, Columbus, Georgia, accepted as of November 27, 1974. Estimated project cost: \$798,508. Grant requested: \$334,372. Application signed by: Jack P. Nix, State Superintendent of Schools.

The South Carolina Educational Television Commission, P.O. Drawer L, Columbia, S.C. 29250, File No. 499-T/413AH50020, for the further development of the State non-commercial educational broadcast facilities by establishing a comprehensive microwave interconnection system, accepted as of November 27, 1974. Estimated project cost: \$446,220. Grant requested: \$484,665. Application signed by Mr. Henry J. Cauthen, President.

The Southern Tier ETV Association, Inc., Box 97, 3311 East Main Street, Endwell, New York 13760, File No. 500-T/413AH50022, for the improvement of a noncommercial educational television station on Channel 46, Binghamton, New York, accepted as of November 27, 1974. Estimated project cost: \$214,331. Grant requested: \$160,748. Application signed by: Mr. Arthur Dees, General Manager.

The WGBY-TV Division of the WGBH Educational Foundation, One Armory Square, Springfield, Massachusetts 01105, File No. 501-T/413AH50050, for the improvement of a noncommercial educational television station on Channel 57, Springfield, Massachusetts, accepted as of November 27, 1974. Estimated project cost: \$443,742. Grant requested: \$332,806. Application signed by: John T. Caldwell, Jr., General Manager.

The University of Maine (Maine Public Broadcasting Network), Alumni Hall, University of Maine, Orono, Maine 04473, File No. 502-T/413AH50065, for the improvement of a noncommercial educational television State network, accepted as of November 27, 1974. Estimated project cost: \$71,200. Grant requested: \$53,400. Application signed by: Harry Gordon, Treasurer.

The Northern Michigan University, Marquette, Michigan 49855, File No. 503-T/413AH50007, for the improvement of a non-commercial educational television station on Channel 13, Marquette, Michigan, accepted as of November 29, 1974. Estimated project cost: \$399,050. Grant requested: \$299,287. Application signed by: Mr. William G. Mitchell, Director, Learning Resources.

The Grand Valley State College, Allendale, Michigan 49401, File No. 504-T/413AH50011, for the improvement of a noncommercial educational television station on Channel 35, Allendale, Michigan, accepted as of November 29, 1974. Estimated project cost: \$371,674. Grant requested: \$278,755. Application signed by: Ronald Van Steeland, Vice President.

State Board of Education, Acting as Trustees for Radio and Television Service Department (KBGL-TV), Idaho State University, Pocatello, Idaho 83205, File No. 505-T/413AH50014, for the improvement of a non-commercial educational television station on Channel 10, Pocatello, Idaho, accepted as of November 29, 1974. Estimated project

cost: \$313,565. Grant requested: \$234,425. Application signed by: W. O. Witherspoon, Executive Assistant to President.

The Educational Broadcasting Corporation, 304 West 58th Street, New York, New York 10019, File No. 506-T/413AH50018, for the improvement of a noncommercial educational television station on Channel 13, New York, New York, accepted as of November 29, 1974. Estimated project cost: \$993,000. Grant requested: \$595,800. Application signed by: Mr. Frank Leicht, Vice President and Director of Operations.

Washburn University of Topeka, 17th & College, Topeka, Kansas 66621, File No. 508-T/413AH50027, for the improvement of a noncommercial educational television station on Channel 11, Topeka, Kansas, accepted as of November 29, 1974. Estimated project cost: \$107,731. Grant requested: \$78,643. Application signed by: John W. Henderson, President.

School District No. 1 in the County and City of Denver and State of Colorado, 414 14th Street, Denver, Colorado 80202, File No. 509-T/413AH50028, for the improvement of noncommercial educational television station on Channel 6, Denver, Colorado, accepted as of November 29, 1974. Estimated project cost: \$363,683. Grant requested: \$275,497. Application signed by: James C. Pennill, President.

St. Louis Educational Television Commission, 6996 Millbrook Boulevard, St. Louis, Missouri 63130, File No. 510-T/413AH50030, for the establishment of a noncommercial educational television station on Channel 40, St. Louis, Missouri, accepted as of November 29, 1974. Estimated project cost: \$552,270. Grant requested: \$489,202. Application signed by: Robert C. Glazier, Executive Director.

The School Board of Dade County, 1410 N.E. 2nd Avenue, Miami, Florida 33132, File No. 511-T/413AH50033, for the improvement of a noncommercial educational television station on Channel 17, Miami, Florida, accepted as of November 29, 1974. Estimated project cost: \$609,550. Grant requested: \$457,162. Application signed by: Mr. E. L. Whigham, Superintendent.

Redwood Empire Educational Television, Incorporation, Box 13, Eureka, California 95501, File No. 512-T/413AH50034, for the improvement of a noncommercial educational television station on Channel 13, Eureka, California, accepted as of November 29, 1974. Estimated project cost: \$499,336. Grant requested: \$374,562. Application signed by: Ward T. Johnson, Executive Vice President and General Manager.

Public Communication Foundation for North Texas, 3000 Harry Hines Boulevard, Dallas, Texas 75201, File No. 513-T/413AH50035, for the improvement of a noncommercial educational television station on Channel 13 (KERA-TV), Dallas, Texas, accepted as of November 29, 1974. Estimated project cost: \$282,158. Grant requested: \$211,618. Application signed by: Ralph B. Rogers, Chairman.

The Western Illinois University, 900 West Adams, Macomb, Illinois 61455, File No. 514-T/413AH50047, for the establishment of a noncommercial educational television station on Channel 22, Macomb, Illinois, accepted as of November 29, 1974. Estimated project cost: \$1,475,000. Grant requested: \$967,000. Application signed by: Dr. Leslie F. Malpass, President.

The Sunflower Educational Television Corporation, 309 E 3rd Street, P.O. Box 288, Wichita, Kansas 67202, File No. 515-T/413AH50048, for the improvement of a non-commercial educational television station on Channel 8 (KPTS), Wichita, Kansas, accepted as of November 29, 1974. Estimated project cost: \$198,100. Grant requested:

\$148,575. Application signed by: Mr. Zoel Parenteau, President and General Manager.

The State University Division of Broadcasting, 201 Wagner Building, University Park, Pennsylvania 16802, File No. 516-T/413AH50052, for the improvement of a non-commercial educational television station on Channel 3, Clearfield, Pennsylvania, accepted as of November 29, 1974. Estimated project cost: \$338,144. Grant requested: \$252,108. Application signed by: Floyd B. Fischer, Vice President of Continuing Education.

Pennsylvania State University, Division of Broadcasting, 201 Wagner Bldg., University Park, Pennsylvania 16802, File No. 517-T/413AH50053, for the improvement of a non-commercial educational television station on Channel 3, Clearfield, Pennsylvania, accepted as of November 29, 1974. Estimated project cost: \$199,432. Grant requested: \$149,574. Application signed by: Floyd B. Fischer, Vice President, Continuing Education.

The Greater Cincinnati Television Educational Foundation, 2222 Chickasaw Street, Cincinnati, Ohio 45219, File No. 518-T/413AH50056, for the improvement of a non-commercial educational television station on Channel 48, Cincinnati, Ohio, accepted as of November 29, 1974. Estimated project cost: \$477,033. Grant requested: \$314,842. Application signed by: Mr. Charles W. Vaughan, President and General Manager.

The Louisiana Educational Television Authority, Post Office Box 44064, Baton Rouge, Louisiana 70804, File No. 519-T/413AH50063, for the establishment of a new noncommercial educational television station on Channel 24, Shreveport, Louisiana, accepted as of November 29, 1974. Estimated project cost: \$1,117,572. Grant requested: \$838,172. Application signed by: Mr. A. Max Fetty, Executive Director.

The State of Oregon Acting By and Through The State Board of Higher Education, P.O. Box 3175, Eugene, Oregon 97403, File No. 520-T/413AH50069, for the establishment of a noncommercial educational television station on Channel 13, LaGrande, Oregon, accepted as of November 29, 1974. Estimated project cost: \$315,494. Grant requested: \$236,620. Application signed by: Donald R. Larson, Secretary to the Oregon State Board of Higher Education.

Montana Educational Broadcasting Commission, P.O. Box 1211, Bozeman, Montana 59715, File No. 521-T/413AH50070, for the establishment of a noncommercial educational television station on Channel 11, Billings, Montana, accepted as of November 29, 1974. Estimated project cost: \$741,000. Grant requested: \$491,000. Application signed by: Kenneth R. Clark, Executive Director.

Alaska Public Television, Inc., 3211 Providence Drive, Anchorage, Alaska 99504, File No. 522-T/413AH50029, for the expansion of a noncommercial educational television station on Channel 7, Anchorage, Alaska, accepted as of January 6, 1975. Estimated project cost: \$80,000. Grant requested: \$45,000. Application signed by: William D. Mack, Chairman.

The Independent School District No. 492, 1900 Eighth Street NW., Austin, Minnesota 55912, File No. 523-T/413AH50061, for the improvement of a noncommercial educational television station on Channel 15 (KAVT), Austin, Minnesota, accepted as of January 13, 1975. Estimated project cost: \$548,888. Grant requested: \$411,666. Applicant signed by: Morton Carney, Chief Executive and General Manager.

Board of Regents acting for and on behalf of the University of Florida, WUFT-TV, Stadium Building, Gainesville, Florida 32611, File No. 524-T/413AH50010, for the improvement of noncommercial educational television station WUFT on Channel 5, Gainesville, Florida, accepted as of November 29, 1974.

Estimated project cost: \$308,250. Grant requested: \$231,187. Application signed by: Kenneth A. Christiansen, Manager of WUFT-TV.

Kentucky State Board of Education, 600 Cooper Drive, Lexington, Kentucky 40502, File No. 525-T/413AH50001, for the improvement of noncommercial educational television station WCVN, on Channel 54, at Covington, Kentucky, accepted as of November 29, 1974. Estimated project cost: \$300,515. Grant requested: \$225,386. Application signed by: O. Leonard Press, Executive Director.

Kentucky Authority for Educational Television, 600 Cooper Drive, Lexington, Kentucky 40502, File No. 526-T/413AH50116, for the improvement of noncommercial educational television station on Channel 25 (WKAS), Ashland, Kentucky, accepted as of November 29, 1974. Estimated project cost: \$302,900. Grant requested: \$227,175. Application signed by: O. Leonard Press, Executive Director.

Dade County School Board, 1410 N.E. Second Avenue, Miami, Florida 33132, File No. 367-T/T0046SC/413AH50031, to amend its accepted project, expanding noncommercial educational television station WSEC-TV on Channel 17, Miami, to reflect increased costs of eligible project items. Adjusted estimated project cost: \$447,248. Grant requested: \$335,436.

Minnesota Independent School District #742, 13th Avenue and 7th Street South, St. Cloud, Minnesota 56301, File No. 370-T/T0033SC/413AH50060, to amend its accepted project, activating a noncommercial educational television station on Channel 25, to reflect increased costs of eligible project items. Adjusted estimated project cost: \$739,667. Grant requested: \$554,750.

Oklahoma Educational Television Authority, P.O. Box 14190, Oklahoma City, Oklahoma 73109, File No. 408-T/T0031SC/413AH50012, to amend its accepted project, improving noncommercial educational television stations on Channel 13, Oklahoma City and Channel 11, Tulsa, to reflect increased costs of eligible project items. Adjusted estimated project cost: \$704,177. Grant requested: \$528,132.

Chicago Educational Television Association, 5400 North St. Louis Avenue, Chicago, Illinois 60625, File No. 409-T/T0038SC/413AH50035, to amend its accepted project, improving noncommercial educational television station WXXW, Channel 20, to reflect increased costs of eligible project items. Adjusted estimated project cost: \$1,273,956. Grant requested: \$636,978.

Evansville-Vanderburgh School Corporation, Evansville, Indiana 47708, accepted project File No. 411-T/T0025SC/413AH50088, for the improvement of noncommercial educational television station WNIN on Channel 9, Evansville, is amended to change the name of the applicant to Southwest Indiana Public Television, Inc., 9201 Petersburg Road, Evansville, Indiana 47711, and to reflect increased costs of eligible project items. Adjusted estimated project cost: \$392,547. Grant requested: \$294,410. Application signed by: Vincent F. Saele, President and General Manager.

University of Washington, Seattle, Washington 98105, File No. 421-T/T0058SC/413AH50006, to amend its accepted project, improving noncommercial educational television station KCTS on Ch 9, Seattle, to reflect increased costs of eligible project items. Adjusted estimated project cost: \$478,501. Grant requested: \$358,875.

Southern Oregon Education Company, 128 East Main Street, Medford, Oregon 97501, File No. 425-T/T0030SC/413AH50036, to amend its accepted project, establishing a non-

commercial educational television station on Ch 8, to reflect increased costs of eligible and compatible project items. Adjusted estimated project cost: \$705,240. Grant requested: \$528,930.

Regents of New Mexico State University, Box 30-NMSU, Las Cruces, New Mexico 88003, File No. 437-T/T0065SC/413AH50008, to amend its accepted project, improving noncommercial educational television station KRWG-TV on Ch 22, Las Cruces, to reflect adding additional apparatus to increase the production capability of the station. Adjusted estimated project cost: \$200,000. Grant requested: \$150,000.

Central California Educational Television, Inc., P.O. Box 6, Sacramento, California 95801, File No. 454-T/T0124SC/413AH50081, to amend its accepted project, improving noncommercial educational television station KVIE on Ch 6, to reflect costs of adding additional transmission apparatus necessary to project objective. Adjusted estimated project cost: \$400,916. Grant requested: \$300,687.

KQED, Inc., San Francisco, California 94103, File No. 456-T/T0122SC/413AH50080, for the improvement of a noncommercial educational television station KQED on Channel 9, San Francisco, to amend its accepted project to reflect increased costs of eligible project items. Adjusted estimated project cost: \$351,575. Grant requested: \$263,681.

WGBH Educational Foundation, 125 Western Avenue, Boston, Massachusetts 02134, File No. 462-T/T0137SC/413AH50062, to amend its accepted project, expanding noncommercial educational television station WGBH on Ch 2, Boston, to reflect increased costs of eligible project items and add equipment to increase power for greater coverage. Adjusted estimated project cost: \$645,100. Grant requested: \$483,825.

University of Nebraska at Omaha, Radio/TV Department, Box 6888, Omaha, Nebraska 68101, File No. 493-T/T0211SC/413AH50037, to amend its accepted project, expanding noncommercial educational television station on Channel 26, to reflect increased costs of eligible project items. Adjusted estimated project cost: \$64,412. Grant requested: \$48,309.

EDUCATIONAL RADIO

Arizona Western College, KAWC (AM) Radio Station, P.O. Box 929, Yuma, Arizona, 85364, File No. 206-R/413BH50003, for the improvement of a noncommercial educational radio station on 1320 KC, Yuma, Arizona, accepted as of March 28, 1974. Estimated project cost: \$8,067. Grant requested: \$5,975. Application signed by: Robert Garin, President.

The University of Massachusetts, Hampshire House, Amherst, Massachusetts 01002, File No. 207-R/413BH50007, for the improvement of a noncommercial educational radio station on 88.5 MH/z, Amherst, Massachusetts, accepted as of November 25, 1974. Estimated project cost: \$21,061. Grant requested: \$15,795. Application signed by: Dr. Godwin G. Oyewole, General Manager.

The State University of New York College at Oswego, Lanigan Hall, State University College, Oswego, New York 13126, File No. 208-R/413BH50014, for the improvement of a noncommercial educational radio station on 89.9 MH/z, Oswego, New York, accepted as of November 25, 1974. Estimated project cost: \$83,626. Grant requested: \$62,719. Application signed by: Mr. James E. Perdue, President.

The Northeastern Pennsylvania ETV Association, Old Boston Road, Jenkins Township, Pittston, Pennsylvania 18640, File No. 209-R/413BH50021, for the improvement of a noncommercial educational radio station on 89.9 MH/z, Scranton, Pennsylvania, accepted

as of November 25, 1974. Estimated project cost: \$74,946. Grant requested: \$56,209. Application signed by: Mr. George H. Strimel, Jr., President and Chief Executive Officer.

The WTBS Foundation, Inc., 3 Ames Street, Cambridge, Massachusetts 02142, File No. 210-R/413BH50019, for the improvement of a noncommercial educational radio station on 88.1 MH/z, Cambridge, Massachusetts, accepted as of November 26, 1974. Estimated project cost: \$32,501. Grant requested: \$24,375. Application signed by: Mr. Lawrence C. Stewart, General Manager.

The Florida Technological University, P.O. Box 25000, Orlando, Florida 32816, File No. 211-R/413BH50033, for the establishment of a noncommercial educational radio station on 89.1 MH/z, Orlando, Florida, accepted as of November 27, 1974. Estimated project cost: \$94,078. Grant requested: \$70,558. Application signed by: Mr. Leslie L. Ellis, Jr., Associate Vice President and Dean of Graduate Studies and Research.

Illinois State University, Normal, Illinois 61761, File No. 212-R/413BH50001, for the improvement of a noncommercial educational radio station on 89.3 MH/z, Normal, Illinois, accepted as of November 29, 1974. Estimated project cost: \$150,999. Grant requested: \$99,499. Application signed by: Robert E. McAdams, Director, Office of Research Services and Grants.

The University of Wyoming, Laramie, Wyoming 82071, File No. 213-R/413BH50010, for the improvement of a noncommercial educational radio station on 91.9 MH/z, Laramie, Wyoming, accepted as of November 29, 1974. Estimated project cost: \$93,895. Grant requested: \$69,222. Application signed by: William D. Carlson, President.

The District #27 Couture School Board, Belcourt, North Dakota 58316, File No. 214-R/413BH50022, for the improvement of a noncommercial educational radio station on 88.5 MH/z, Belcourt, North Dakota, accepted as of November 29, 1974. Estimated project cost: \$27,246. Grant requested: \$20,434. Application signed by: Daniel Jerome, Superintendent.

The Rochester Area ETV Association, Inc., Box 21, Rochester, New York 14601, File No. 215-R/413BH50024, for the improvement of a noncommercial educational radio station on 91.5 MH/z, Rochester, New York, accepted as of November 29, 1974. Estimated project cost: \$44,250. Grant requested: \$33,187. Application signed by: William J. Pearce, President and General Manager.

The Gadsden State Junior College, Gadsden, Alabama 35903, File No. 216-R/413BH50043, for the improvement of a noncommercial educational radio station on 91.5 MH/z, Gadsden, Alabama, accepted as of November 29, 1974. Estimated project cost: \$62,352. Grant requested: \$46,764. Application signed by: Mr. Allen D. Naylor, President.

The Tacoma School District #10, 1101 South Yakima Avenue, Tacoma, Washington 98405, File No. 217-R/413BH50045, for the improvement of a noncommercial educational radio station on 91.7 MH/z, Tacoma, Washington, accepted as of November 29, 1974. Estimated project cost: \$15,280. Grant requested: \$11,460. Application signed by: Mr. Toney Shelton, Business Manager and Deputy Secretary.

San Diego State University (KPBS-FM), San Diego, California 92182, File No. 218-R/413BH50048, for the improvement of a noncommercial educational radio station on 89.5 MH/z, San Diego, California, accepted as of November 29, 1974. Estimated project cost: \$29,323. Grant requested: \$21,992. Application signed by: Ernest B. O'Byrne, Vice President.

The Gateway Vocational, Technical and Adult Education District, 3520 30th Avenue,

Kenosha, Wisconsin 53140, File No. 219-R/413BH50042, for the establishment of a noncommercial educational radio station on 91.1 MHz, Kenosha, Wisconsin, accepted as of December 10, 1974. Estimated project cost: \$91,757. Grant requested: \$68,817. Application signed by: Keith W. Stoer, District Director.

Kodiak Public Broadcasting Corporation, Box 484, Kodiak, Alaska 99615, File No. 220-R/413BH50015, for the establishment of a noncommercial educational radio station on 100.1 MHz, Kodiak, Alaska, accepted as of December 17, 1974. Estimated project cost: \$89,512. Grant requested: \$67,134. Application signed by: Peter Bailey, President.

The Alcorn State University, Lorman, Mississippi 39096, File No. 221-R/413BH50023, for the establishment of a noncommercial educational radio station on 88.9 MHz, Lorman, Mississippi, accepted as of December 17, 1974. Estimated project cost: \$135,400. Grant requested: \$101,550. Application signed by: Mr. Walter Washington, President.

The Board of Trustees, University of Alabama in Birmingham, University Station, Birmingham, Alabama 35294, File No. 222-R/413BH50025, for the establishment of a noncommercial educational radio station on 90.3 MHz, Birmingham, Alabama, accepted as of December 17, 1974. Estimated project cost: \$188,912. Grant requested: \$141,684. Application signed by: Mr. John B. Dunbar, Vice President for Administration.

The Community College of Baltimore, 2901 Liberty Heights Avenue, Baltimore, Maryland 21215, File No. 223-R/413BH50038, for the improvement of noncommercial educational radio station on 91.5 MHz, Baltimore, Maryland, accepted as of February 9, 1975. Estimated project cost: \$148,983. Grant requested: \$111,737. Application signed by: Harry Bard, President.

The Albuquerque Public Broadcasting Corp., 1000 Indian School Rd. N.W., Albuquerque, New Mexico 87107, File No. 224-R/413BH50081, for the establishment of a noncommercial educational radio station on 91.5 MHz, Albuquerque, New Mexico, accepted as of February 7, 1975. Estimated project cost: \$74,830. Grant requested: \$55,000. Application signed by: Ernest L. Lovato, Chairman, Board of Directors.

The Board of Regents Acting for and on behalf of The University of West Florida, Instructional Media Center, Pensacola, Florida 32504, File No. 225-R/413BH50041, for the establishment of a noncommercial educational radio station on 88.1 MHz, Milton, Florida, accepted as of December 17, 1974. Estimated project cost: \$427,213. Grant requested: \$320,409. Application signed by: Harold Ryan Crosby, President and Robert B. Mautz, Chancellor.

The Gulf Coast Community College, 5230 West Highway 98, Panama City, Florida 32401, File No. 226-R/413BH50020, for the improvement of a noncommercial educational radio station on 90.7 MHz, Panama City, Florida, accepted as of December 20, 1974. Estimated project cost: \$98,460. Grant requested: \$73,845. Application signed by: Mr. Charles T. Wooten, Manager.

Oklahoma State University of Agriculture and Applied Science, Communications Building, Stillwater, Oklahoma 74074, File No. 227-R/413BH50035, for the establishment of a noncommercial educational radio station on 88.7 MHz, Oklahoma City, Oklahoma, accepted as of January 16, 1975. Estimated project cost: \$78,609. Grant requested: \$58,956. Application signed by: Robert Kamm, President.

Bilingual Broadcasting Foundation, Inc., 4010 Pinley Avenue, Santa Rosa, California 95401, File No. 228-R/413BH50034, for the

improvement of noncommercial educational radio station KBBF-FM on 89.1 MHz, Santa Rosa, California, accepted as of November 29, 1974. Estimated project cost: \$36,649. Grant requested: \$27,486. Application signed by: Richard Mahler, Administrative Assistant.

Florida East Coast Educational Television, Inc., 2908 West Oak Ridge Road, Orlando, Florida 32809, File No. 143-R/T00478C/413BH50013, to amend its accepted project, establishing a noncommercial educational FM radio station on Ch 214, Orlando, to reflect increased costs of eligible project items. Adjusted estimated project cost: \$267,972. Grant requested: \$200,979.

University of Maine, Alumni Hall, Orono, Maine 04473, File No. 168-R/T01578C/413BH50030, to amend its accepted project, activating a noncommercial educational radio station broadcasting on 91.1 MHz at Presque Island, to reflect increased costs of eligible project items. Adjusted estimated project cost: \$213,582. Grant requested: \$160,186.

Radio Free Georgia Broadcasting Foundation, Inc., Box 5332, Atlanta, Georgia 30307, File No. 173-R/T0144SC/413BH50028, to amend its accepted project; expanding noncommercial educational FM radio station WRFG broadcasting on 89.3 MHz, to reflect increased costs of eligible project items. Adjusted estimated project cost: \$63,519. Grant requested: \$47,638.

Board of Regents of the University of Wisconsin System, Office of Contracts and Grants, University of Wisconsin-Milwaukee, Milwaukee, Wisconsin 53201, File No. 113-R/T0029SC/413BH50031, to amend its accepted project, expanding noncommercial educational FM radio station on 89.7 MHz, to reflect increased costs of eligible project items. Adjusted estimated project cost: \$98,501. Grant requested: \$73,875. (47 U.S.C. 390-95; 397-99)

(Catalog of Federal Domestic Assistance Program No. 13.413, Educational Broadcasting Facilities Program.)

This notice issued in Washington, D.C.

Dated: February 20, 1975.

T. H. BELL,
Commissioner of Education.

[FR Doc. 75-5099 Filed 2-27-75; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Policy Development and Research

[Docket No. N-75-265]

CONDOMINIUMS AND COOPERATIVES

Notice of Hearings

Section 821 of the Housing and Community Development Act of 1974 mandated HUD to conduct a full investigation and study of condominiums and cooperatives and to report to Congress before August 22, 1975. Pursuant to this requirement, HUD is conducting a study of condominiums and cooperatives and the alleged problems and abuses involved in these markets that will include:

(a) Current data available on the number, characteristics, location, builders, financiers and purchasers of condominiums and cooperatives in the United States.

(b) Unit data on new construction and conversions, broken down by characteristics and structure type.

(c) Demographic and market data including prices and marketing trends.

(d) Data analysis to disclose trends, relationships, distributions, multiple correlates and other significant factors which might shed light on the reasons for the increased use of condominium and cooperative forms of tenure and/or the problems or abuses which may arise therefrom.

(e) Documentation and investigation and study of claimed problems, difficulties, abuses and potential abuses applicable to condominium and cooperative housing.

Notice is hereby given that HUD will hold a public hearing in Fort Lauderdale, Florida, for the purpose of obtaining from all interested public and private sources views relating to reported problems and potential problems and abuses involved in condominium and cooperative ownership in Florida. Written and oral comments are solicited in connection with, but not limited to the following topics:

(a) The alleged abuses and problems surrounding condominium and cooperative development including issues relating to project development and management, and project conversions.

(b) The need for, scope and potential costs of, legislation to correct whatever problems may exist and the forms it might take.

The public hearing of record on these matters will be held on March 24 from 8:30 a.m. to 5:30 p.m. in the Broward County Commission Meeting Room, Room 250, 201 Southeast 6th Street, Fort Lauderdale, Florida.

Requests to appear and present written comments and any other communications regarding this hearing should be submitted, together with a brief outline of the topics to be presented, no later than March 14, 1975, to the Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, Attention: Condominium Task Force, Room 8110.

Any other written comments and information from parties not wishing to appear at the hearing should be submitted to the same address, preferably prior to the date of the public hearing and in any event no later than March 28, 1975. All comments and information submitted will be available to the public under the provisions of the Freedom of Information Act (Section 552 of Title 5, United States Code).

Dated: February 21, 1975.

MICHAEL MOSKOW,
Assistant Secretary for Policy Development and Research.

[FR Doc. 75-5487 Filed 2-27-75; 8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX75-11; Notice 1]

DIAMOND REO TRUCKS, INC.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

Diamond Reo Trucks, Inc. of Lansing, Michigan, has applied for a temporary exemption from Motor Vehicle Safety Standard No. 121, *Air Brake Systems*, on the basis that compliance would cause it substantial economic hardship.

Diamond Reo assembled 4,620 commercial vehicles and 4,321 military vehicles in 1974. On December 6, 1974, the company filed for reorganization under Chapter XI of the Federal Bankruptcy Act. One factor in the company's problems was its loss exceeding \$10,000,000 sustained in its military truck contract with the Department of the Army. The company has resumed production at a "greatly reduced volume" but finds that it has in inventory, or is committed to purchase, "an excess of \$3,342,000 worth of axles, brakes and wheel equipment, drives, and other related equipment which cannot be used on trucks designed to meet the 121 Standard." Diamond Reo estimates that it can exhaust the inventory by March 1, 1976, by using it in the production of approximately 1,500 trucks. The remainder of Diamond Reo's estimated production for 1975, 3,000 trucks, will conform with Standard No. 121 as of March 1, 1975. If the exemption is denied Diamond Reo, to amortize costs on a one-year basis would increase vehicle costs by \$900 a truck, creating "a unit price which would be non-competitive resulting in a severe curtailment of sales."

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Diamond Reo described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. Notice of action upon the petition will be published in the *FEDERAL REGISTER*.

Comment closing date: March 10, 1975.

Proposed effective date: Date of issuance of exemption or March 1, 1975, whichever is later.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51, 49 CFR 501.8.)

Issued on February 24, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-5321 Filed 2-25-75; 10:18 am]

[Docket No. EX75-4; Notice 1]

C. H. WATERMAN INDUSTRIES

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

C. H. Waterman Industries of Athol, Massachusetts, has applied for temporary exemption of an electric-powered passenger car from certain Federal motor vehicle safety standards on grounds that it would facilitate the development and field evaluation of a low emission motor vehicle.

Waterman intends to import a small passenger car manufactured in the Netherlands and widely marketed throughout Europe but not in the United States. The vehicle therefore does not conform to many of the Federal motor vehicle safety standards. Upon arrival in the United States, these vehicles will have their gasoline-powered engines removed and electric motors substituted. They will be marketed under a Waterman Industries label. The company has experimented with such conversions since 1969. It asks for a two-year exemption and will not import more than 2,500 vehicles during any 12-month period that the exemption is in effect. The following is a list of Federal standards, or portions thereof, for which exemption is requested:

- No. 101 Control Location, Identification and Illumination (84.3—Control identification will not be illuminated).
- No. 103 Defrosting and Defogging Systems (an electrically operated defrosting/defogging system will be provided but cannot be tested exactly as specified in the standard).
- No. 104 Windshield Wiping and Washing Systems (wipers have only one speed; system has not been tested according to the standard).
- No. 105/106-75 Hydraulic Brake Systems (vehicle has dual hydraulic system but has not been fully tested according to the standard).
- No. 202 Head Restraints.
- No. 205 Glazing Materials (windshield is AS-2 glass).

Exemptions are also requested from the following standards on the basis that the compliance status is uncertain because no tests have been conducted: No. 201, *Occupant Protection* * * *. No. 203 *Impact Protection for the Driver* * * *. No. 204 *Steering Control Rearward Displacement*. No. 206 *Door Locks and Door Retention Components*. No. 207 *Seating Systems*. No. 210 *Seat Belt Assembly Anchorages*. No. 212 *Windshield Reten-*

tion. No. 214 *Side Door Strength*. No. 215 *Exterior Protection*. No. 216 *Roof Crush Resistance*, and No. 302 *Flammability of Interior Materials*. While the exemptions are in effect, funds will be generated for development of the vehicles and compliance with the standards at the end of the exemption period.

The company argues that the exemptions will not unreasonably degrade the safety of the vehicle, as it already conforms to the standards of the European countries where it is presently sold. During the 9-year period in which it has been marketed "no history of unusual safety hazards has accumulated on this auto." The petitioner also feels that its lower operating speed (50 mph maximum) will result in less exposure to major traffic hazards.

This notice of receipt of a petition for temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of C. H. Waterman Industries, described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials and all comments received after the closing date will also be filed and will be considered to the extent possible. If the petition is granted, notice will be published in the *FEDERAL REGISTER* pursuant to the authority indicated below.

Comment closing date: March 31, 1975.

Proposed effective date: Date of issuance of exemption.

(Sec. 3 Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on February 24, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-5339 Filed 2-27-75; 8:45 am]

[Docket No. EX75-3; Notice 1]

OTIS ELEVATOR CO.

Petition for Temporary Exemption From Motor Vehicle Safety Standard

Otis Elevator Company's Special Vehicle Division of Stockton, California, manufactures a small three-wheel vehicle. It has applied for a temporary exemption from the stopping distance requirements of Motor Vehicle Safety Standard No. 122, *Motorcycle Brake Systems*, on the basis that compliance

would cause it substantial economic hardship.

The Otis vehicle is sold "primarily to municipalities and institutions for use in police work, trash collection, and related special purpose utility applications". In the 12-month period ending June 30, 1974, when production was interrupted by a strike, the company sold 311 on-road three-wheel vehicles. Depending upon end configuration the curb weight of these vehicles varies from 950 pounds to 1500 pounds, and its top speed from 26 mph to 39 mph.

Otis requests the exemption for the maximum 3 years, until January 1, 1978. Tests to date indicate that the Otis vehicle exceeds by "no more than ten percent . . . the distances specified in Standard 122 [for a] vehicle to be stopped from a speed of 30 mph in 54 feet (first effectiveness) and in 43 feet (second effectiveness)." During the period of the exemption Otis would continue its explorations "with two major brake suppliers in an effort to design a brake using the present configuration of the vehicle which will meet the 122 requirements." Estimated tooling and redesign costs are approximately \$100,000, creating a retail price "increase of \$488 . . . to recoup redesign and retooling costs in one year." The company does not explain why it is necessary to amortize costs on a one-year basis.

Otis' net income in the year ended December 31, 1973, was over \$40 million. Hardship is faced, not by the Corporation as a whole, but by its Special Vehicle Division, which is represented as suffering a loss in 1974. The company projects a divisional loss for 1975 of \$258,600 if its petition is denied, "and operations of the entire Division may have to be discontinued". The Administrator is also urged to consider that a denial could mean loss of employment of 110 people in the Stockton area where unemployment already exceeds the national average.

Interested persons should note that if the proposed redefinition of motorcycle (38 FR 12818) is adopted the Otis vehicle, which has a full or partial enclosure for the driver, would no longer be categorized as a motorcycle and Standard No. 122 would be inapplicable.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Otis Elevator Company described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: March 31, 1975.

Proposed effective date: Date of issuance of exemption.

(Sec. 3 Public Law 92-548, 86 Stat. 1159, 15 U.S.C. 1410; delegation of authority at 49 CFR 1.61 and 49 CFR 508.1)

Issued on February 24, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc. 75-5336 Filed 2-27-75; 8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26487; Order 75-2-87]

TRANSATLANTIC, TRANSPACIFIC, AND LATIN AMERICAN MAIL RATES

Order Fixing Temporary Rates

Issued under delegated authority February 21, 1975.

By Order 75-2-3, dated February 3, 1975, the Board directed the parties to show cause why the Board should not establish for the period on and after March 8, 1974, the temporary international mail rates as set forth in Appendix A.¹

For clarification, as requested by the U.S. Postal Service in its technical objection filed February 18, 1975, the temporary service mail rates set out in Appendix A for effectiveness on and after March 8, 1974, are inclusive of increased fuel costs and no fuel surcharge is applicable thereto.² Therefore, the technical objection is moot.

Accordingly, the time designated for filing notice of objection has elapsed, and no notice of objection or answer to the order has been filed by any party. All parties have therefore waived the right to a hearing and all other procedural steps short of a final decision by the Board.

Upon consideration of the record, the findings and conclusions set forth in said Order are hereby reaffirmed and adopted.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204 and 406 thereof, and the regulations promulgated in

¹ In Appendix A, attached hereto, minor technical corrections are reflected in the all other mail and MOM rates for the U.S.-South America, Latin American rate area.

² This order and the temporary rates fixed herein supersede the temporary rates established by Order 74-10-125, October 24, 1974.

14 CFR Part 302, and the authority duly delegated by the Board in its organization regulations, 14 CFR 385.16(g):

It is ordered, That: 1. On and after March 8, 1974, the fair and reasonable temporary rates of compensation to be paid to the carriers by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith for the services and in the rate areas specified are those set forth in Appendix A, attached hereto;³

2. The terms and conditions applicable to the transportation of each class of mail at the rates established herein shall be those set forth in Order 68-9-8, September 4, 1968, as amended, for MOM; Order 68-9-9, September 4, 1968, as amended, for transatlantic and transpacific mail; and Order 69-10-149, October 30, 1969, as amended, for Latin American mail; and the mail ton-miles shall be based upon nonstop great-circle ton-miles in accordance with Order 73-4-16, April 3, 1973;

3. The temporary service mail rates established herein shall be paid in their entirety by the Postmaster General and shall be subject to retroactive adjustment to March 8, 1974, as may be required by the order establishing final service mail rates in Docket 26487; and

4. This order shall be served upon Air-lift International, Inc., Alaska Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line, Inc., Hughes Air Corp., d/b/a Hughes Airwest, Mackey International, Inc., National Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., the Postmaster General, the Department of Defense and the Department of Transportation.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may do so within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

³ This order is not intended to disturb other service or subsidy mail rates established, or to be established, by separate order of the Board.

APPENDIX A—Temporary international service mail rates per nonstop great-circle ton-mile effective on and after Mar. 8, 1974

[Cents per mail ton-mile]

Geographic rate areas ¹	Temporary rate base ²		Proposed temporary rate increase ³		Temporary rates on and after Mar. 8, 1974	
	All other mail ⁴	MOM	All other mail ⁴	MOM	All other mail ⁴	MOM
Atlantic rate area:						
(1) United States—Europe/Mediterranean.....	32.42	21.95	6.05	7.57	38.47	29.52
(2) United States—Africa.....	33.78	22.75	6.30	7.85	40.08	30.60
(3) United States—Middle East.....	33.41	22.79	6.23	7.85	39.64	30.61
Latin American rate area:						
(1) United States—South America.....	34.06	22.22	21.43	7.66	55.49	29.89
(2) United States—Central America.....	33.50	23.59	21.08	8.11	54.58	31.61
(3) United States—Caribbean.....	34.43	22.11	21.66	7.63	56.09	29.74
Pacific rate area:						
(1) United States—Orient.....	29.65	22.28	5.25	7.09	34.9	29.97
(2) United States—South Pacific.....	30.59	26.35	5.41	9.09	36.0	35.44
(3) United States—Southeast Asia.....	30.04	22.71	5.32	7.53	35.36	30.54

¹ As defined in appendices A, B, C, and D page 2 in Order 73-4-16.

² Exclusive of fuel surcharge established by Order 74-10-125, October 24, 1974.

³ Temporary rates pursuant to appendix D of Order 73-4-16 and based on a rate per standard ton-mile for MOM of 21.84 cents; and for all other mail (mail for which rates are not elsewhere established) of 32 cents for Atlantic services, 32.5 cents for Latin American services, and 28.5 cents for Pacific services.

⁴ Other than SAM and mail for which rates are elsewhere established.

⁵ Computed at the following percentage increase (a) Transatlantic 18.66 percent; (b) Latin American 62.92 percent; (c) Transpacific 17.7 percent; and (d) MOM 34.5 percent worldwide.

[FR Doc.75-5278 Filed 2-27-75; 8:45 am]

[Docket No. 27499]

AIR NAURU, NAURU/TRUST TERRITORY/ GUAM/OKINAWA/JAPAN

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on March 18, 1975, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge William A. Kane, Jr.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before March 10, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C. February 24, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-5380 Filed 2-27-75; 8:45 am]

[Docket No. 27498]

CESKOSLOVENSKÉ AEROLINIE, CZECHOSLOVAK-U.S. SCHEDULED SERVICE

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on March 17, 1975, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge E. Robert Seaver.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before March 7, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., February 24, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-5379 Filed 2-27-75; 8:45 am]

[Dockets Nos. 25513, 26494; Order 75-2-102]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of February 1975.

In the matter of Docket 25513, Agreement C.A.B. 24663, R-1 through R-2; Agreement C.A.B. 24666, R-1 and R-2; Docket 26494, Agreement C.A.B. 24903, R-1 and R-2; Agreement C.A.B. 24943, R-1 and R-2.

By Order 74-12-49 (December 13, 1974) the Board approved fuel-related increases in most U.S.-Mexico fares adopted by the carrier members of the International Air Transport Association (IATA), and deferred action on similar IATA agreements proposing increases in U.S.-Caribbean, U.S.-Central/South America (long-haul) and U.S. west coast-Mexico fares, pending receipt of additional data from the U.S. carriers with respect to each Western Hemisphere market area.

In the case of the Caribbean and Central/South America fares, the Board concluded that it was unable to determine from the original carrier justifications whether fare increases were, in fact, justified at that time.¹ In the case of

¹ In some cases, the forecasts appeared to include anticipatory cost increases. In others, the forecast was not supported by historical background data, thereby making it difficult to ascertain the degree to which forecast operating costs were based on actual increases in unit costs as opposed to fluctuations in operational levels. Moreover, a comparison of

U.S.-Mexico fares, data reported in Form 41 Statistical Market Reports made it possible to verify the carriers' submissions on the basis of historical experience. Our analysis indicated that, with the exception of Western Air Lines, Inc. (Western), none of the U.S. carriers serving Mexico was realizing excess earnings, and that their future return position would be eroded by actual, experienced increases in fuel costs which would not be fully recovered by the higher fares. On this basis, the Board approved the increases in U.S.-Mexico fares other than those to/from the west coast, subject to evaluation of additional data to be supplied by the carriers. However, Western, the only U.S. carrier serving west coast-Mexico markets, realized a return on investment of approximately 20 percent during the year ended September 30, 1974. For this reason the Board was unable to conclude that increases in U.S. west coast-Mexico fares were justified, and accordingly action was deferred pending submission of additional data from Western in the same format as that required of the other carriers.

As noted, the proposed fare increases in all three Western Hemisphere areas are predicated on a continuing escalation in fuel cost. The Board's evaluation of past fuel-related fare increases has essentially rested on two factors: (1) a comparison of the proposed increase with the actual, experienced increase in fuel cost at the carrier's forecast level of operations; and (2) the overall financial position of each carrier in a given market, i.e., would approval of the fare increase place the carrier in an excess-earnings position. In Order 74-12-49, however, the Board stated that the apparent leveling off in fuel prices indicates there is no further need for the carriers to resort to the "fuel surcharge" technique of cost recovery, and that fuel cost should henceforth be treated as any other item of carrier cost. Thus, our evaluation of the instant agreements turns on each carrier's overall earnings position, as well as the composite results of the U.S. carriers in each market area.

The carriers have submitted the data requested by Order 74-12-49 in the format prescribed and the Board has completed its evaluation. See Appendices A through C² for details of the carriers' submissions and adjustments which have been made by the Board.

U.S.-MEXICO (EXCLUDING U.S. WEST COAST)³

A summary of the carriers' return on investment, as submitted and as adjusted by the Board, is as follows:

the historical data which had been supplied with Form 41 reports for Latin American Division services disclosed discrepancies which could not be reconciled with the information available to the Board.

² Appendices A, B, and C are filed as part of the original document.

³ The fare increase equals six percent of the one-way normal economy fare applied to all fares in the structure. Round-trip fares would be increased by twice the amount applicable to one-way fares.

Rate of return on investment

(In percent)

	Year ended Sept. 30, 1974		Year ending Sept. 30, 1975 ¹	
	Carrier Adjusted		Carrier Adjusted	
American.....	4.6	5.8	1.2	22.4
Eastern.....	3.7	2.0	4.6	5.7
Braniff.....	12.5	15.0	9.0	11.5
Pan American.....	(20.6)	(11.9)	(8.1)	1.4
Composite.....	3.8	3.9	3.4	11.4

¹ At higher fares approved in Order 74-12-49, implemented January 1, 1975, and reflecting escalations in unit costs over those experienced in year ended September 30, 1974.

The Board adjusted the carriers' historical results to comport with data on file in the Form 41 reports, the major changes involving taxes and investment.² In addition, the sum total of Pan American's revenues and expenses submitted for the three areas (plus U.S. territorial operations) differs substantially from total LAD data reported in Form 41. For example, Pan American's justification shows total operating revenues of \$288,555,000 for the year ended September 30, 1974, yet LAD operating revenues were reported in Form 41 as \$344,030,000 for the same period, and similar discrepancies exist in expenses and investment. Accordingly, the Board has adjusted its data to reflect the Form 41 level of operations allocated to each market area on the basis of Pan American's justification.³ In the case of all carriers, adjusted forecast results were derived from adjusted historical results, increased or decreased by the percentage change forecast in each item by the respective carriers.

This analysis indicates that the carriers' respective return positions were generally understated in both the historical and forecast periods and, with the exception of Braniff, that their financial position can be expected to improve in the forecast year as a result of a proportionately greater increase in traf-

² The format prescribed in Order 74-12-49 specified income taxes at 48 percent; taxes listed by the carriers at that level in their present justifications have been adjusted to reflect the reported Form 41 tax rates for Latin American Division (LAD) income. Likewise, investment figures were adjusted to reflect LAD investment figures published by the Board, allocated to Mexico on the basis of each carrier's justification. See Appendix A.

³ Pan American states that passenger charter revenues have been excluded, but this amounts to only \$10.2 million. We would also note that Pan American's LAD costs appear to be significantly higher than other carriers', which raises a substantial question whether these expenses meet the tests of reasonableness and need under efficient and economic management. Cf. *Mainland U.S.-Puerto Rico/Virgin Islands Fares*, Order 74-10-78, decided October 15, 1974. In view of the fact that American's costs, as adjusted, are understated (See Note 6 *infra*) and the short period of effectiveness of the agreement, we will accept PAA's cost levels for present purposes. However, we will expect a justification of PAA's cost levels in connection with any future U.S.-Mexico fare agreement.

fic and revenues, at the higher fares, than in costs.⁴ In the case of Braniff the situation will be in reverse. Nevertheless, with the exception of American, it appears that none of the individual carriers will achieve a return on investment above the Board's 12 percent guideline during the forecast period, and that the four carriers combined should achieve a composite return of 11.4 percent. Accordingly, the Board finds that continued approval of the fare increases previously approved in Order 74-12-49 is warranted, and reaffirms the conclusions set forth therein. At the same time, however, the level of return forecast for the upcoming year indicates that a further material increase in U.S.-Mexico fares could not be justified at this time.

U.S. WEST COAST-MEXICO*

Western's return on investment, as submitted and as adjusted by the Board, is as follows:

Rate of return on investment (In percent)		
	Carrier	Adjusted
Year ending Sept. 30, 1974.....	18.6	30.0
Year ending Sept. 30, 1975:		
Present fares.....	9.2	10.0
Proposed fares.....	10.4	11.3

We have made relatively minor adjustments in Western's historical data to accord with that reported in the Form 41, and the resulting figures have been re-

⁴ American's adjusted ROI of 22.4 percent reflects a total disallowance of its estimated cost escalation and as a result is probably overstated. American assumed continuation through the forecast period of the 22.7 percent increase in unit costs experienced in the year ended September 30, 1974 over the previous year. In the absence of information on its experience the Board had no choice but to disregard the entire amount as anticipatory even though some portion may represent legitimate known costs increases.

⁵ The increase for west coast points is proposed on the same basis as the previously approved increase in other U.S. markets, i.e., increases to one-way fares would be six percent of the applicable one-way economy fare, and to all round-trip fares, twice the amount applicable to one-way fares.

(In percent)						
Year ended Sept. 30, 1974			Year ending Sept. 30, 1975			
Carrier	Adjusted		Present fares		Proposed fares	
			Carrier	Adjusted	Carrier	Adjusted
Braniff.....	5.6	12.6	8.8	11.6	12.3	16.4
Pan American.....	.04	8.9	.4	5.6	3.3	7.9
Composite.....	4.5	6.9	4.0	7.5	7.1	10.6

As in the case of our assessment of the proposed fares for service to Mexico, the carriers' statements of historical results have been modified to comport with reported Form 41 data. This involved a major adjustment in Pan American's data, as indicated earlier, in line with

reflected in its forecast return on investment. This analysis shows that Western is currently experiencing very profitable results in its U.S.-Mexico operations, consistent with the historical pattern, and although it predicts a substantial decline in ROI over the forecast period, would still enjoy quite respectable earnings. Moreover, a substantial portion of the forecast decline in Western's position may be attributed to its forecast drop in load factor from 62.8 to 58.7 percent. The Board is not convinced by Western's allegations in this regard that ROI will actually decline below the 12 percent benchmark. Such a marked turnaround in operating results, particularly an absolute decline in traffic, is questionable, in view of past history in these markets, as a basis for a fare increase. In any event, Western's present earnings are adequate, and it does not appear that a fare increase in the west coast-Mexico market is warranted at this time.

Separate IATA agreements have been filed providing for new individual inclusive tour (IIT) fares to replace current group inclusive tour (GIT) fares between U.S. midwest and east coast points, on the one hand, and points in Mexico, on the other.⁶ The fares are proposed at levels equal to the present GIT fares to/from east coast points and at levels 10-12 percent above present GIT fares to/from midwest points.⁷ These agreements will be dealt with by subsequent order, and accordingly the Board will defer action at this time.

U.S.-CENTRAL/SOUTH AMERICA*

The returns on investment, as submitted by Braniff and Pan American and as adjusted, are as follows:

⁶ Present GIT fares will remain in effect in the Buffalo/Cleveland/Syracuse-Mexico markets.

⁷ Action was deferred on Agreement C.A.B. 24805, R-1 and R-2, in Order 74-12-105 (December 27, 1974). Additional agreements have since been filed extending these revisions to other points.

⁸ U.S.-Central/South America one-way and round-trip first-class fares would be increased by seven percent; all other one-way fares would be increased by a dollar amount equal to eight percent of the applicable specified one-way economy fare from Miami and round-trip fares would be increased by twice the amount applicable to one-way fares.

that carrier's reported Form 41 operations for its total Latin American Division, the allocation to the long-haul market being based on the relationship between the three hemisphere areas in the carrier's justification. The adjusted historical results were increased or de-

creased for the forecast year by the particular percentage change in each item forecast by the carrier. On this basis, Pan American's return position can be expected to improve somewhat absent the proposed fare increase, while Braniff's can be expected to decline. At the higher fares, both carriers can be expected to realize a significant improvement in return on investment. Braniff will realize earnings above the 12 percent guideline. However, it does not appear that, on a composite basis, the U.S. carriers serving Central/South America will realize excess earnings.¹⁰ Accordingly, the Board is of the opinion that the fare level proposed in the instant agreement is not unreasonable, and that approval is warranted. Again, however, all available data indicate that no further increase would be justifiable in this market for the year immediately ahead.

U.S.-CARIBBEAN¹¹

The following table summarizes the carriers' return on investment, as submitted and as adjusted:

¹⁰ Some uncertainty remains regarding the balance of Braniff's profits between Mexico and Central/South America. In its initial

(In percent)

	Year ended Sept. 30, 1974		Year ending Sept. 30, 1975			
	Carrier	Adjusted	Present fares		Proposed fares	
			Carrier	Adjusted	Carrier	Adjusted
American	11.8	20.7	(2.9)	23.0	(2.4)	23.4
Eastern	(9.1)	(19.6)	(10.9)	(23.8)	(8.6)	(19.5)
Pan American	(17.4)	(9.3)	(20.5)	(8.4)	(18.4)	(6.6)
Composite ¹	(9.9)	(10.5)	(12.6)	(10.9)	(10.1)	(8.2)

¹ Delta has submitted data similar to that supplied by the other carriers, but its exclusion of Puerto Rico/Virgin Islands operations precludes verification of its data. Moreover, Delta's share of the Caribbean market is insignificant compared to the other three carriers, and exclusion of the results has a minimal effect on the U.S. carriers' composite position.

As in the case of other market areas, significant adjustments involving taxes and investment were made to comport with total LAD figures as reported in the Form 41, and allocated to Caribbean operations according to relationships derived from the carriers' justifications. In the case of Pan American those adjustments to operating revenues and expenses previously described were again made. Likewise, American again applied the same methodology on cost escalation previously described in connection with its support for fares to/from Mexico, and for the same reasons the Board has eliminated this cost escalation in its entirety. It is again recognized that the resulting adjusted return on investment is to some unknown degree overstated.

Nevertheless, it appears that on a composite basis carriers are currently experiencing large operating losses in their Caribbean service. They have experienced a significant escalation in unit costs, and it can be expected that their

justification submitted for the fare increases considered herein, Braniff forecast ROI's of (0.1) percent in Mexico and 25.6 percent in Central/South America. Now, however, Braniff forecasts a Mexico ROI of 9.0 percent and a long-haul ROI of 12.3 percent (11.5 and 16.4 percent, respectively, as adjusted by the Board). To the extent Braniff's figures can be verified by reference to accepted historical data, the latter forecast appears more reasonable, and is more consistent with Braniff's statements of earnings in past years in the two areas. The forecast decline in Braniff's return position from historical levels results from the fact that Braniff's revenue improvements under the new fares will fall short of covering its cost escalations.

As noted previously, Pan American's LAD costs are significantly higher than other carriers', and this relationship is apparently reflected in the difference between Pan American's and Braniff's ROI positions in Central/South America. We expect Pan American to specifically address these differences in future Western Hemisphere fare justifications.

¹¹ U.S.-Caribbean fares are proposed to be increased four percent, except that no increase would apply to travel between Baltimore/Boston/Hartford/New York/Philadelphia/Providence/Washington, D.C.-Bermuda/Bahamas and between New York and Port-au-Prince. Florida-Bahamas fares would be increased six percent, and the dollar increase for Miami-Jamaica/Venezuela fares would apply to Los Angeles/San Francisco-Jamaica/Venezuela fares.

collective earnings will decline during the year ahead, absent the proposed fare increase. The Board therefore concludes that fares increased in the magnitude proposed are not unreasonable.

Pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a) and 412 thereof, the Board makes the following findings:

(1) It is found that the following resolutions, to the extent they would establish fares between Los Angeles, San Diego, Portland and Seattle, on the one hand, and Mexico City and Acapulco, on the other hand, are adverse to the public interest and in violation of the Act:

Agreement C.A.B.

24663:

R-1 _____ IATA resolution
100 (Mail 962) 001b.

R-2 _____ 100 (Mail 962) 005v.

(2) It is not found that the following resolutions are adverse to the public interest or in violation of the Act:

Agreement C.A.B.	IATA No.	Title	Application
24666:			
R-1.....	0081	(Expedited) General Increases in Passenger Fares (New).....	1 (Caribbean).
R-2.....	003	(Expedited) General Increases in Passenger Fares (New).....	1 (Central/South America).

Accordingly, it is ordered, That:

1. Those portions of Agreement C.A.B. 24663, R-1 and R-2, set forth in finding paragraph (1) above, be and hereby are approved;

2. Those portions of Agreement C.A.B. 24666, R-1 and R-2, set forth in finding paragraph (2) above, be and hereby are approved;

3. Action be and hereby is deferred with respect to Agreements C.A.B. 24903, R-1 and R-2, C.A.B. 24943, R-1 and R-2; and

4. Tariffs implementing Agreement C.A.B. 24666, R-1 and R-2, shall be marked to expire not later than March 31, 1975.

This order will be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

[SEAL] **PHYLLIS T. KAYLOR,**
Acting Secretary.

[FR Doc.75-5382 Filed 2-27-75;8:45 am]

[Docket No. 27037]

OZARK AIR LINES, INC., DELETION OF CLINTON, IOWA

Postponement of Prehearing Conference

At the request of Counsel for Ozark Air Lines, Inc., and good cause appearing, the prehearing conference now scheduled for February 25, 1975, (40 FR 3239, January 20, 1975) is postponed to March 4, 1975, to be held at 10 a.m. (eastern daylight time), in Room 911, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned.

Dated at Washington, D.C., February 24, 1975.

[SEAL] **RICHARD M. HARTSOCK,**
Administrative Law Judge.

[FR Doc.75-5378 Filed 2-27-75;8:45 am]

[Docket No. 26933; Order 75-2-100]

PAN AMERICAN WORLD AIRWAYS, INC. CONTROL RELATIONSHIPS; ORDER DEFERRING ACTION

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of February 1975.

Application of Pan American World Airways, Inc., for approval of control and interlocking relationships involving Air Carrier Supply, Inc., under sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

By application filed August 8, 1974,¹ Pan American World Airways, Inc. (Pan American), requests that the Board ap-

prove without a hearing, pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), to the extent necessary, the control relationships resulting from the acquisition by Pan American of 20,000 to 25,000 shares of Air Carrier Supply, Inc. (ACS), under an exclusive consignment-for-sale agreement between the parties. The applicant also requests that the Board approve, pursuant to section 409 of the Act, representation on the ACS board of directors by at least one person nominated by Pan American in accordance with the provisions of the agreement.²

Basically the agreement between Pan American and ACS, dated March 7, 1974, provides for the capitalization and issuance of ACS stock, and sets forth the terms of their consignment arrangement regarding Pan American's inventories of serviceable and/or repairable commercial jet aircraft spare parts, engine spare parts, and related support equipment.

With respect to the capitalization of ACS, the agreement provides for the issuance of a total of 100,000 shares as follows: Of a total of 40,000 shares reserved for air carrier/consignors, Pan American will be entitled to have issued to it either 20,000 shares, if there are three or more initial participating carriers (including Pan American), or 25,000 shares, if there are not more than two initial participating carriers,³ and the remainder will be reserved for other consignors of material; an additional 23,000 shares which have been issued to founders and key employees of ACS; and the remaining 37,000 shares, which have been issued to a limited group of private investors for an aggregate price of \$750,000 to provide ACS with working capital. In addition, the private-investor group has guaranteed ACS a line of credit with the First National Bank of Miami in the amount of \$750,000 which, when drawn upon, will entitle the guarantors to subordinated notes of ACS in similar amounts.

With respect to the subject material, the agreement provides for the consignment by Pan American to ACS and the sale by ACS, as the sole and exclusive marketing and sales organization, of certain existing and future inventories of serviceable and/or repairable commercial jet aircraft spare parts, engine

² Pan American represents that it will not nominate any person to the ACS board of directors prior to securing any necessary Board approval thereof.

³ A precondition of Pan American's acquisition of ACS stock under the agreement establishes Mar. 1, 1975 as the deadline for the air carrier to notify ACS of the Board's action. Air carriers which become stockholders in ACS after this date are not deemed to be initial participants.

spare parts, and related support equipment.⁴ Under the agreement, title to all material consigned by Pan American to ACS will remain in Pan American until shipped or transferred to a purchaser, and Pan American may not sell, other than through ACS, aircraft spare parts and related support equipment.⁵ ACS will pay Pan American 50 percent of the new sales price, if Pan American is a stockholder in ACS, or 60 percent if the air carrier is not a stockholder in ACS, subject to review and adjustment within 90 days of the closing of ACS' 1977 fiscal year. The term of the agreement extends for a period of 5 years commencing on May 1, 1974.

Pursuant to the agreement, Pan American in 1974 consigned surplus spare parts for aircraft and engines having a value of approximately \$9 million based on average acquisition cost. Of the material so consigned an amount having a value of approximately \$200,000 has been sold by ACS. Pan American estimates that it will consign spare parts to ACS in the amounts of \$18 million in 1975, and \$3 million in each of the 3 successive years. According to the applicant, no other air carriers have consigned materials to ACS during 1974, and no commitments in this regard presently exist.

Under the agreement Pan American will make "accommodation sales" to ACS at the former's acquisition price plus 25-percent premium, and provide technical assistance to ACS in the form of documentation, technical personnel, and computer services at prices to be mutually agreed upon.

During 1974 neither Pan American nor any other air carrier made any accommodation sales or rendered technical assistance to ACS. For the year 1975, Pan American speculates that it may make accommodation sales to ACS in the amount of \$200,000, and render only minimal technical assistance.

In support of the application Pan American states that material consigned or to be consigned to ACS is deemed by the air carrier to be in excess of its requirements; that the use of ACS, as a specialized marketing and sales organization, would afford Pan American a more efficient and advantageous means for disposal of its surplus spare parts than if it were to dispose of them as it has done in the past; and that the commission rates specified in the agreement were established as the result of

⁴ ACS contemplates that it may be designated as the exclusive consignee for other air carrier/consignors.

⁵ Excepted from this restriction on Pan American are sales of such material made (a) pursuant to agreements entered into prior to execution of the subject agreement; (b) to any manufacturer in conjunction with the purchase of aircraft, engines, or other equipment; (c) to other air carriers as an aircraft on the ground (AOG) accommodation; (d) pursuant to aircraft maintenance agreements; and (e) pursuant to airline pooling agreements.

¹ The application was supplemented by letters of Dec. 18, 1974 and Feb. 6, 1975.

business negotiations and relate to accepted industry practices in the parts business. The applicant further states that the duration of the contract was based upon a projected surplus material generation, as indicated by its projected operating plans for a 5-year period.

No comments or request for a hearing have been received.

Upon consideration of the application, the Board tentatively concludes that Pan American's acquisition of 20 or 25 percent of the ACS' contemplated stock issue should be approved, to the extent necessary, pursuant to section 408 of the Act. The acquisition does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and the Board concludes that the public interest does not require a hearing.

Further, it appears that Pan American's acquisition of a stock interest in ACS and its use of ACS as a specialized marketing vehicle for such material would afford the air carrier an efficient means for disposing of its surplus spare parts upon advantageous terms. In addition, the relationship herein is similar to others authorized by the Board.⁷ We tentatively find, therefore, that the intercompany relationships will not be inconsistent with the public interest and that the conditions of section 408 will not be otherwise unfulfilled.

With respect to the consignment arrangements between Pan American and ACS, it appears that the agreement was entered into as a result of arm's-length negotiations. However, the Board recognizes that the consignment-for-sale provisions of the agreement is to continue for a period of 5 years beginning on May 1, 1974 and hence will be operative beyond the date of this application and Board's action thereon. In this connection, the Board further notes that the commission rates under the terms of the agreement are subject to review and adjustment by the parties within 90 days of the closing of ACS' 1977 fiscal year. A modification of the agreement in this respect may substantially alter the existing payments schedule, and unlike the basic agreement, would not be negotiated at arm's length. In these circumstances, the Board will require that any modification of the agreement with respect to the payments schedule be submitted to the Board for approval prior to its becoming effective.

The Board further notes that, while, for the present, Pan American is the only air carrier with which an agreement for

the acquisition of ACS stock and for the consignment of spare parts has been reached, the agreement also contemplates that ACS may enter into similar stock acquisition and consignment arrangements with other air carriers consistent with the terms of the agreement. Hence it appears that changes in the ownership of ACS stock, contemplated by the agreement, may occur by reason of additional air carriers' acquisition of such stock. Should such changes in ownership of ACS occur, or should other air carriers enter into a similar consignment agreement with ACS as contemplated by the terms and conditions of the consignment agreement with Pan American, new issues may arise under section 408 and/or section 412 of the Act which would require further submissions to the Board. Similarly, should ACS, directly or indirectly, engage in any additional activities which may be deemed independently as coming within the scope of section 408, further filings with the Board would be required. In addition to the consignment arrangement between Pan American and ACS, the agreement contemplates both technical assistance to be provided by Pan American to ACS, and accommodation sales (AOG) of parts and equipment by Pan American to ACS. It is the Board's intention to attach to its final order of approval an appropriate reporting requirement with respect to such intercompany transactions aggregating \$250,000 or more in any calendar year.⁸ The Board also intends to retain jurisdiction over this proceeding.

With respect to applicant's request that the Board approve, pursuant to section 409 of the Act, the representation on the ACS board of directors by at least one person nominated by Pan American in accordance with their agreement, it appears that the contemplated interlocking relationships would come within the provisions of Part 287 of the Board's Economic Regulations upon final approval by the Board of its tentative decision herein.

In accordance with section 408(b) of the Act, this order constituting notice of the Board's tentative findings and proposed action will be published in the *FEDERAL REGISTER*, a copy thereof will be furnished the Attorney General, and interested persons will be afforded an opportunity to file comments with respect to the Board's proposed action on the application.

Accordingly, it is ordered, That:

1. Board action with respect to Pan American's acquisition of its stock interest in Air Carrier Supply, Inc., as described herein, be and it hereby is deferred;

2. Interested persons are hereby afforded a period of 15 days from date of service of this order within which to file comments with respect to the Board's

⁷ The benchmark of reportable transactions has recently been extended by the Board from \$100,000 annually to \$250,000. See Edward E. Carlson and United Air Lines, Inc. and UAL, Inc., order 74-6-90, June 18, 1974 and Charles T. Fisher III and American Airlines, Inc., order 74-5-117, May 23, 1974.

proposed action on the application in docket 26933;⁹ and

3. The Attorney General of the United States shall be furnished a copy of this order within 1 day of publication.

This order shall be published in the *FEDERAL REGISTER*.

By the Civil Aeronautics Board.

[SEAL]

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.75-5381 Filed 2-27-75; 8:45 am]

COMMISSION ON CIVIL RIGHTS GEORGIA 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 Georgia State Advisory Committee (SAC) to this Commission will convene at 2 p.m. on March 21, 1975, at the Regency Hyatt House, 265 Peachtree Street, N.E. Essex Room 30303.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303.

The purpose of this meeting is to review the Georgia Prison Project and plan programmatic activity for fiscal year 1976.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 25, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee
Management Officer.

[FR Doc.75-5356 Filed 2-27-75; 8:45 am]

ILLINOIS 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 Illinois State Advisory Committee (SAC) to this Commission will convene at 1 p.m. on March 22, 1975, at 230 South Dearborn Street, 32nd floor, Chicago, Illinois 60604.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to develop a project proposal on Revenue sharing as it relates to community development, education and employment. Discuss possible cities and/or counties of the state that may be involved in the project.

⁹ Comments shall conform to the requirements of the Board's rules of practice for filing comments. Further, since an opportunity to file comments is provided for, petitions for reconsideration of this order will not be entertained.

⁸ Such sales involve material in the air carrier's inventory which is not required in connection with its own operation or in performance of commitments to a third party, when AOG is involved and the material is not available to ACS from its inventory or from an approved source.

⁹ Cf. Pan American World Airways, Inc., orders 72-8-10, Aug. 3, 1972, and 72-8-106, Aug. 24, 1972.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 25, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management
Officer.

[FR Doc.75-5359 Filed 2-27-75; 8:45 am]

INDIANA 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 Indiana State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on March 22, 1975, at Calumet College, Conference Room, East Chicago, Indiana 46312.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is the release of Migrant Report-Migrant Assembly Conference Lake County Study Planning.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 25, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.75-5360 Filed 2-27-75; 8:45 am]

NEW HAMPSHIRE 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 New Hampshire State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on April 16, 1975, at the New Hampshire Highway Hotel, Concord, New Hampshire 03301.

Persons wishing to attend this meeting should contact the Committee Chairman or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss problems of Puerto Ricans and other Hispanic Americans in the Nashua Manchester area and follow-up to EEO project on employment in the city of Manchester.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 25, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.75-5361 Filed 2-27-75; 8:45 am]

WEST VIRGINIA 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 West Virginia State Advisory Committee (SAC) to this Commission will convene at 1 p.m. on March 20, 1975, at West Virginia State College, 227 Wallace Hall, Institute, West Virginia.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, N.W., Washington, D.C. 20037.

The purpose of this meeting is to discuss civil rights issues in the state.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 25, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.75-5362 Filed 2-27-75; 8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Deletion

Notice of proposed deletion from Procurement List 1975, November 12, 1974 (39 FR 39964) was published in the FEDERAL REGISTER on November 22, 1974 (39 FR 40973).

Pursuant to the above notice the following commodities are deleted from the Procurement List.

CLASS 6532

Cap. operating, surgical (disposable) (IB), 6532-00-250-5041, 6532-00-250-5042, 6532-00-122-0468.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-5365 Filed 2-27-75; 8:45 am]

PROCUREMENT LIST 1975

Notice of 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 commodities to Procurement List 1975, November 12, 1974 (39 FR 39964).

CLASS 7530

Pad, writing paper, 7530-00-285-3090, GSA, Region 5; 7530-00-239-8479, GSA, Region 2; 7530-00-285-3083, GSA, Region 7.

Comments and views regarding these proposed additions may be filed with the Committee not later than 30 days after the date of this Federal Register. 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.75-5366 Filed 2-27-75; 8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

HAZARDS FROM TELEVISION RECEIVERS

Proceeding To Develop Safety Standard

The Consumer Product Safety Commission has preliminarily determined (1) that certain hazards associated with television receivers (TVs) present an unreasonable risk of death or injury and (2) that one or more consumer product safety standards are necessary to eliminate or reduce those unreasonable risks.

The Commission has identified four categories of hazards associated with TVs. They are fire, electric shock, picture tube implosion and external mechanical failure or inherent mechanical hazards.

A fire hazard in a TV may result from:

... arcing or overheating of components in conjunction with flammable materials; material breakdown under electrical stress (dielectric material failure) possibly caused by energy storage devices remaining charged after the TV supply source is disconnected or inadequate electrical ratings and physical spacings; and by failure of external TV components such as electrical power supply and remote control cords and electrical power interlocks.

An electric shock hazard in a TV may result from component failures that permit accessible metal components to become energized with electrical energy referenced to earth ground, and TV design practices that do not dissipate residual electrical energy after the TV electrical supply source is disconnected.

An implosion hazard in a TV may result from the scattering of fragments, including glass, molten, hot or burning materials and debris during a picture tube implosion (a rapid and sudden inward collapse of the picture tube).

A mechanized hazard in a TV or integrated accessory may result from failure of TV handles, unstable configuration of the TV on an integrated stand or on stands commonly used, or from sharp points and sharp edges. The Commission recognizes that sharp points and sharp edges are not peculiar to TV sets and are associated with furniture in general, but asks the offeror to address these hazards in as reasonable a way as is practicable during the standards development process.

Accordingly, pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056), this notice commences a proceeding for the development of a consumer product safety standard applicable to hazards from television receivers.

The development period prescribed in the Consumer Product Safety Act for a

standard, ends 150 days after publication in the FEDERAL REGISTER of a notice of proceeding to develop a safety standard. The Commission may, however, extend the development time if it finds for good cause that a longer period of time is appropriate. Any such extension would be announced by notice in the FEDERAL REGISTER. The development period of this standard ends on July 28, 1975. The Commission recognizes, however, the complexity of this product and explicitly asks offerors to submit their best estimate of the development time, with justification for any estimate departing from the prescribed 150-day period.

Persons interested in submitting existing standards or offering to develop a standard must follow the regulations (16 CFR 1105 issued under section 7 of the Act) concerning the submission of existing standards, offers to develop standards, and the development of standards. Relevant portions of the procedures prescribed by Part 1105 for submitting an existing standard as a proposed consumer product safety standard or offering to develop a consumer product safety standard are included below (sections C through G).

Part 1105 was promulgated in the FEDERAL REGISTER of May 7, 1974 (39 FR 16206). Copies may be obtained from the Office of the Secretary, Consumer Product Safety Commission, 1750 K Street, N.W., Washington, D.C. 20207 (Phone 202-634-7700).

In accordance with Section 7(b) of the Act and the regulations (16 CFR Part 1105) issued under Section 7 of the Act, this notice (1) identifies the product and the nature of the risks of injury associated with the product, (2) is based on a determination that a consumer product safety standard is necessary to eliminate or reduce the risks of injury, (3) includes information with respect to existing standards known to the Commission that may be relevant to this proceeding, and (4) invites any person to submit an existing standard as a proposed consumer product safety standard or to submit an offer to develop a proposed consumer product safety standard applicable to hazards from television receivers as identified above.

A. Nature of the Risk of Injury. Information about the associated injuries which indicated a need for remedial action includes:

1. Hearings of the National Commission on Product Safety, 1968-1970: Volume 8 (pp. 1-116.99) and final Report (pp. 13-14).

2. Data presented in the notice published in the FEDERAL REGISTER of March 22, 1974 (39 FR 10929), scheduling public hearings on shock, fire, and other hazards from television receivers.

3. Public hearings held by the Commission on April 23 and 24, 1974: transcripts, texts of prepared testimony, and comments.

4. Information relative to safety and quality improvement submitted by television receiver manufacturers pursuant

to a special order by the Commission, dated May 13, 1974.

5. "Hazard Analysis of Television Sets", May 1974, prepared by the Commission's Bureau of Epidemiology. From the data reported through the National Electronic Injury Surveillance System (NEISS), it is estimated that nationwide during 1973 approximately 100 fire-related injuries, about the same number of electric shock-related injuries, and around 12,000 injuries related to mechanical failures, all associated with television receivers, were treated in hospital emergency rooms. Analysis of in-depth investigation reports indicated that the injury diagnosis reported most frequently through NEISS (laceration and contusion/abrasion) were associated most often with mechanical hazards. The Bureau of Epidemiology has indicated that fire-related and electric shock-related accidents associated with television receivers may be under-reported in NEISS. Electric shock injuries, in particular, usually result in complete recovery or death at the scene. Neither situation is generally reported to NEISS.

6. "TV Receiver Hazard Analysis and Existing Standards Critique" prepared by the Commission's Bureau of Engineering Sciences in July 1974. In addition to other hazards, this report discusses accidents investigated by the Bureau in which fragments scattered by picture tube implosions caused serious injuries or were expelled with sufficient force to be driven into furniture or walls.

7. Information received pursuant to Section 15(b) of the Consumer Product Safety Act which requires manufacturers and others to inform the Commission, among other matters, of product defects. This information describes the nature of the defects and potential hazards which had been found in certain TVs, indicates the models and number of units affected and the type of corrective action taken by the manufacturer.

Copies of the above documents are available for inspection in the Office of the Secretary. However, item 4 contains information for which manufacturers have requested confidential treatment under the Freedom of Information Act (5 U.S.C. 552). The Commission is currently reviewing the merits of these requests and when the review is complete, that information which is found to be releasable will be available for public inspection. The foregoing information indicates that the risks of injury from hazards associated with TVs include:

1. **Fire-related injuries.** a. Burns and other injuries or death from fires caused by arcing or overheating of television receiver components, in conjunction with the flammable materials used for insulation, encapsulation, impregnation, and receiver enclosure; or by design and assembly practices that permit inadequate electrical rating or physical spacing that increases the probability of dielectric material failures.

b. Burns and other injuries or death from fires which may possibly occur because certain design practices permit energy storage devices such as capacitors to

remain charged after the television receiver's electrical supply source is disconnected, thereby precipitating dielectric material failures.

c. Burns and other injuries or death resulting from failure of television receiver external components such as electrical power supply cords, remote control cords, and electrical power interlocks.

2. **Electric shock-related injuries.** These injuries arise as a result of contacting television controls or components that are energized with electrical energy, referenced to earth ground and may occur due to:

a. Electrical or mechanical failure of a component that results in the possibility of physical contact between the user and a television chassis that is designed to be directly connected to the television's electrical supply source.

b. Television design practices that do not require dissipation of residual electrical energy after the television's electrical supply source is disconnected and internal areas become accessible to the layman while repairing or servicing the TV set.

c. Electrical or mechanical failure of an isolation transformer or power transformer that permits television controls or components to become energized with reference to earth ground.

3. **Picture tube implosion-related injuries.** a. Lacerations and other injuries resulting from the expulsion of glass fragments during a picture tube implosion.

b. Burns and other injuries resulting directly from scattering of molten, hot or burning materials and debris as a result of picture tube implosion during a fire associated with a television receiver.

c. Burns and other injuries resulting from rapid spreading of a fire as a result of the scattering of molten, hot or burning materials and debris caused by picture tube implosion during a fire associated with a television receiver.

4. **Mechanical failure-related injuries.** a. Lacerations, contusions, and abrasions resulting from mechanical failure of television receiver handles when used to transport the television receiver.

b. Lacerations, contusions, abrasions, or other injuries resulting from falling of receivers from inadequate or mechanically unstable support stands.

c. Lacerations, contusions, abrasions, or other injuries resulting from falling against sharp points and edges of television receivers or integral support stands and television antennas.

B. Existing Standards. The Commission has received information about the following standards and specifications that may be relevant to this proceeding:

1. Underwriters' Laboratories Standards UL 492, "Standard for Safety—Radio and Television Receiving Appliances," latest revision April 1974 (also adopted by American National Standards Institute as ANSI C33.55-1969, June 25, 1969). This standard contains new requirements and tests, with an effective date of July 1, 1974, for carrying handle strength, mechanical stability of

support stands and sharp points of antennas. Because of their newness, the Commission does not have information at this time relative to the adequacy of these requirements and tests.

2. The basic standard, UL 492, also includes, by a general reference, the following standards for a number of general-use parts or components. None of the general-use standards are referenced by number or name in the basic standard. These general-use parts or component standards are listed here to apprise the offeror of the intricacy of the requirements and tests currently utilized for the manufacture of TV receivers.

- UL 20 Snap Switches, April 1972; revised February 1973.
- UL 62 Flexible Cord and Fixture Wire, February 1974.
- UL 94 Tests for Flammability of Plastics Materials for Parts in Devices and Appliances; second edition September 1973; revised February 1974.
- UL 198 Fuses, August 1972.
- UL 224 Extruded Thermoplastic Insulating Tubing, January 1973.
- UL 452 Antenna—Discharge Units, April 1972.
- UL 498 Attachment Plugs and Receptacles, October 1970; revised through February 1974.
- UL 510 Insulating Tape, June 1971.
- UL 512 Fuseholders, November 1970.
- UL 758 Appliance Wiring Material, November 1973; revision proposed, January 1974.
- UL 796 Printed-Wiring Boards, August 1973.
- UL 817 Cord Sets and Power Supply Cords, August 1973.
- UL 917 Clock Operated Switches, January 1974.
- UL 1020 Thermal Cutoffs for Use in Electrical Appliances and Components, April 1973.
- UL 1054 Special-Use Switches, November 1973.

The basic standard, UL 492, also includes by specific reference, the following special-use components, intended specifically for TV receivers.

- UL 492.3 High Voltage Components for Television Receiving Appliances and other Electronic Equipment, January 1974.
- UL 492.7 Special Fuses for Radio and Television Receiving Appliances and other Electronic Equipment, January 1974.
- UL 492.8 Implosion—Protected Cathode-Ray Tubes for Television Receiving Appliances and other Electronic Equipment, January 1974.

The Commission makes the following observations concerning the adequacy of the basic standard (UL-492) and the special-use component standards (UL 492.3, 492.7, and 492.8) described above.

a. The standard does not contain adequate requirements and tests to:

(i) Reduce the present occurrence of fires caused by arcing or overheating internal to the television receiver or by external component failures.

(ii) Assure dissipation of suspected hazardous residual electrical energy in charged components when the television

receiver is disconnected from its electrical supply source.

(iii) Assure that television controls or components do not become energized with earth-referenced energy due to an isolation transformer or power transformer failure such as primary to secondary dielectric breakdown.

(iv) Prevent the expulsion of particles, at hazardous energies (particle energy being proportional to the weight and velocity of the particle), into a foreseeable television viewing area.

b. The standard permits direct connection of the television chassis to the electrical supply source. As a result, large metal surfaces can be charged to a potentially hazardous voltage and failure of one of numerous insulating elements can produce hazardous voltage on accessible parts. Therefore, the standard does not contain adequate requirements and tests to assure that television controls or components do not become energized with earth referenced electrical energy due to failure of insulating elements.

3. Glass Tempering Association, Engineering Standards Manual, 1972:

a. Section 8, Specifications for Flat or Bent Glass-Tempered for Television Receiver Safety Windows, Specification No. 61-1-20 Rev. #3, 1972;

b. Section 8.1, Safety Windows for Laminating to Television Tubes, Specification No. 62-8-7 Rev. 1.

The Commission does not have sufficient information to evaluate this standard at this time.

Copies of the above-listed items are available for public inspection in the Office of the Secretary.

C. *Invitation to offerors.* Pursuant to Section 7 of the Act and the regulations issued thereunder (16 CFR Part 1105), an invitation is hereby extended to all standards writing organizations, trade associations, consumer organizations, professional or technical societies, testing organizations and laboratories, university or college departments, wholesale or retail organizations, Federal, State, or local government agencies, engineering or research and development establishments, ad hoc associations, companies, and persons (all hereinafter called persons) to submit to the Commission on or before March 31, 1975 either of the following:

1. One or more existing standards as a proposed consumer product safety standard in this proceeding.

2. An offer to develop one or more proposed consumer product safety standards to reduce or eliminate any or all of the unreasonable risks of injury from the hazards of fire, electric shock, picture tube implosion, and mechanical hazards associated with television receivers.

Persons who are not members of an established organization may form a group for the express purpose of submitting offers and developing standards. Such groups are referred to in the regulations as ad hoc associations (16 CFR 1105.5). An offer by an ad hoc associa-

tion may be submitted by an individual member if the offer states that it is submitted on behalf of the members of the association. The individual member submitting the offer shall submit to the Commission a notarized copy of a power of attorney from each member of the group authorizing that individual member to submit an offer on behalf of each other member.

D. *Submission of existing standards.* Persons may submit a standard previously issued or adopted by a private or public organization or agency, domestic or foreign, or any international standards organization, that contains safety-related requirements the person believes would be adequate to prevent or reduce the unreasonable risks of injury associated with the identified hazards from television receivers.

To be considered for publication as a proposed consumer product safety standard, standards previously issued or adopted must consist of (1) requirements as to performance, composition, contents, design, construction, finish, or packaging, or (2) requirements that a consumer product be marked with or accompanied by clear and adequate warnings or instructions, or requirements respecting the form of warning or instructions, or (3) any combination of (1) and (2).

The submission should, to the extent possible:

1. Identify the specific portions of the existing standard that are appropriate for inclusion in the proposed rule.

2. Be accompanied, to the extent that such information is available, by a description of the procedures used to develop the standard and a listing of the persons and organizations that participated in the development and approval of the standard.

3. Be supported by test data and other relevant documents or materials to the extent that they are available.

4. Contain suitable test methods reasonably capable of being performed by the Commission and by persons subject to the act or by private testing facilities.

5. Include data and information to demonstrate that compliance with the standard would be technically practicable.

6. Include data and information, to the extent that it can reasonably be obtained, on the potential economic effect of the standard, including the potential effect on small business and international trade. The economic information should include data indicating (a) the types and classes as well as the approximate number of consumer products that would be subject to the standard; availability of the products; (c) any potential adverse effects of the standard on competition; and (d) the standard's potential, if any, for disruption and dislocation of manufacturing and other commercial practices.

7. Include information, to the extent that it can reasonably be obtained, concerning the potential environmental impact of the standard.

E. Offers to develop standards. 1. Any person may submit an offer to develop a proposed consumer product safety standard for the identified hazards from television receivers. Each offer shall include a detailed description of the procedure the offeror will utilize in developing the standard. The Commission will consider submissions from individual offerors addressed to any one of the separate hazards associated with TVs: fire, electric shock, picture tube implosion and external mechanical failure, or, submissions addressed to more than one of these hazards. However, if all the other requirements enumerated in this notice are met, the Commission would prefer to accept an offer to develop one or more standards for all of these hazards, as may be considered appropriate, from a single offeror. Where a product presents several hazards, the Commission may select different offerors to address each of the hazards. However, where as here, the areas of knowledge required to reduce unreasonable risks arising from these hazards appear to be interrelated, the Commission believes that one offeror may be better able to manage the development of the necessary standard or standards.

Each offer shall also include:

a. A description of the plan the offeror will use to give adequate and reasonable notice to interested persons (including individual associations, professional and technical societies, testing laboratories, Federal and State agencies, educational institutions, and consumer organizations) of their right and opportunity to participate in the development of the standard;

b. A description of the method whereby interested persons who have responded to the notice may participate, either in person or through correspondence, in the development of the standard;

c. A realistic estimate of the time required to develop the standard, including a detailed schedule for each phase of the standard development period; and

d. A description of the method whereby both use-oriented and technically-oriented consumers will be afforded an opportunity to fully participate in the standards development process.

2. Each offeror shall submit with the offer the following information to supplement the description of the standard development procedure:

a. A statement listing the number and experience of the personnel, including voluntary participants, the offeror intends to utilize in developing the standard. This list should distinguish between (i) persons directly employed by the offeror, (ii) persons who have made a commitment to participate, (iii) organizations that have made commitments to provide a specific number of personnel, and (iv) other persons to be utilized, although unidentified and uncommitted at the time of the submission of the offer. The educational and experience qualifications

of the personnel relevant to the development of the standard should also be included in the statement. This list should include only those persons who will be directly involved in person in the development of the standard.

b. A statement describing the types of facilities or equipment the offeror plans to utilize in developing the standard and how the offeror plans to gain access to the facilities or equipment.

3. Prior to accepting an offer to develop a standard, the Commission may require minor modifications of the offer as a condition of acceptance.

F. Contribution to the offeror's cost. It is the Commission's intent that contribution to the offeror's cost will be the exception rather than the rule. The Commission expects that the bulk of the offeror's work will be done by volunteers or funded by non-Commission sources.

1. The Commission may, in accepting an offer, agree to contribute to the offeror's cost in developing a proposed consumer product safety standard in any case in which the Commission determines:

a. That a contribution is likely to result in a more satisfactory standard than would be developed without a contribution; and

b. That the offeror is financially responsible.

2. If an offeror desires to be eligible to receive a financial contribution from the Commission toward the offeror's cost of developing a proposed consumer product safety standard, the offeror shall submit with his offer to develop a standard:

a. A request for a specific contribution with an explanation as to why such a contribution is likely to result in a more satisfactory standard than would be developed without a contribution;

b. A statement asserting that the offeror will employ an adequate accounting system to record standards development costs and expenditures that is in accordance with generally accepted accounting principles; and

c. A request for an advance payment of funds if necessary to enable the offeror to meet operating expense during the development period.

G. Submission information. All submissions, offerors, inquiries, or other communications concerning this notice should be addressed to the Office of the Secretary, Consumer Product Safety Commission, 1750 K Street, NW., Washington, D.C. 20207 (Phone 202-634-7700). Submissions made in response to this notice should be in five copies if possible and must be received by the Office of the Secretary not later than March 31, 1975 to be considered in this proceeding.

Dated: February 25, 1975.

SADYE E. DUNN,
Secretary, Consumer
Product Safety Commission.

[FR Doc.75-5343 Filed 2-27-75; 8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

Environmental impact statements received by the Council on Environmental Quality from February 18 through February 21, 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. (April 14, 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

Latouche Island Timber Sale, Alaska, February 18: The statement concerns a timber sale in approximately 180 acres of the southeast side of Latouche Island, near Cordova, Alaska. The harvest would span two years and would consist of four clearcut units totaling approximately 80 acres. Total volume is expected to be 2,780 MBF. The sale will result in the construction of 2,240 feet of road. (22 pages). (ELR Order No. 50220.)

Timber Management Plan, Plumas National Forest, several counties, California, February 18: The statement proposes to carry out the revised Plumas National Forest Timber Management Plan which sets a total potential yield of 1,678.0 MMBF from the standard component commercial forest lands during the 10-year plan period. Adverse impacts include construction of roads for access to the harvest areas and degradation of appearance of the landscape (53 pages). (ELR Order No. 50227.)

Fairview, Puddin Rock, and Canton-Steelhead Areas, Lane and Douglas Counties, Oregon, February 18: This statement concerns the management direction of three Roadless Areas within the Umpqua National Forest. The proposal is to manage the areas for a combination of resource values including water, wildlife, fish habitat, mining, timber, and outdoor recreation. Road construction will result from timber harvests (39 pages). (ELR Order No. 50235.)

Final

Rogue Planning Unit, Siskiyou National Forest, Coos and Curry Counties, Oregon, February 18: Proposed is a land use plan for the management of a 27,000 acre roadless area. The plan recommends sustained timber harvesting on lands outside of the Rogue River Wild and Scenic Corridor. The action will result in increased motorized access, recreational use, and big game forage. The proposed action also diminishes the opportunity for a wilderness or backcountry form of recreation; its implementation will preclude

further consideration of the wilderness alternative (111 pages). Comments made by: EPA, DOI, USDA, COE, DOT, HUD, State agencies and organizations, and concerned citizens. (ELR Order No. 50231.)

SOIL CONSERVATION SERVICE

Draft

Pine Run Watershed Project, Montgomery County, Pa., February 20: The statement refers to a project for watershed protection and flood prevention in Montgomery County, Pennsylvania. The dams, spillways, and permanent pools will commit 35 acres of land and approximately five acres of woodlands and nine acres of open land will be disturbed by borrow pits (58 pages). (ELR Order No. 50258.)

Final

Spring Canyon Watershed, Goshen County, Wyo., February 18: Proposed is a watershed protection and flood prevention project, which will involve the construction of a dam and reservoir, channel works, and land treatment measures. The action will result in the commitment of 100 acres of rangeland to structural measure; 75 acres of rangeland will be subject to a two year disruption of vegetative cover. Comments made by: EPA, DOI, HEW, COE, DOT, AHP, and one State agency. (ELR Order No. 50238.)

DEPARTMENT OF DEFENSE

ARMY

Contact: Mr. George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C., 202-0X 4-4269.

Final

Demilitarization of M34 Stockpile, Supplement, Colorado, January 21: The statement is a supplement to a final EIS filed with CEQ 9 September 1973 and refers to the proposed demilitarization of 21,115 M34 nerve gas bomb clusters at the Rocky Mountain Arsenal, Denver. The supplement differs from the final in the collection and removal of material. (ELR Order No. 50271.)

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-7168.

Draft

Muscatine-Louisa Co. Flood Protection, Muscatine and Louisa Counties, Iowa, February 18: The statement concerns a plan for flood protection for Muscatine and Louisa Counties, Iowa. The plan consists of raising 15.9 miles of existing levee to protect the project area against Mississippi River design flood (200-year frequency) construction of a new pumping station, modification of two railroad closure structures and a pumping station and associated improvements designed to provide drainage for 4,100 previously undrained acres. Adverse impacts include loss of 55 acres of vegetation, disruption of benthic habitat due to dredging, and loss of 18 acres of cropland for the 3.8 mile ditch paralleling the levee. (Rock Island District.) (ELR Order No. 50236.)

Missouri River Levee System, Sarpy Co., Sarpy County, Nebr., February 18: The statement concerns the construction of a levee 4.5 miles long for purposes of flood protection for 3,920 acres of land on the Iowa side of the Missouri River. Both dredge and borrow pits will be used to obtain fill material for the levee. The project will commit 125 acres to the levee and will result in a

slight increase in potential damage within the minimum 3,000 foot floodway. (Omaha District.) (31 pages.) (ELR Order No. 50239.)

Fuel Oil Storage Terminal Permit, Weehawken Cove, Hudson County, N.J., February 21: The statement concerns the issuance of permits to Cosmopolitan Terminal, Inc. to construct a bulkhead, dredge, place fill, and construct pier facilities in the Hudson River at Weehawken Cove, for a bulk oil storage terminal. The project would result in the loss of 23 acres from the Hudson River estuary and public use of the waterfront, risk of fires and oil spills, air quality impact and construction disruption. (New York District.) (ELR Order No. 50260.)

New York Convention Center, Permit Application, New York County, N.Y., February 18: The statement refers to the issuance of a Department of the Army permit to construct a convention and exhibition center over open water supported on prestressed concrete and steel H-Beam piles in the Hudson River between 43rd and 47th Streets in the Borough of Manhattan. The building will reach approximately 900 feet into the river along the riverfront. Traffic congestion before and after shows will contribute to air pollution. (New York District.) (ELR Order No. 50233.)

New York Harbor, Removal of Drift, New York, February 20: Proposed is the removal and disposal of an estimated 29.1 million cubic feet of material in the form of 1,972 derelict vessels, 149 deteriorated shore structures, plus debris from 182 repairable piers and wharves in New York Harbor and tributary waters. Several alternatives, including incineration, landfills, and recycling, are considered. Adverse impacts include turbidity, water pollution, and disruption of the benthic habitat. Air pollution would result if the incineration alternative is selected. (New York District.) (113 pages.) (ELR Order No. 50257.)

Atlantic Intracoastal Waterway, several counties, North Carolina, February 18: The statement concerns the removal of shoals from 308 miles of intracoastal waterway from the North Carolina-Virginia State line to Little River, South Carolina during the coming 50-year project life. Dredging will cause temporary turbidity and water pollution, and disposal of dredged material will have adverse effects on disposal areas. (Wilmington District.) (ELR Order No. 50222.)

The Siuslaw and Umpqua Estuaries, Dredging, Douglas and Lane Counties, Ore., February 18: The statement refers to maintenance dredging of the Siuslaw, Umpqua, and Smith Rivers. The Siuslaw River would be dredged to an 18-foot deep entrance channel, a 16-foot depth to Florence and 12-foot depth to Mapleton. The Umpqua River would be dredged to a 26-foot deep entrance channel, a 22-foot depth to Reedsport and 2 miles upstream in Schofield Creek. A 6-foot deep channel would be dredged from the mouth of the Smith River to the mouth of the North Fork. The project will cause a decrease in water quality and wildlife habitat loss on disposal land (Portland District) (ELR Order No. 50220.)

Houston Ship Channel, Dredging, Galveston, Chambers, and Harris Counties, Tex., February 18: The statement is the revised draft of a draft EIS submitted to CEQ December 29, 1971. Proposed is the maintenance dredging of shoaled material from the Houston Ship Channel. The channel extends 50 miles from Bolivar Roads at the lower end of Galveston Bay, across Galveston Bay and through the lower reaches of the San Jacinto River and Buffalo Bayou to the Houston turning basin. Dredge materials will be placed in leveed land disposal areas and in open bay sites, resulting in increased pollution. The project will destroy benthic habitat

of dredged areas. (ELR Order No. 50221.)

Baker Lake Flood Control Project, Skagit Basin, Skagit and Whatcom Counties, Wash., February 20: The statement concerns the modification of the operation of the Upper Baker Dam to provide an additional 58,000 acre-feet of flood control storage by increasing the reservoir drawdown in the period 1 November to 15 November of each year. The additional flood storage capacity would be available until March 1. The project will cause net energy losses and may create a sense of false security toward the remaining flood hazard (97 pages). (ELR Order No. 50256.)

Final

Jones Inlet, Maintenance Dredging, Nassau County, N.Y., February 18: The project involves maintenance dredging of the Federal channel in Jones Inlet to its authorized project dimensions. Spoil disposal will be along nearby beaches to combat erosion, or in deep water off the inlet. The major adverse impact stems from the increased level of turbidity which will take place during the dredging process. This will have a temporary adverse impact on the fish and fish habitat. (New York District.) Comments made by: DOC, DOD, HEW, DOI, DOT, EPA, and one State agency. (ELR Order No. 50225.)

Providence River Harbor Channel, Supplement, Rhode Island, February 20: The statement, a supplement to the final EIS submitted to the Council on October 17, 1973, refers to the change of a disposal area from the Brenton Reef Disposal Site to the Conimicut Point Disposal Site. (Waltham District.) Comments made by: DOI, EPA, and State agencies. (ELR Order No. 50253.)

Starlings Creek Navigation Project, Accomack County, Va., February 18: Proposed is the maintenance dredging of a navigation channel from Pocomoke Sound into Starlings Creek, where a turning basin will also be dredged. An estimated 55,000 cu. yds. of bottom material will be removed, and deposited offshore along Saxis Island. Adverse impact would occur to marine biota. (Norfolk District.) Comments made by: EPA, DOC, DOI, and Office of the Governor. (ELR Order No. 50226.)

Zintel Canyon Dam, Kennewick, Wash., February 20: The project consists of construction of a detention dam at the mouth of Zintel Canyon 2.8 miles upstream from the city of Kennewick. Also included in the project is a combination of buried conduit and improved channel from the intersection of West Seventh Avenue and Vancouver Street to State Highway 14. The project will help provide flood protection for a 90 acre section of Kennewick. Adverse impacts are loss of some vegetation, loss of recreational use behind the dam during water impoundment, and temporary construction disturbances to residents and traffic. (Walla Walla District.) Comments made by: DOI, HUD, EPA, and State and local agencies. (ELR Order No. 50252.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, 202-386-6084.

Draft

Middle Snake River Project, Oregon, Idaho, and Washington, February 18: The statement concerns the application of the Pacific Northwest Power Company and the Washington Public Power Supply System for a major license for construction, operation, and maintenance of the Middle Snake River Project. The applicants are considering three alternatives, each of which would provide

for the combination of two dams and appurtenant facilities and would inundate from 50 to 75 miles of the Snake River, flooding significant portions of one of the largest canyons in the world and its archeological remains. The average annual generation would range from 5,072 mwh to 6,990,480 mwh. (ELR Order No. 50224.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and P Streets NW., Washington, D.C. 20405, 202-343-4161.

Draft

U.S. Courthouse and Federal Building, Broward County, Fla., February 20: Proposed is the construction of a Federal Building and Courthouse with parking facility in Fort Lauderdale, Florida. The cost of the project, including site acquisition, design, construction, and inspection will be about \$19.1 million. The site has not yet been selected. The project will provide a total area of 218,295 square feet. Construction disruption will result. (ELR Order No. 50255.)

Final

Border Station Building, Lukeville, Ariz., February 21: Proposed is the construction of a new Border Station Building of 10,000 sq. ft., with inspection areas, canopies, a small commercial truck facility, and ten family residential units. Existing facilities would be demolished. Comments made by: AHP, EPA, USDA, COE, HEW, DOI, DLAB, DOT, DJUS, TREA, and State agencies. (ELR Order No. 50251.)

Federal Office Building, Pittsfield, Berkshire County, Mass., February 18: Proposed is the construction of a 27,000 square foot Federal Office Building in Pittsfield. The building will be constructed on an urban renewal site of 47,500 sq. ft. There will be temporary construction disruption as a result of the action. Comments made by: DOI, AHP, DOC, DLAB, USDA, HUD, HEW, EPA, and State and local agencies. (ELR Order No. 50237.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

Final

Proposed Porcupine National Forest, Alaska, February 18: The statement refers to the proposed designation of 5.5 million acres of public lands as the Porcupine National Forest, and of portions of the Sheenjek and Porcupine Rivers as components of the Wild and Scenic Rivers System. The overall impact of the action will be the protection, conservation, and management of the area's renewable surface resources, with mineral extraction permitted under existing laws. Adverse impacts may include a reduction in wildlife habitat productivity, and disturbances to air, water, and scenic qualities. Mineral extraction will lead to depletion of those resources (672 pages). Comments made by: USDA, DOD, DOC, EPA, DOT, DOI, and State and local agencies. (ELR Order No. 50240.)

Proposed Yukon-Kuskokwim National Forest, Alaska, February 18: The statement refers to the proposed legislative designation of 7.3 million acres of public lands as the Yukon Kuskokwim National Forest, to be managed by all the laws, rules, and regulations applicable to the National Forest System; and to the designation of portions of the Nowitna River as components of the Wild and Scenic Rivers System. The overall

impact of the action is the protection, conservation, and management of the area's renewable surface resources, with mineral extraction permitted under existing laws (673 pages). Comments made by: USDA, DOD, DOC, EPA, DOT, DOI, and State agencies and organizations. (ELR Order No. 50243.)

Proposed Wrangell Mountains National Forest, Alaska, February 18: The statement refers to the proposed congressional designation of 5.5 million acres of public lands as the Wrangell Mountains National Forest, and the Bremner River as a component of the Wild and Scenic River System. The overall impact of the action is that of the protection, conservation, and management of the area's renewable surface resources, with mineral extractions permitted under present laws (713 pages). Comments made by: USDA, DOD, DOC, EPA, DOT, and State agencies and organizations. (ELR Order No. 50246.)

BUREAU OF LAND MANAGEMENT

Draft

OCS Leasing, Offshore Southern California, Calif., February 20: The statement concerns the proposed leasing of 297 tracts (1,554,815 acres) of Outer Continental Shelf lands in five general areas offshore Southern California. The sale, scheduled tentatively for the summer of 1975, would lease tracts from 5 meters to 750 meters in depth. All tracts offered pose pollution risk to the environment through accidental and chronic oil spillage. Also, platform development, if permitted, will cause degradation of the visual environment (4 volumes). (ELR Order No. 50259.)

BUREAU OF RECLAMATION

Draft

San Felipe Division, Central Valley Project, Santa Clara and San Benito Counties, Calif., February 19: Proposed is the construction and operation of the San Felipe Division facilities to provide about 200,000 acre-feet of supplemental municipal, industrial, and irrigation water to 18,000 acres of Santa Clara and San Benito Counties. The division facilities will require about 850 acres of land and will import water from the Central Valley through a tunnel and distribute it through a system of open and closed conduits and relief pumping plants. Some 21 archeological sites might be affected, and the natural landscape altered by construction. During the fall and winter the 150 acre San Justo Reservoir will be devoid of both water and vegetation. (ELR Order No. 50249.)

Final

Elwood Dam and Reservoir, Gosper County, Nebr., February 18: Proposed is the construction of Elwood Dam (including saddle dams) and Reservoir which will provide a 40,500 acre-foot pump storage conservation capacity reservoir and a 9,600 acre-foot flood storage capacity. The reservoir would supply irrigation water for 42,800 acres of land. The project will require the acquisition of 1,930 acres of private pasture grassland and will inundate 1,180 acres and one mile of stream. Other construction includes enlargement of 27 miles of main canal, enlargement or replacement of 30 canal structures, and lining 170 miles of canal. Comments made by: DOI, AHP, USDA, HUD, HEW, USCG, and State and local agencies. (ELR Order No. 50232.)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft

Injurious Wildlife Importation Regulations, February 19: The statement concerns the establishment of lists of wildlife species

that pose a low risk of injury to human beings, the interests of agriculture, horticulture, forestry, or to wildlife or wildlife resources when imported into the United States. Animals other than these may be imported only under permit. Economic impacts would be suffered by importers (78 pages). (ELR Order No. 50250.)

NATIONAL PARK SERVICE

Final

Proposed Lake Clark National Park, Alaska, February 18: The statement refers to the proposed designation of 2.4 million acres of land and waters in the Aleutian and Alaskan Mountain Ranges, about 100 miles east of Anchorage, as Lake Clark National Park. Also included is conceptual master plan for park management. The proposal may affect the integrity of the ecosystems and landscapes within the proposed boundaries, including an area from which a significant portion of the State's multi-million dollar sockeye salmon harvest is derived (709 pages). Comments made by: USDA, DOC, COE, HEW, HUD, DOI, DOT, EPA, GSA, State and local agencies, and organizations. (ELR Order No. 50241.)

Proposed Harding Icefield-Kenai Fjords National Monument, Alaska, February 18: The statement refers to the proposed legislative designation of 305,000 acres of land and water on the south coast of the Kenai Peninsula as the Harding Icefield-Kenai Fjords National Monument, and the legislative recognition of 460,000 acres as an Area of Ecological Concern (AEC). Also proposed is a conceptual master plan to guide the management of the area (618 pages). Comments made by: USDA, DOC, COE, HEW, HUD, DOI, DOT, EPA, GSA, State and local agencies, and organizations. (ELR Order No. 50242.)

Proposed Wrangell-St. Elias National Park, Alaska, February 18: The statement refers to the proposed Congressional establishment of an 8.5 million acre Wrangell-St. Elias National Park in South-central Alaska. The action may affect: the integrity of the ecosystems within the park's boundaries; the effectiveness of the Park's use as a standard against which man-caused changes in manipulated ecosystems can be measured; the regional economy, from increased visitation and decreased opportunity for the use of resources; the national culture, from scenic-wilderness experiences; and the national economy, from restriction of potential copper production (764 pages). Comments made by: DOI, DOT, USDA, COE, State and local agencies, and organizations. (ELR Order No. 50244.)

Proposed Kobuk Valley National Monument, Alaska, February 18: Proposed is the Congressional designation of lands and waters of the public domain as the Kobuk Valley National Monument; and of the Salmon River as a Wild River under the Wild and Scenic Rivers Act. Also proposed is a master plan for administration of the areas. Impact of the proposal may occur to: the integrity of the ecosystem; subsistence use of the area by the Natives; commercial uses such as fishing, mineral entry, geothermal power, tourism, communications, and transportation, and the socio-economic and cultural environment of the area resulting from visitor use (626 pages). Comments made by: USDA, DOC, COE, DOI, DOT, EPA, State and local agencies, and organizations. (ELR Order No. 50245.)

Proposed Chukchi-Imuruk National Wildlands, Alaska, February 18: The statement refers to the proposed Congressional establishment of a 2,708,034 acre Chukchi-Imuruk National Wildlands on the Seward Peninsula of Alaska. The Wildlands will be jointly administered as a unit of the National Wildlife Refuge System, and the National Park

System. Impacts of the action will occur to private land ownership, fish and wildlife, water, vegetation, historic and archeological values, agriculture, mining, timbering, navigation, and hydroelectrical potential, among others (763 pages). Comments made by: DOI, DOT, USDA, COE, DOC, EPA, one State agency, and one other agency. (ELR Order No. 50247.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Final

Seattle-Tacoma International Airport, King County, Wash., February 19: Proposed is the acquisition of 317 acres of land adjacent to the Seattle-Tacoma International Airport, in order to comply with FAA land use compatibility recommendations. The action will result in the displacement of 700 families and the closure of two schools, necessitating economic and social readjustments. Comments made by: EPA, DOI, COE, and State and local agencies. (ELR Order No. 50248.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. 90 (S.R. 10—Duval Street), Lake City, Columbia County, Fla., February 18: Proposed is the improvement of a 2.0 mile section of U.S. 90 (S.R. 10—Duval Street) in Lake City, Florida from a 2-lane to a 4-lane facility. The improvement will be along the existing corridor, and will increase noise pollution and temporarily increase water pollution. The number of displaced families and businesses varies with alternative (105 pages). (ELR Order No. 50228.)

SR 67, Clinton-Mississippi State Line Highway, East Feliciana County, La., February 18: The proposed project consists of upgrading an 11.5 mile segment of State Route LA 67 along the existing alignment. The project begins at the intersection of St. Helena Street and State Route LA 67 in the City of Clinton and terminates at the Louisiana-Mississippi State line. Acquisition of additional right-of-way will result in the displacement of two families and four businesses. (ELR Order No. 50234.)

Final

I-35 Interchange, Steele County, Minn., February 18: The project involves the addition of an interchange to Interstate 35 west of Owatonna. The interchange is to provide freeway access to Bridge Street, which leads directly to an industrial park and the Owatonna Central Business District. Detrimental impacts are increased traffic, noise, and air pollution and the commitment of from 20 to 30 acres to the project (73 pages). Comments made by: DOI, EPA, USDA, COE, and State agencies. (ELR Order No. 50230.)

Helena-West (U.S. 12), Lewis and Clark County, Mont., February 18: Proposed is the improvement of 6.0 miles of U.S. 12 immediately west of Helena, Montana. Although right-of-way for a 4-lane highway would be purchased for the entire project, the 3.8 mile rural section would be 2-lane. A 45-foot median would separate the lanes, and a bicycle and horse path is being considered. The project would require 115 acres of land. Comments made by: USDA, EPA, DOI, and State and local agencies. (ELR Order No. 50223.)

County Road, Bottineau County, Bottineau County, N. Dak., February 20: The statement refers to an improvement of a county road in Bottineau County. The project runs from S.H. 14, four miles north of Carbury, easterly approximately 10 miles to a point

near the south edge of Lake Metigoabe. The proposed route follows the existing road except for relocations that are necessary to provide curvature meeting present standards. Adverse impacts are increases in the levels of air and noise pollution, and negative effects normally associated with construction. Comments made by: DOI, EPA, USDA, COE, and State agencies. (ELR Order No. 50254.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-5333 Filed 2-27-75;8:45 am]

DEFENSE NUCLEAR AGENCY SCIENTIFIC ADVISORY GROUP ON EFFECTS

Meeting

FEBRUARY 24, 1975.

The next meeting of the Scientific Advisory Group on Effects (SAGE), sponsored by the Defense Nuclear Agency (DNA), will be held during the period 15-18 April 1975 at the United States Air Force Conference Facility, Homestead Air Force Base, Florida. The principal purpose of the meeting will be an examination by the SAGE members of ongoing and future DNA programs. Since all of the presentations will contain classified information, the meeting will be closed to the public under the provisions of sections 552(b) (1) and (3) of Title 5, United States Code.

M. M. FINKELSTEIN,
LCDR, USN Executive Secretary,
Scientific Advisory
Group on Effects.

[FR Doc.75-5300 Filed 2-27-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 337-3; OPP-32000/195 & 196]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington DC 20460.

On or before April 29, 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 DC 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 29, 1975.

Dated: February 18, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

APPLICATIONS RECEIVED [OPP-32000/195]

EPA File Symbol 9854-G. Air-Tite Products Co., Inc., 1483 Wash. Ave., Vineland NJ 08360. AIR-TITE ALGAE CONTROL SOLUTION CONCENTRATED SWIMMING POOL ALGAEICIDE. Active Ingredients: Alkyl (61% C12, 23% C14, 11% C16, 5% C8-C18) Dimethyl Benzyl Ammonium Chloride 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 10088-UU. Athes Laboratories, Inc., 4180 N. First St., Milwaukee WI 53212. DISINFECTANT ACID BOWL CLEANER. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl amino betaine 1.000%; Hydrogen chloride 8.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 960-ENN. Balcom Chemicals, Inc., P.O. Box 667, Greeley CO 80631. CLEAN CROP DIAZINON 14G. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-1,4-pyrimidinyl) phosphorothioate 14.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 662-AU. BASF Wyandotte Corp., 1609 Biddle Rd., Wyandotte MI 48192. WYANDOTTE WATER AID ALGICIDE S. Active Ingredients: Methyldecylbenzyl trimethyl ammonium chloride 16.0%; Methyl dodecylxylene bis (trimethyl ammonium chloride) 4.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 11556-LR. Cutter Animal Health Laboratories, Div. Bayvet Corp., PO Box 390, Shawnee KS 66201. MY PAL INSECTICIDE SHAMPOO. Active Ingredients: o-Isopropoxyphenyl methylcarbamate 0.125%; Ammonium alkyl sulfate 20%; Sodium linear alkylate sulfonate 30%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

- EPA File Symbol 569-AT. Haver-Lockhart Laboratories, Div. Bayvet Corp., PO Box 390, Shawnee KS 66201. SENDRAN INSECTICIDE SHAMPOO FOR DOGS AND CATS. Active Ingredients: o-Isopropoxyphenyl methylcarbamate 0.125%; Ammonium alkyl sulfate 20%; Sodium linear alkylate sulfonate 30%. Method of Support: Application proceeds under 2(c) of interim policy. PM12
- EPA File Symbol 9404-LN. Chase & Co., PO Box 1697, Sanford FL 32771. SUNNILAND CHLOROTHALONIL FUNGICIDE. Active Ingredients: Chlorothalonil Tetrachloroisophthalonitrile 75.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM12
- EPA File Symbol 10131-E. Eagle Laboratories, 2312 Ludelle St., Fort Worth TX 76105. HILITE TICK & FLEA SHAMPOO. Active Ingredients: Pyrethrins 0.20%; Piperonyl Butoxide, Technical 2.01%; Petroleum Distillate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM17
- EPA File Symbol 11497-RL. Enviro Chem Corp., 11262 Leo Lane, Dallas TX 75220. SCORE DISINFECTANT TOILET BOWL CLEANER. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl amino betaine 1.000%; Hydrogen chloride 8.000%. Method of Support: Application proceeds under 2(c) of interim policy. PM31
- EPA File Symbol 25581-RN. G & G Chemical Co., Inc., 1550 Carroll Ave., San Francisco CA 94124. FORMULA 7080 PINE OIL DISINFECTANT. Active Ingredients: Pine Oil 80%; Soap 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM32
- EPA File Symbol 8169-RN. Hunter Products Co., 8603 Botts Lane, San Antonio TX 78286. HUNTER MULTI-USE MAGIC MIST INSECTICIDE. Active Ingredients: Pyrethrins 0.3%; Piperonyl Butoxide, Technical 2.4%; Petroleum Distillate 1.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM17
- EPA File Symbol 35895-E. Memphis Pool Supply Co., 2762 Getwell Rd., Memphis 38118. POOL BARON'S RESCUE ALGAECIDE CONCENTRATE. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene(dimethyliminio)ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34
- EPA File Symbol 4581-GEU. Pennwalt Corp., Three Parkway, Philadelphia PA 19102. PENNCAP M APPLE AND PEAR SPRAY. Active Ingredients: O,O-Dimethyl O-(p-nitrophenyl) thiophosphate 22.00%; Xylene Base Aromatic Solvent 5.61%. Method of Support: Application proceeds under 2(c) of interim policy. PM12
- EPA File Symbol 4981-LG. Redwood Chemical, Inc., PO Box 45916, Houston TX 77045. REDWOOD FLEA KILL. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%. Method of Support: Application proceeds under 2(c) of interim policy. PM17
- APPLICATIONS RECEIVED [OPP-32000/195]
- EPA File Symbol 2749-EUG. Aceto Chemical Co., Inc., Ag. Chem. Div., 126-02 Northern Blvd., Flushing NY 11368. DIETHYL DIPHENYL DICHOROETHANE 4 EC. Active Ingredients: Diethyl diphenyl dichloroethane 47.3%; Xylene 48.7%. Method of Support: Application proceeds under 2(c) of interim policy. PM15
- EPA File Symbol 10807-UT. Aero Mist, Inc., 990 Industrial Park Dr., Marietta GA 30062. MISTY VANILLA SCENTED MULTIPURPOSE INSECTICIDE. Active Ingredients: Pyrethrins 0.30%; Piperonyl Butoxide, technical 0.60%; N-octylbicycloheptene dicarboximide 1.00%; Petroleum distillate 12.80%. Method of Support: Application proceeds under 2(c) of interim policy. PM17
- EPA File Symbol 34308-R. Cuprem, Inc., Box 147, Kenesaw NE 68956. BULLSEYE BI-FLI CATTLE MINERAL MEDICATED. Active Ingredients: Phenothiazine 1.765%; Ethylene Diamine Dihydrochloride 0.044%. Method of Support: Application proceeds under 2(c) of interim policy. PM14
- EPA File Symbol 10423-RT. Essex Chemical Corporation, Consumer Prod. Div., Connair Rd., Orange CT 06477. MODERN LIVING HOUSE PLANT AND AFRICAN VIOLET SPRAY. Active Ingredients: Pyrethrins 0.056%; Rotenone 0.008%; Other Cube Resins 0.016%; Pine Oil 0.900%; Petroleum Distillate 0.406%. Method of Support: Application proceeds under 2(c) of interim policy. PM17
- EPA File Symbol 635-ATT. E-Z-Flo Chemical Company, Div. of Kirsto Co., P.O. Box 808, Lansing MI 48903. E-Z-FLO SEVIMOL 4. Active Ingredients: Carbaryl (1-naphthyl methylcarbamate) 40.38%. Method of Support: Application proceeds under 2(c) of interim policy. PM12
- EPA File Symbol 25581-RR. G & G Chemical Co., Inc., 1550 Carroll Ave., San Francisco CA 94124. FORMULA 7070 PINE OIL DISINFECTANT CONTAINS 70% PINE OIL. Active Ingredients: Pine Oil 70%; Soap 13%; Isopropanol 7%. Method of Support: Application proceeds under 2(b) of interim policy. PM32
- EPA File Symbol 5905-UGO. Helena Chemical Co., Suite 2900, Clark Tower, 5100 Poplar Ave., Memphis TN 38137. HELENA PERTHANE 4-E. Active Ingredients: Diethyl diphenyl dichloroethane 48.89%; Related reaction products 2.57%; Xylene 43.91%. Method of Support: Application proceeds under 2(c) of interim policy. PM15
- EPA File Symbol 12188-0. Holder's Pest Control Co., Inc., 5617 Southwest Freeway, Houston TX 77027. HOLDER'S TERMITE CONCENTRATE. Active Ingredients: Technical Chlordane 71.1%; Aromatic Solvents 22.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15
- EPA File Symbol 8169-0. Hunter Products Co., 8603 Botts Lane, San Antonio TX 78286. HUNTER ROACH AND ANT INSECTICIDE. Active Ingredients: O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.261%; Petroleum Distillate 68.608%. Method of Support: Application proceeds under 2(c) of interim policy. PM14
- EPA File Symbol 407-GH. Imperial, Inc., P.O. Box 432, Shenandoah, IA 51601. IMPERIAL TOMATO, EGGPLANT AND PEPPER DUST. Active Ingredients: Zineb (zinc ethylene bisdithiocarbamate) 6.0%; Carbaryl; 1-naphthyl methylcarbamate 4.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM12
- EPA File Symbol 407-GIO. Imperial Inc. IMPERIAL TOMATO GARD WETTABLE POWDER. Active Ingredients: Zineb (zinc ethylene bisdithiocarbamate) 37.5%; Carbaryl; 1-naphthyl methylcarbamate 25.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM12
- EPA File Symbol 6957-0. Industrias Nacionales Inc., 704 Jordan St., Santurce, PR 00916. PINO-FEL PINE DISINFECTANT. Active Ingredients: Pine Oil 80%; Soap 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM32
- EPA File Symbol 2212-T. Walter G. Legge Co., Inc., 101 Park Ave., New York, NY 10017. ELIMSTAPH #3. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31
- EPA Reg. No. 372-46. Mallinckrodt, Inc., 3600 N. Second, St. Louis, MO 63147. BANROT BROAD SPECTRUM FUNGICIDE 40% WETTABLE POWDER. Active Ingredients: 5-Ethoxy-3-trichloromethyl-1,2,4-thiadiazole 15%; Dimethyl 4,4'-o-Phenylenebis (3-thioallophanate) 25%. Method of Support: Application proceeds under 2(a) of interim policy. PM21
- EPA File Symbol 299-ROE. C. J. Martin Company, 806 W. Main St., Nacogdoches TX 75961. MARTIN'S DIAZINON GARDEN DUST. Active Ingredients: 0, 0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 4.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM14
- EPA File Symbol 299-ROU. C. J. Martin Company. MARTIN'S DIAZINON GRANULAR LAWN INSECT CONTROL. Active Ingredients: 0, 0, diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 2.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM14
- EPA File Symbol 11656-UN. Western Farm Service, Inc., C/O Shell Chemical Co., Suite 200, 1025 Conn. Ave., N.W., Wash. DC 20036. WESTERN FARM SERVICE PARATOX 28 INSECTICIDE. Active Ingredients: Toxaphene 68.6%; 0,0-dimethyl 0-p-nitrophenyl thiophosphate 16.8%; Xylene 11.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM12
- EPA File Symbol 11656-GO. Western Farm Service, Inc. WESTERN FARM SERVICE PARATOX 36 INSECTICIDE. Active Ingredients: Toxaphene 52.48%; 0,0-dimethyl 0-p-nitrophenyl thiophosphate 26.24%; Xylene 15.78%. Method of Support: Application proceeds under 2(c) of interim policy. PM12
- EPA Reg. No. 769-274. Woolfolk Chemical Works, Inc., P.O. Box 938, Fort Valley GA 31030. SECURITY ENDOSULFAN EMULSIFIABLE CONCENTRATE. Active Ingredients: Endosulfan (Hexachlorocyclohexahydromethano-2,4,3-benzodioxathiepin oxide) 22.3%; Heavy Aromatic Solvent 71.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15
- EPA Reg. No. 769-275. Woolfolk Chemical Works, Inc. SECURITY 50% THIODAN WETTABLE. Active Ingredients: Endosulfan (Hexachlorocyclohexahydromethano-2,4,3-benzodioxathiepin oxide) 50.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

[FR Doc.75-5023 Filed 2-27-75; 8:45 am]

[FRL 338-3; OPP-32000/197]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of
Applications

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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, DC 20460.

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Dated: February 21, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED [OPP-32000/197]

EPA File Symbol 2749-GGI. Aceto Chemical Co., Inc., Ag. Chem. Div., 126-02 Northern Blvd., Flushing NY 11368. PCNB SOIL FUNGICIDE. Active Ingredients: Pentachloronitrobenzene 24.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 5590-RLO. Aerosol Techniques, Inc., Old Gate Lane, Milford CT 06460. CAT AND DOG FLEA AND TICK SPRAY CODE NO. 228-22A. Active Ingredients: Pyrethrins 0.05%; Piperonyl Butoxide, Technical 0.50%; Carbaryl (1-naphthyl N-methylcarbamate) 0.50%; Butoxypolypropylene Glycol 5.00%; Petroleum Distillate 0.21%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 1029-REL. Aidex Corporation, 1024 N. 17th St., Omaha NE 68102. ALF-EX EMULSIBLE INSECTICIDE CONCENTRATE. Active Ingredients: Methoxychlor, technical 20%; O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 10%; Aromatic petroleum derivative solvent 63%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 1029-RET. Aidex Corporation. PHOREX-15G SOIL AND SYSTEMIC INSECTICIDE. Active Ingredients: Phorate (O,O-Diethyl S-(ethylthio)-methyl) phosphorothioate 15%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 6718-EG. Amway Corp., 7575 E. Fulton Rd., Ada MI 49301. MOTH CRYSTALS. Active Ingredients: Paradichlorobenzene 99.95%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 8959-EE. Applied Biochemists, Inc., 5300 W. County Line Rd., 96 N., Mequon WI 53092. TOWERTRINE N25. Active Ingredients: Polyoxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride 25%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 11501-RT. The Aquachem Co., Inc., 349 Greco Ave., Coral Gables FL 33146. INSTA-CHLOR. Active Ingredients: Lithium Hypochlorite 29%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 662-AE. BASF Wyandotte Corp., 1609 Biddle Ave., Wyandotte MI 48192. WYANDOTTE WATER AID ALGICIDE. Active Ingredients: n-Alkyl dimethylbenzyl ammonium chloride 20.0%; Ethyl Alcohol 5.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 839-AE. Bell Chemical Co., 1421 Levee St., Dallas TX 75207. TOWER-KLEEN. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 5185-EIA. Bio-Lab, Inc., P.O. Box 1489, Decatur GA 30031. BIO-GUARD SPICY FRAGRANT SURFACE SPRAY DISINFECTANT FUNGICIDE DEODORANT. Active Ingredients: Alkyl (C14, 58%; C16, 28%; C12, 14%) dimethyl benzyl ammonium chloride 0.25%; Essential Oils 0.50%; Isopropanol 43.22%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 5185-EII. Bio-Lab, Inc. BIO-GUARD MINT FRAGRANT SURFACE SPRAY DISINFECTANT FUNGICIDE DEODORANT. Active Ingredients: Alkyl (C14, 58%; C16, 28%; C12, 14%) dimethyl benzyl ammonium chloride 0.25%; Essential Oils 0.50%; Isopropanol 43.22%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 5185-EIII. Bio-Lab, Inc. BIO-GUARD LEMON SCENTED SURFACE SPRAY DISINFECTANT FUNGICIDE DEODORANT. Active Ingredients: Alkyl (C14, 58%; C16, 28%; C12, 14%) dimethyl benzyl ammonium chloride 0.25%; Essential Oils 0.50%; Isopropanol 43.22%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 5185-EIV. Bio-Lab, Inc. BIO-GUARD ORANGE FRAGRANT SURFACE SPRAY DISINFECTANT FUNGICIDE DEODORANT. Active Ingredients: Alkyl (C14, 58%; C16, 28%; C12, 14%) dimethyl benzyl ammonium chloride 0.25%; Essential Oils 0.50%; Isopropanol 43.22%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 34874-R. Center Chemical Co., 1816 S.E. Loop 323, Tyler TX 75701. RAT AND MOUSE BAIT A-DA-Z. Active Ingredients: 2 pivalyl 1-1,3 Indandione (Pival) 0.025%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 7478-GE. Chem-Pak Co., P.O. Box 757, So. Miami FL 33143. GARDENS OF THE SOUTH ROSE SPRAY. Active Ingredients: Ethylene bis dithiocarbamate ion (C4H6N2S4) 12.50%; Zinc 0.35%; Manganese 3.15%; 1,1 Bix (Chlorophenyl) 2,2,2 Trichloroethanol 3.60%; Toxaphene (Technical chlorinated camphene 67% to 69%) 10.00%; Lindane (Gamma Isomer of Benzene Hexachloride) 5.00%; Dinitro (1-methylheptyl) phenyl crotonate and Dinitro (1-methylheptyl) phenol and related compounds 1.25%; Sulphur 10.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 7478-GL. Chem-Pak Co. HIBISCUS GARDENIA AND IXORA SPRAY. Active Ingredients: Copper Salts of Rosin and Fatty Acid (Copper as Metallic 2%) 24.0%; Ethion (0,0,0', Tetraethyl S,S'methylene bisphosphorodithioate) 22.0%; Aromatic petroleum derivative solvent 18.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 36332-R. Chemtool, Inc., 6115 Lou Ave., Crystal Lake IL 60014. CHEMTOOL 770. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene(dimethyliminio) ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 464-322. The Dow Chemical Co., Ag.-Organics Dept., P.O. Box 1706, Midland MI 48640. FUMAZONE 85E NEMATOCIDE. Active Ingredients: 1,2-dibromo-3-chloropropane and related halogenated C3 aliphatics 84%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA Reg. No. 464-429. The Dow Chemical Co. DOG FLEA AND TICK COLLAR. Active Ingredients: Fospirate (Dimethyl 3,5,6-trichloro 2-pyridyl phosphate) 15%. Method of Support: Application proceeds under 2(a) of interim policy. PM14

EPA File Symbol 352-GTA. E. I. du Pont de Nemours and Co., Inc., Biochemicals Dept., 7056 Dupont Building, Wilmington DE 19898. KRENITE BRUSH CONTROL AGENT. Active Ingredients: Ammonium ethyl carbamoylphosphonate 41.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 4704-UN. J. C. Ehrlich Chemical Co., Inc., 800 Heister's Lane, Reading PA 19605. EHRlich RODENT TRACKING POWDER. Active Ingredients: Warfarin, 3-(a-Acetylbenzyl)-4-hydroxy-ycoumarin 0.5%; N'-(Z-Quinoxalyl)-sulfanilamide 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA Reg. No. 2935-87. Wilber Ellis Co., Fresno Div., P.O. Box 1286, Fresno CA 93715. MALATHION 4 DUST. Active Ingredients: Malathion (0, 0-dimethyl dithiophosphate of diethyl mercaptosuccinate 4%). Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 10155-EN. Globe Chemicals, Inc., P.O. Box 3484, Toledo OH 43607. TOWERCIDE 400. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene(dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 35611-E. Hollis Applied Sciences Co., P.O. Box 38245, Memphis TN 38138. HASCOCIDE 80. Active Ingredients: Disodium cyanodithiocarbamate 4.90%; Potassium N-methyl-dithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 32460-L. Hydrology Laboratories, Inc., P.O. Box 714, Smithtown NY 11787. SUPERCHLORINATOR. Active Ingredients: 1,3 dichloro-5,5-dimethylhydantoin 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 20955-R. IPCO Hospital Supply, 30 Turner Place, Piscataway NJ 08854. BENZALKONIUM CHLORIDE. Active Ingredients: Alkyl dimethyl benzyl-ammonium chloride (C12-67%, C14-25%, C16-7%, C8, C10 and C18-1%) 0.13%; Isopropyl alcohol 40%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 6284-GE. Kiefer McNeil, Div. of McNeil Corp., 999 Switzer Ave., Akron OH 44311. CFC POOL CHEMICALS CONCENTRATED CHLORINE DONUT TABLETS. Active Ingredients: Trichloro-S-Triazinetrione 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 6284-GR. Kiefer McNeil. CFC POOL CHEMICALS CONCENTRATED CHLORINE 2 1/2" JUMBO TABLETS. Active Ingredients: Trichloro-S-Triazinetrione 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 35895-E. Memphis Pool Supply Company, 2762 Getwell Rd., Memphis TN 38118. POOL BARON'S RESCUE ALGAECIDE CONCENTRATE. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene(dimethyliminio) ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 10679-I. Mid-State Chemical and Supply Corp., 2100 Greenbrier Ln., Indianapolis IN 46218. SANITIZER 1835. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 10679-O. Mid-State Chemical and Supply Corp. SANI-KLEEN 1840. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 2831-LG. Napasco International, P.O. Box 1219, Thibodaux LA 70301. MICRO X MINT FRAGRANT PHENOLIC DISINFECTANT, FUNGICIDE, DEODORANT. Active Ingredients: Alkyl (C14, 58%; C16, 28%; C12, 14%) dimethyl benzyl ammonium chloride 0.25%; Essential Oils 0.50%; Isopropanol 43.22%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 675-GT. National Laboratories, Lehn and Pink Industrial Products Div. of Sterling Drug Inc., 22 Summit Ave., Montvale NJ 07645. NEW LF-10 HOSPITAL DISINFECTANT CONCENTRATE. Active

Ingredients: Potassium o-benzyl-p-chlorophenolate 9.4%; Isopropyl Alcohol 4.2%; Sodium Dodecylbenzene sulfonate 3.9%; Potassium-o phenylphenate 2.9%; Tetrasodium ethylenediamine tetraacetate 2.40%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA File Symbol 3008-GT. Osmose Wood Preserving Co. of America, Inc., 980 Ellicott St., Buffalo NY 14209. OSMOPENTA WOOD PRESERVING COMPOUND. Active Ingredients: Pentachlorophenol 8.96%; Other Chlorophenols and related compounds 1.04%; Petroleum Distillate 57.20%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 335-ERL. Pennswim Department, Pennwalt Corp., Three Parkway, Philadelphia PA 19102. CALCIUM HYPOCHLORITE. Active Ingredients: Calcium Hypochlorite 65%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 35629-R. Shocket Chemical Company, 2-16 State Highway 5, Palisades Park NJ 07650. SHOCKET'S INDUSTRIAL SPRAY. Active Ingredients: Petroleum distillate 97.40%; N-Octyl bicycloheptene dicarboximide 1.50%; Technical piperonyl butoxide 0.60%; Pyrethrins 0.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 4887-RTA. Stephenson Chemical Co., Inc., P.O. Box 87188, College Park GA 30337. STEPHENSON CHEMICALS SNAIL AND SLUG BAIT. Active Ingredients: 4-(Methylthio)-3,5-xylol methylcarbamate 2.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 9768-GL. Thatcher Chemical Co., P.O. Box 6114, Salt Lake City UT 84106. COPPER SULFATE SOLUTION. Active Ingredients: Copper Sulfate pentahydrate 18%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 148-RENU. Thompson-Hayward Chemical Company, 5200 Speaker Rd., Kansas City KS 66106. DED-WEED OS-6 BRUSH KIL. Active Ingredients: 2,4,5-trichlorophenoxyacetic acid isooctyl ester 65.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 11656-UE. Western Farm Service, Inc., C/O Shell Chemical Co., Suite 200, 1025 Conn. Ave., N.W., Wash DC 20036. WESTERN FARM SERVICE DIAZINON 14G INSECTICIDE. Active Ingredients: o,o-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 14.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 11656-UR. Western Farm Service, Inc. WESTERN FARM SERVICE PERTHANE BTB 5-144M DUST INSECTICIDE. Active Ingredients: Diethyl diphenyl dichloroethane and related products 5.000%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 11460-E. Worth Chemical Corporation, Box 20725, Stanley Williams Rd. at Segal Blvd., Greensboro NC 27401. ALKILL 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.75-5174 Filed 2-27-75;8:45 am]

[FRL 340-1; EPA Reg. 8043-1; FIFRA Docket No. 342]

ACORN RAT AND MOUSE KILLER

Cancellation of Registration; Objections and Request for Hearing

Notice is hereby given pursuant to § 164.8 of the EPA rules of practice (38 FR 19371; 40 CFR 164.8), issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973; 7 U.S.C. 136), that objections and a request for a public hearing have been filed under § 164.20 of those rules, by The Lowman Company, of Waterloo, Indiana, in connection with notice of intent to cancel registration of the above-named product. The notice was based on the failure to meet efficacy requirements.

For information concerning the issues involved and other details, interested persons are referred to the docket of this proceeding on file with the Hearing Clerk, Environmental Protection Agency, Room 1019 East Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

FREDERICK W. DENNISTON,
Administrative Law Judge.

FEBRUARY 25, 1975.

[FR Doc.75-5396 Filed 2-27-75;8:45 am]

[FRL 339-8; EPA Reg. 505-1; FIFRA Docket No. 341]

COWLEY'S ORIGINAL RAT AND MOUSE POISON

Cancellation of Registration; Objections and Request for Hearing

Notice is hereby given pursuant to § 164.8 of the EPA rules of practice (38 FR 19371; 40 CFR 164.8), issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973; 7 U.S.C. 136), that objections and a request for a public hearing have been filed under § 164.20 of those rules, by counsel for S. L. Cowley & Sons Manufacturing Co., of Hugo, Oklahoma, in connection with notice of intent to cancel registration of the above named product. The Notice was based on the failure to meet efficacy requirements.

For information concerning the issues involved and other details, interested persons are referred to the docket of this proceeding on file with the Hearing Clerk, Environmental Protection Agency, Room 1019 East Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

FREDERICK W. DENNISTON,
Administrative Law Judge.

FEBRUARY 25, 1975.

[FR Doc.75-5397 Filed 2-27-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Special Committee Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," Radio Technical Commission for Marine Services (RTCM) meetings scheduled for the future are as set forth below.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

SPECIAL COMMITTEE No. 65

"Receiver Standards for the Maritime Mobile Service", notice of 29th meeting, Wednesday, March 19, 1975—9:30 a.m. (all-day meeting), Conference Room A205, 1229-20th Street, NW, Washington, D.C.

AGENDA

1. Call to Order; Chairman's report.
2. Adoption of Agenda.
3. Acceptance of Summary Records.
4. Reports on Work Assignments.
5. Approval of submitted papers.
6. Discussion of Single Sideband standards.
7. Solicitation of Work Assignments.
8. Other business.
9. Establishment of next meeting date.

H. R. Smith, Chairman, SC-65, IIT Mackay Marine, 441 U.S. Highway #1, Elizabeth, N.J. 07202, phone: (201) 527-0300.

SPECIAL COMMITTEE No. 65

"Ship Radar", notice of 36th meeting, Wednesday, March 19, 1975—1:30 p.m., Conference Room 8210, 2025 M Street, NW, Washington, D.C.

COLLISION AVOIDANCE WORKING GROUP

The Collision Avoidance Working Group will hold a meeting on Wednesday, March 19, 1975, beginning at 9:30 a.m., in Conference Room 8210, 2025 M Street, NW, Washington, D.C.

If other working group meetings are scheduled, group members will be notified.

AGENDA FOR SC-65 COMMITTEE MEETING

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Appointment of Rapporteur.
3. Acceptance of SC-65 Summary Record, February 19, 1975. Paper 30-75/SC 65-183.
4. Progress Reports: (a) Collision Avoidance Working Group; (b) Reliability Working Group.
5. Small Boat Radar Specifications. (Paper 43-75/SC65-184).
6. Transponder Specifications—Paper 109-74/SC 65-168.
7. Other business.
8. Establishment of next meeting date. (Proposed May 14, 1975).

Irvin Hurwitz, Chairman, SC-65, Federal Communications Commission, Washington, D.C. 20554, phone: (202) 632-7197.

RTCM EXECUTIVE COMMITTEE

Notice of March meeting, Thursday, March 20, 1975—9:30 a.m., Conference Room 847, 1919 M Street, NW, Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Introduction of Attendees; Adoption of Agenda.

¹ For approval at this meeting.

3. Approval of Minutes.
4. Committee Reports.
5. Status report on "Federal Advisory Committee Act".
6. Discussion on draft Constitution and By Laws.
7. Assembly Meeting Report.
8. Report on financial activities.
9. Summary reports and announcements.
10. New business.
11. Establishment of next meeting date.

To comply with the advance meeting notice requirements of Pub. L. 92-463, a comparatively long interval of time occurs between publication of this notice and the actual meetings. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend any of the preceding listed meetings should report to the room number given in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for each committee meeting are available at that meeting. Those desiring more specific information may contact either the designated Committee Chairman or the RTCM Secretariat. (Phone: (202) 632-6490)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final reports are approved by the RTCM Executive Committee. All RTCM meetings are open to the public.

[FR Doc.75-5348 Filed 2-27-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

LP-GAS INDUSTRY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 85 Stat. 770), notice is hereby given that the LP-Gas Industry Advisory Committee will meet Wednesday, March 26, 1975, at 10 a.m., Room 3400 12th & Pennsylvania Avenue, NW., Washington, D.C.

This Committee was established to provide independent advice and review to the Federal Energy Administration with respect to the implementation of programs that affect the LP-Gas industry.

The Agenda for the meeting is as follows:

1. Opening Remarks.
2. The President's Energy Program and the LP-Gas Industry.
3. The Demand and Supply Outlook for LP-Gas, Ethane, and Other Natural Gas Liquids.
4. Review of FEA Allocation Regulations on Propane/Butane.
5. Review of FEA Pricing Regulations and Their Impact on the Production of LP-Gas, Ethane, and Other Natural Gas Liquids.
6. LP-Gas Imports and Their Role in Meeting Future U.S. Demand of LP-Gas.

7. The Prospects for Increased Recovery of Ethane—Pros and Cons.

8. FEA's Survey of Retail Propane Dealers for Sales and Price Data.

The meeting is open to the public.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C., on February 25, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75-5357 Filed 2-27-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-4828 etc.]

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Applications, Abandonment of Service and Petitions To Amend¹

FEBRUARY 21, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and

necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-4829 D 2-3-75	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Urbana Field, San Jacinto County, Tex.	Nonproductive	
C161-1419 C 2-10-75	Skelly Oil Co., P.O. Box 1630, Tulsa, Okla. 74102.	Texas Gas Transmission Corp., C. R. Mayer Lease No. 70177, Lafayette Parish, La.	\$ 50.00	15.025
C163-1397 D 1-29-75	Northern Natural Gas Producing Co., Three Greenway Plaza East, Suite 800, Houston, Tex. 77046.	El Paso Natural Gas Co., Basin (Dakota) and Blanco (Mesa Verde) Field, San Juan County, N. Mex.	(9)	
C168-846 CF 2-6-75	Sun Oil Co. (succ. to Medical Research, Inc., of Dallas), P.O. Box 2880, Dallas, Tex. 75221.	Breckenridge Gasoline Co., E. Rodessa Mitchell Field, Cass County, Tex.	7.25	14.65
C175-38 C 2-10-75	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Acreage in Lea County, N. Mex.	58.1564	14.73
C175-428 (G-5213) B 1-31-75	Sohio Petroleum Co., 1100 Penn Tower, Oklahoma City, Okla. 73118.	Texas Gas Transmission Corp., South Lewisburg Field, Acadia Parish, La.	(9)	
C175-435 (C161-1102) F 1-29-75	Branda Oil Co. (succ. to Sun Oil Co.), 3380 Liberty Tower, Oklahoma City, Okla. 73102.	Michigan-Wisconsin Pipe Line Co., NE Selling Field, Major County, Okla.	\$ 21.03	14.65
C175-439 (G-10284) B 1-31-75	Sohio Petroleum Co., 1100 Penn Tower, Oklahoma City, Okla. 73118.	Texas Gas Pipe Line Corp., Bauer Ranch Pool, Jefferson County, Tex.	Nonproductive.	
C175-469 (G-4057) B 2-3-75	Fair Oil Co., et al., P.O. Box 689, Tyler, Tex. 75701.	Mississippi River Fuel Corp., Woodlawn Field, Harrison County, Tex.	Depleted.	
C175-461 (G-6311) B 2-6-75	Sohio Petroleum Co.	Panhandle Eastern Pipe Line Co., N.E. Keenan Field, Woodward County, Okla.	7	
C175-467 (G-13603) B 2-6-75	do	Natural Gas Pipeline Company of America, Caledonia Field, Rusk County, Tex.	Well plugged and abandoned.	
C175-468 (G-13309) B 2-6-75	do	Panhandle Eastern Pipe Line Co., Light Field, Beaver County, Okla.	Well plugged and abandoned.	
C175-464 (C163-1298) B 2-6-75	do	South Texas Natural Gas Gathering Co., Harry Field, Webb County, Tex.	Depleted.	
C175-467 A 2-7-75	Texaco Inc., P.O. Box 60252, New Orleans, La. 70160.	Transcontinental Gas Pipe Line Corp., Bayou Des Glaises Field, St. Martin Parish, La.	\$ 64.0	15.025
C175-471 A 2-7-75	Amoco Production Co., P.O. Box 3092 Houston, Tex. 77001.	Natural Gas Pipeline Company of America, Big Eddy #39 Area, Eddy County, N. Mex.	\$ 54.9843	14.65
C175-472 (B) B 1-23-75	Appalachian Exploration & Development, Inc., P.O. Box 628, Charleston, W. Va. 25322.	Mountain Gas Co., Newburg Formation, Rocky Fork Field, W. Va.	(10)	
C175-473 (C871-727) F 2-3-75	Sun Oil Co. (succ. to Peltco Oil Co., Division of Southdown, Inc.), P.O. Box 2880, Dallas, Tex. 75221.	Transcontinental Gas Pipe Line Corp., Ship Shoal Block 113 Field, offshore Louisiana.	\$ 30.0	15.025
C175-475 A 2-6-75	The California Co., a Division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Natural Gas Pipeline Company of America, Block 214 Field, Vermilion Area, offshore Louisiana.	\$ 70.0	15.025
C175-478 (C161-1708) (C871-727) F 2-7-75	Sun Oil Co. (succ. to Burmah Oil Western Co. and Peltco Oil Co., Division of Southdown, Inc.).	Transcontinental Gas Pipe Line Corp., west half of Block 19, all of Block 20, west half of block 12, South Peltco Area Block 20 Field, offshore Louisiana.	\$ 30.0	15.025
C175-480 A 2-12-75	Mobil Oil Corp., Three Greenway Plaza East, Suite 800, Houston, Tex. 77046.	United Gas Pipe Line Co., Bethany Field, Panola County, Texas.	\$ 54.8357	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes on next page.

¹ Applicant states that the C. R. Mayer Lease No. 70177 was inadvertently omitted from the request for initial certificate authorization in the instant docket for sales under Applicant's FPC Gas Rate Schedule No. 172. Applicant requests authorization, *ex parte*, for sales from said lease.

² Subject to downward Btu adjustment.

³ Applicant assigned to El Paso Natural Gas Company certain producing acreage (Dakota Formation only).

⁴ Includes 4.2745¢ per Mcf production taxes, 1.3815¢ per Mcf upward Btu adjustment and 1.5¢ per Mcf gathering allowance.

⁵ The Tweedle "A" Unit #5 has been plugged and abandoned.

⁶ Subject to upward Btu adjustment; estimated adjustment is 0.0155¢ per Mcf.

⁷ All leases have terminated either because of their own terms or by nonproduction.

⁸ Subject to upward and downward Btu adjustment.

⁹ Applicant is willing to accept a certificate in accordance with Opinion No. 699.

¹⁰ C168-1298, C168-1576, C169-118, C169-983, C170-6, C170-206 and C170-467.

¹¹ Pressure has decreased to point where it cannot enter purchaser's pipelines and all interstate use of Applicants' gas has ceased.

¹² Applicant is willing to accept a certificate at the rate of 21.875¢ per Mcf under Opinion No. 598 for gas delivered under contracts dated prior to 10-1-68, for gas not subject to the Louisiana production tax. Applicant is willing to accept a certificate at the rate of 27.0¢ per Mcf under Opinion No. 598 for gas delivered from newly discovered reservoirs discovered on or after 10-1-68. The 30.0¢ per Mcf rate covers newly discovered reservoirs discovered on or after 1-1-73.

¹³ Applicant is willing to accept a certificate at the rate of 21.875¢ per Mcf under Opinion No. 598 for gas delivered under contracts dated prior to 10-1-68. Applicant is willing to accept a certificate at the rate of 27.0¢ per Mcf under Opinion No. 598 for gas delivered from newly discovered reservoirs discovered on or after 10-1-68. The 30.0¢ per Mcf rate covers newly discovered reservoirs discovered on or after 1-1-73.

¹⁴ Subject to upward Btu adjustment; estimated adjustment is 5.4835¢ per Mcf.

[FR Doc. 75-5210 Filed 2-27-75; 8:45 am]

[Docket No. E-9198]

WISCONSIN POWER AND LIGHT CO.

Order Accepting in Part, Rejecting in Part, Suspending, Granting Interventions and Establishing Procedures

FEBRUARY 19, 1975.

On December 30, 1974, the Wisconsin Power and Light Company (WP&L) tendered for filing proposed changes in its W-2 and W-3 Electric Service Tariff, Wholesale For Resale. The proposed changes would increase revenues from W-2 customers¹ by \$1,133,743 and from W-3 customers² by \$3,928,724 based on the 12-month period ending January 31, 1976. WP&L contends that the realized rate of return for the period ending on December 31, 1975, is 8.918%.

On January 20, 1975, WP&L tendered for filing supplemental data intended to make complete its original filing of December 30, 1974. This action was in response to a deficiency letter issued by the Secretary of the Federal Power Commission. Pursuant to § 35.2(c) of the Commission's regulations a proposed effective date will be assigned as of 30 days after the January 20, 1975 filing date.

In support of its request for changes in its rate schedules, WP&L stated that the proposed rate increase is necessary to meet rising financial and operating costs.

Notice of WP&L's initial filing was issued on January 8, 1975, and notice of the supplemental filing was issued on January 23, 1975. Comments, protests, or petitions to intervene, pursuant to the above notices were due on or before January 23, 1975, and February 13, 1975, respectively. On January 15, 1975, a protest and petition to intervene was jointly filed by the Adams-Marquette Electric Cooperative, the Central Wisconsin Electric Cooperative, the Columbus Rural Electric Cooperative, the Rock County Electric Cooperative and the Waushara Electric Cooperative (Co-ops). On January 17, 1975, a Petition to Intervene and Request for Maximum Suspension Period was filed by the Municipal Wholesale Group (Municipals). A Notice of Intervention was filed by the Public

Service Commission of the State of Wisconsin on January 24, 1975.

The above stated intervenors in this Docket have raised several issues in this case which warrant further development at the hearing as hereinafter ordered. Among these issues are some which require a discussion at this time.

The Municipals in their petition have alleged that WP&L's proposed rates have the effect of placing them in a "price-squeeze", in that they would not enable WP&L's wholesale customers to sell power at rates equivalent to those of WP&L's retail rates. As we have noted in the past³ our jurisdiction is limited to wholesale rates which must be designed to recover fully allocated wholesale costs. To establish wholesale rates upon the basis of retail rate levels would constitute the exercise of our jurisdiction on the basis of events and regulatory affairs over which we have no control. Retail rates, and the accounting and ratemaking principles underlying such, are under the exclusive jurisdiction of the appropriate state regulatory agency. The Federal Power Act does not grant us authority to fashion relief on the basis of retail rates. For these reasons, Municipal's participation in this proceeding is limited so as to exclude the "price squeeze" issue.

The Municipals also allege that WP&L's proposed rate schedules maintain policies and practices which are anticompetitive and inconsistent with the antitrust laws of the United States.

We note that the Municipal's petition did not conform with the guidelines established for intervenors who wish to raise anticompetitive issues in rate proceedings by our order in *Indiana & Michigan Electric Company*, Docket No. E-7740, 49 FPC 1232 (1973). In that docket we required that such intervenors specify the anticompetitive practices challenged, the facts relied upon, and the requested relief which is within the Commission's authority to direct. Accordingly, Municipal's participation in this proceeding

³ See, e.g., *Southern California Edison Company*, Docket No. E-8570, issued April 25, 1974, rehearing denied June 5, 1974; *Pacific Gas and Electric Company*, Docket No. E-7777, order issued March 14, 1974, rehearing denied May 15, 1974.

shall be limited to matters other than the alleged anticompetitive policies of WP&L. This action is without prejudice to Municipals filing an amended petition conforming to the *Indiana & Michigan Company* guidelines for raising anticompetitive issues.

Municipals allege that WP&L's contracts with "some" of the Municipal customers are fixed price and fixed term contracts and the proposed rate increase would be barred as to those customers under the *Mobile-Sierra* doctrine.⁴ We note that the contracts between WP&L and the Cities of Stoughton, Columbus, Princeton and Shullsburg and the Pioneer Power and Light Company and the Cross Plains Electric Company⁵ all contain language which is identical, in all pertinent respects, to the language found in the City of Shullsburg contract:

Such electrical energy will be furnished by the Company, and received and paid for by the Customer, upon the terms and conditions herein specified, and according to the terms, conditions, and limitations set forth in Rate Schedule W-3 attached hereto and made a part of this agreement, and subject to the applicable rules of the Company on file with the governmental regulatory body having jurisdiction.

Nowhere in the subject contracts or accompanying Rate Schedules are there provisions which would permit WP&L to change the specified rates by making a unilateral filing pursuant to section 205 of the Federal Power Act. Accordingly, since the rate levels proposed in WP&L's proposed rate increase as to the above-named customers is in excess of those permitted by the subject contracts, WP&L's unilateral filings as to these customers must be rejected as being inconsistent with the contractual provisions governing service between WP&L and the subject customers.

Our determination is in accord with the statement of the U.S. Court of Appeals for the District of Columbia Circuit that "the rule of *Mobile-Sierra*⁶ and *Memphis*⁷ is refreshingly simple: The contract between the parties governs the legality of the filing. Rate filings consistent with contractual obligations are valid."⁸ The Court further explained that this applied "whether the parties agree to a specific rate or whether to a rate changeable in a specific manner. In

⁴ *United Gas Pipeline Co. v. Mobile Gas Service Corp.*, 350 U.S. 332 (1956) and *F.P.C. v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

⁵ *City of Stoughton FPC No. 59 Contract Expires 2/13/77*, *City of Columbus FPC No. 66 Contract Expires 8/28/76*, *City of Princeton FPC No. 68 Contract Expires 10/21/77*, *City of Shullsburg FPC No. 104 Contract Expires 7/30/78*, *Pioneer Power & Light FPC No. 60 Contract Expires 10/14/76*, and *Cross Plains Electric Co. FPC No. 67 Contract Expires 9/16/77*.

⁶ *United Gas Pipe Line Co. v. Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *F.P.C. v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

⁷ *United Gas Pipe Line Co. v. Memphis Light, Gas and Water Division*, 358 U.S. 103 (1958).

⁸ *Richmond Power and Light Co., et al. v. F.P.C.*, 481 F.2d 490, at 493 (D.C. Cir. 1974).

¹ See Appendix A.

² See Appendix A.

either case, the contract is binding and a unilateral filing is ineffective to change it."⁹

Co-ops, Congressman Obey and Wisconsin Electric Cooperative Association have requested that the Commission suspend the change for at least 90 days citing the rules of the Rural Electrification Administration (REA) as requiring 90 days prior written notice before a borrower changes his retail rate structure. Under the Federal Power Act, 16 U.S.C. 824d(e), the period of suspension is a matter for our decision based upon the facts and circumstances presented and is statutorily within our discretion.¹⁰ While the intervenors state that they will not have adequate time in order to apply to the REA for rate relief it must be noted that inflationary pressures and general cost increases of capital, materials, labor and fuel, as well as regulatory lag, adversely affect the electric utilities as well as their customers, such as the intervenors. The problems of tracking and the interrelation of Federal-State regulatory procedures are not to be ignored. Those factors do enter into the balance which we consider in each instance in exercising our suspension powers. However, we do not believe that the procedures required by the various state jurisdictions or the REA concerning retail rate adjustments should be dispositive of the suspension period to be established for increased rates filed with this Commission. Carried to its logical extreme, such a policy would lead to different suspension periods for different customers depending on individual state tracking procedures. It would effectively deprive this Commission of its discretionary authority under the Federal Power Act to determine the suspension period, and would act as an incentive for jurisdictions to delay retail rate adjustments.

Our review of WP&L's filing consisting of Revised Rate Schedules W-2, W-3 and W-3.5 rider and the issues raised therein indicates that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend all the proposed terms, conditions and charges for one day and establish hearing procedures to determine the justness and reasonableness of WP&L's filing.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the terms, conditions and charges contained in WP&L's revised rate schedule proposed in this docket and that the tendered rate schedules be suspended as hereinafter provided.

(2) The proposed terms, conditions and charges, tendered by WP&L on De-

cember 30, 1974, and supplemented by the filing of January 20, 1975, should be accepted for filing as of January 20, 1975, except as they would apply to those customers identified in footnote 5.

The Commission orders: (A) Pending a hearing and a decision thereon, WP&L's proposed terms, conditions and charges tendered on December 30, 1974 and supplemented on January 20, 1975, are accepted for filing, except as they would apply to those customers identified in footnote 5 as of January 20, 1975, and suspended for one day, the use thereof deferred until February 21, 1975, subject to refund.

(B) WP&L's proposed terms, conditions and charges, tendered on December 30, 1974 and supplemented on January 20, 1975, are rejected insofar as they would apply to those customers identified in footnote 5.

(C) On or before June 10, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before June 24, 1975. Any rebuttal evidence by WP&L shall be served on or before July 7, 1975.

(D) Pursuant to authority of the Federal Power Act, particularly section 205 thereof, and the Commission's rules and regulations (18 CFR, Chapter I), a hearing for purposes of cross-examination concerning the lawfulness and reasonableness of the terms, conditions and charges in WP&L's FPC Rate Schedule, as proposed to be amended herein shall be held commencing on July 21, 1975, at 10 a.m., e.d.t. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(F) The above mentioned 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 the rights and interests specifically set forth in the respective petitions be limited to matters other than "price to intervene, except the Municipals shall be limited to matters other than 'price squeeze' or anticompetitive allegations; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any orders or orders issued by the Commission in this proceeding.

(G) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement

pursuant to § 1.18 of the Commission's rules of practice and procedure.

(H) The Secretary shall cause prompt publication of this order in the **FEDERAL REGISTER**.

By the Commission.

[SEAL]

KENNETH F. PLUMB,
Secretary.

APPENDIX A—Rate Schedule Designations, Wisconsin Power and Light Co.

Customer—Municipal customers—Rate W-3	Supplement No.	Rate schedule FPC No.	Supersedes supplement No.
Village of Belmont.....	8	22	7
City of Evansville.....	8	29	7
Village of Footville.....	8	30	7
Village of Gresham.....	9	31	8
City of Lodi.....	4	101	3
Village of New Glarus.....	8	39	7
City of Sheboygan Falls.....	4	98	3
Village of Wausau.....	8	54	7
Village of Pardeeville.....	3	102	2
Village of Hartsford.....	7	71	6
City of Sun Prairie.....	7	73	6
Village of Waunakee.....	5	74	4
City of Plymouth.....	6	75	5
Village of Muscoda.....	8	76	7
City of Hoscobol.....	6	77	5
City of Cuba City.....	6	79	5
City of Waupun.....	6	82	5
City of Brodhead.....	6	83	5
Village of Sauk City.....	5	84	4
City of Janesville.....	5	85	4
Village of Benton.....	5	88	4
City of Reedsburg.....	5	89	4
Village of Hazel Green.....	4	91	3
Village of Mt. Horeb.....	5	92	4
Village of Black Earth.....	5	93	4
Village of Mazomanie.....	5	94	4
Village of Prairie du Sac.....	5	95	4
City of Wisconsin Dells.....	5	96	4
Cooperative Customers—Rate W-2:			
Columbus Rural Electric Cooperative.....	3	103	2
Waushara County Electric Cooperative Inc., Inc.....	11	64	10
Rock County Electric Cooperative Association.....	7	69	6
Adams-Marguerite Electric Cooperative.....	6	85	5
Central Wisconsin Electric Cooperative.....	5	97	4

[FR Doc. 75-5235 Filed 2-27-75; 8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR Temporary Reg. F-330]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Federal Communications Commission.

2. *Effective date.* This regulation is effective February 19, 1975.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Federal Communications Commission concerning the petition of the American Telephone and Telegraph Company for an inquiry into

⁹ Id. at 497.

¹⁰ Municipal Light Boards of Reading & Wakefield, Massachusetts v. F.P.C. 450 F.2d 134 (D.C. Cir. 1971).

Joint Telpak Arrangements in its tariffs and the tariffs of other common carriers (FCC File No. 3-75).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

FEBRUARY 19, 1975.

[FR Doc.75-5320 Filed 2-27-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR MOLECULAR BIOLOGY

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Molecular Biology to be held on March 17 and 18, 1975, at 9 a.m. in room 338 at 1800 G Street, NW, Washington, D.C.

This panel was established on February 25, 1975, as a result of the merger of the Advisory Panel for Biochemistry and the Advisory Panel for Biophysics. The purpose of this panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

This meeting will not be open to the public because the panel 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 February 21, 1975, pursuant to the provisions of section 10 (d) of Pub. L. 92-463.

For further information about this panel, please contact Dr. Walter D. Bonner, Program Director, Biochemistry Program, Rm. 329, National Science Foundation, Washington, D.C. 20550, telephone 202/632-4260.

Dated: February 25, 1975.

R. GAIL ANDERSON,
Acting Committee
Management Officer.

[FR Doc.75-5372 Filed 2-27-75;8:45 am]

COMMITTEE MANAGEMENT

Determination

The National Science Foundation, established by Pub. L. 81-507 as an independent agency of the Federal Government, utilizes advice and recommenda-

tions of advisory committees in carrying out its functions and activities.

The Federal Advisory Committee Act, Pub. L. 92-463, which became effective January 5, 1973, sets forth standards and procedures for the formation, use, conduct, management and accessibility to the public of committees established to advise and assist the Federal Government. Section 10 of the Act specifies that each advisory committee meeting shall be open to the public, except any advisory committee meeting which the President, or the head of the agency to which the committee reports, determines is concerned with matters listed in the exemptions to the Freedom of Information Act, which are set forth in section 552(b) of Title 5, United States Code.

It is established Foundation policy in administering the Freedom of Information Act to make fullest possible disclosure of records to the public. Consistent with this policy the Foundation opens to the public as many advisory committee meetings as possible.

However, Foundation advisory committees, while engaged in the review, discussion and evaluation of grant or contract proposals and projects, or in the evaluation of grantee and contractor performance should not be required to hold open meetings.

Moreover, to operate most effectively, the review and evaluation process requires that members of committees considering such matters be free to engage in full and frank discussion and to provide unhampered advice and recommendations regarding the merits of specific scientific proposals and projects. In addition, if the proceedings of these committees were open to public participation, the Foundation would be unable to secure open and candid advice of outside experts as to the awarding of grants, contracts, fellowships and other arrangements.

In the interest of meeting the Foundation's obligations of confidentiality of matters submitted as part of grant and contract proposals and encouraging candid expression of opinion concerning the merits of grant and contract proposals and the evaluation of grantee and contractor performance, so essential to the review process:

It is hereby determined in accordance with the provisions of section 10(d) of the Federal Advisory Committee Act:

(1) Advisory committee meetings devoted to consideration of grant and contract proposals and projects are concerned with matters listed in section 552 (b) of Title 5, United States Code specifically sections (4), (5), and (6) thereof;

(2) The public interest requires that such matters not be disclosed so that the Foundation may continue to receive information and advice necessary to appropriate decisions with respect to grant and contract matters.

Therefore, meetings or portions thereof of all Foundation advisory committees devoted solely to review, discussion and evaluation of grant or contract proposals, and projects or performance by grantees

and contractors shall not be open to the public.

Each such committee shall issue a report at least annually setting forth a summary of its activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of Title 5, United States Code. The Foundation official having cognizance for each respective committee shall be responsible for the preparation of the committee report.

All other advisory committee meetings shall be open to the public unless the Director or his designee determines otherwise in accordance with section 10 (d) of the Act.

Dated: February 21, 1975.

H. GUYFORD STEVER,
Director.

[FR Doc.75-5373 Filed 2-27-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75-12)]

VIKING 1975 PROGRAM

Availability of Final Environmental Impact Statement

Notice is hereby given of the public availability of the final Environmental Impact Statement for the Viking 1975 Program.

Comments on the draft Environmental Impact Statement were previously solicited from State and local agencies and members of the public through a notice in the FEDERAL REGISTER of July 23, 1973.

Copies of the draft and final statement have been furnished to the Council on Environmental Quality, Environmental Protection Agency, Department of Defense, Department of State, Department of Commerce, Energy Research and Development Administration, Office of Management and Budget, and the State of Florida.

Copies of the final statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Avenue SW., Washington, D.C. 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, CA 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), P.O. Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, MD 20771.

(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, TX 77058.

(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, FL 32899.

(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, VA 23365.

(h) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, OH 44135.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, AL 35812.

(j) National Space Technology Laboratories, NASA (Building 1100, Room A-213), Bay St. Louis, MS 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Drive, Pasadena, CA 91103.

(l) Wallops Flight Center, NASA (Library Building, Room E-105), Wallops Island, VA 23337.

Done at Washington, D.C. this 20th day of February 1975.

By direction of the Administrator.

WILLIS H. SHAPLEY,
Associate Deputy Administrator,
National Aeronautics and
Space Administration.

[FR Doc. 75-5347 Filed 2-27-75; 8:45 am]

NUCLEAR REGULATORY COMMISSION

[Dockets Nos. 50-250 and 50-251]

FLORIDA POWER AND LIGHT CO.

Issuance of Amendments to Facility Operating Licenses

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on November 12, 1974 (39 FR 39902), the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 6 and No. 5 respectively, to Facility Operating Licenses Nos. DPR-31 and DPR-41 issued to Florida Power and Light Company which revised the Technical Specifications for operation of the Turkey Point Nuclear Generating Units 3 and 4, located in Dade County, Florida. The amendments are effective as of the date of issuance.

These amendments extend the Unit 3 allowable fuel residence time from 11,600 effective full power hours (EFPH) to 23,000 EFPH and modify the Unit 3 control rod insertion limits for two loop operation. The operating limits for Unit 4 set forth in its Technical Specifications remain unchanged although the Technical Specifications have been modified to reflect the revisions to the Unit 3 Technical Specifications.

The applications for the amendments comply 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 amendments.

For further details with respect to this action, see (1) the applications for amendments dated October 24 and 30, 1974, and supplemental letter dated January 31, 1975, (2) Amendment No. 6 to License No. DPR-31 and Amendment No. 5 to License No. DPR-41, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Lily Lawrence Row Pub-

lic Library, 212 NW. First Avenue, Homestead, Florida.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 19th day of February 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors
Branch #3, Division of
Reactor Licensing.

[FR Doc. 75-5302 Filed 2-27-75; 8:45 am]

[Dockets Nos. STN. 50-483-A, 50-486-A]

UNION ELECTRIC CO. (CALLAWAY PLANT UNITS 1 AND 2)

Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 27810) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a., 2.717 and 2.721 of the Commission's regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the above named proceeding.

This action is in reference to a FEDERAL REGISTER notice entitled "Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters" published by the Commission in the above matter on October 21, 1974 (39 FR 37414).

The members of the Board are:

Marshall E. Miller, Esq., Chairman
John M. Fryslak, Esq., Member
Sidney G. Kingsley, Esq., Member

The address of all of the above is:

Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

It is so ordered.

Dated at Bethesda, Md., this 24th day of February, 1975.

ATOMIC SAFETY AND LICENSING,
BOARD PANEL,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc. 75-5303 Filed 2-27-75; 8:45 am]

[Dockets Nos. 50-440, 50-441]

CLEVELAND ELECTRIC ILLUMINATING CO. ET AL. (PERRY NUCLEAR POWER PLANT, UNITS 1 AND 2)

Further Modification of Order To Show Cause

I. By Order dated January 20, 1975, the Cleveland Electric Illuminating Company, the Duquesne Light Company, the Ohio Edison Company, the Pennsylvania Power Company, and the Toledo Edison Company ("the licensees") were ordered to:

(a) Show cause why all work activities under the LWA, issued by the Director of Regulation on October 21, 1974 and supplemented on November 8, 1974, should not be suspended pending completion of the Nuclear Regulatory Commission's (NRC) review and evaluation of the environmental and site suitability considerations raised by the licensees' proposed permanent dewatering system described in Amendment 22 to the licensees' Preliminary Safety Analysis Report (PSAR); and

(b) Immediately suspended all LWA work activities pending further order.

II. On February 19, 1975, the Acting Director, Office of Nuclear Reactor Regulation, issued a Modification of Order to Show Cause which partially withdrew the suspension of work activities under the LWA and permitted performance of those work activities that would neither affect the ultimate conclusion of the benefit-cost balance set forth in the Final Environmental Statement for the Perry Nuclear Power Plants, Units 1 and 2 (facility), nor the selection of a satisfactory alternate to the proposed permanent dewatering system.¹ This action was based on the NRC Staff's (Staff) review and evaluation to that date of information submitted by the licensees to the Staff in documents² and technical presentations at meetings with the Staff.³

III. Attachment A to the January 20, 1975 Order specified the LWA work activities which were suspended. This Further Modification of Order modifies the suspension of the work activities enumerated in item 3 of Attachment A, "Excavation for facility structures," by reinstating authorization for site excavation for facility structures down to the lower till. This Further Modification of Order does not reinstate authorization of such excavation into the lower till.

IV. The basis for withdrawing the suspension of excavation for facility structures above the lower till is that the Staff's review of the site suitability and environmental issues raised by the licensees' proposed permanent dewatering system has now progressed to the point that the Staff is able to conclude that the design criteria and preliminary design of the Applicant's proposed under-drain system (1) may be considered to

¹ The scope of the LWA work activities permitted is listed in Paragraph III of the Modification of Order to Show Cause, February 18, 1975.

² These documents were submitted by the licensees on January 17, 29 and 31, 1975. Copies of these documents are on file in the Nuclear Regulatory Commission's Public Document Room (PDR) at 1717 H Street, N.W., Washington, D.C. 20555 and the Nuclear Regulatory Commission's Local Public Document Room (LPDR), Perry Public Library, 3553 Main Street, Perry, Ohio 44081.

³ These meetings were held at the NRC Staff offices in Bethesda, Maryland, on January 10, 21 and 22, 1975.

be generally acceptable⁴ and (ii) would hydrologically limit any significant environmental impacts to the site itself, thereby not altering the previous benefit-cost balance for the facility. This conclusion, as explained below, is based on the Staff's review of the permeability and pumping test data collected to date at the site,⁵ the location and proposed design of stream diversion channels, the location and design of the proposed underdrainage system, and consideration of the results of the Staff's site visit.⁶

Since issuance of the Modification of Order to Show Cause, the Staff has reached preliminary conclusions as to the adequacy of the design criteria and preliminary design of licensees' proposed underdrain system. These conclusions indicate that, although modifications may be required to some of the design features of the underdrain system and its proposed method of operation, these changes would primarily affect only those portions of the system to be located at the lower levels of the site excavation near the foundations of proposed facility structures, and, in any event, would not be forceclosed by the partial reinstatement of excavation authorization as set forth in Section III above.

The materials beneath the site, in a downward direction, are categorized by horizons as zones of surficial lacustrine soils, upper till, lower till, weathered shale and shale. The primary portions of the proposed underdrain system are to be located below the horizon separating the upper and lower till; that is, in the lower till, weathered shale and shale zones.

Any excavation above these three lower zones would not preclude those design or operational changes to the proposed underdrain system which may be required by the Staff.

V. In view of the foregoing and pursuant to the Atomic Energy Act of 1954, as amended, the Regulations in 10 CFR Parts 2 and 50, and the Order to Show Cause of January 20, 1975, addressed to the licensees, it is hereby determined that: The public health, interest or safety does not require the continued suspension of work activities associated with excavation of the site to the lower till for facility structures;

And, *It is hereby ordered*, That: Effective this date the Order to Show Cause

⁴ Since the underdrain system is considered acceptable to the Staff, it is no longer necessary to maintain flexibility with respect to various design alternatives. See discussion in the Order to Show Cause, pp. 4-5, dated January 20, 1975.

⁵ In addition to the information indicated *supra* in 2. and 3., the licensees submitted to the Staff on February 19, 1975, documentation entitled "Perry Nuclear Power Plant Permeability and Pumping Data, Cleveland Electric Illuminating Company—Environmental Information—Underdrain System."

⁶ Staff representatives visited the facility site on February 11, 1975. They inspected the licensees' permeability and pumping testing and test data, and they held discussions with the licensees regarding previously supplied design information.

of January 20, 1975, is amended to modify the suspension of work activities as set forth in Section III of this Further Modification of Order to Show Cause. All other provisions of said Order to Show Cause, as amended by the Modification of Order to Show Cause of February 18, 1975, shall remain in full force and effect.

Dated at Bethesda, Maryland this 24th day of February 1975.

EDSON G. CASE,
Acting Director, Office
of Nuclear Reactor Regulation.
[FR Doc.75-5363 Filed 2-27-75; 8:45 am]

[Dockets Nos. STN 50-483A, STN 50-486A]

UNION ELECTRIC CO. (CALLAWAY PLANT, UNITS 1 AND 2)

Memorandum and Order

Counsel for the applicant has moved, with the consent of counsel for the NRC Staff and Joint Petitioners, for an extension of time until March 14, 1975, within which to respond to the petition for intervention filed as a joint petition by the Coalition for the Environment, St. Louis Region, and the Utility Consumers Council of Missouri, Joint Petitioners. All parties who wish to respond to the joint petition for leave to intervene should be allowed an equal opportunity to do so.

In view of the nature of the issues presented by the Joint Petitioners, oral argument should be of assistance to the board in ruling upon such petitions. Parties should be prepared to identify and to address themselves to all significant issues of fact and law which are considered to be raised by the joint petition.

It is therefore ordered, That:

1. The time within which any party may respond to the petition for leave to intervene filed by the Coalition for the Environment, St. Louis Region, and the Utility Consumers Council of Missouri, Joint Petitioners is extended to and including March 14, 1975;

2. Oral argument will be held on said petitions in the Atomic Safety and Licensing Board Panel's hearing room, 12th floor, Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland, at 9:30 a.m. on Tuesday, April 1, 1975.

Issued at Bethesda, Maryland, this 24th day of February 1975.

The Atomic Safety and Licensing Board, designated to rule on petition for intervention.

MARSHALL E. MILLER,
Chairman.

[FR Doc.75-5364 Filed 2-27-75; 8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 1116]

FLORIDA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February, because of the effects of a certain disaster, dam-

age resulted to property located in the State of Florida;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Lafayette County, and adjacent affected areas, suffered damage or destruction resulting from a tornado, high winds and severe weather which occurred on or about February 6, 1975. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Office: Small Business Administration, District Office, 400 West Bay Street, Jacksonville, Florida 32202.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to April 21, 1975. EIDL applications will not be accepted subsequent to November 20, 1975.

Dated: February 20, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-5391 Filed 2-27-75; 8:45 am]

[License No. 04/04-0116]

H & T CAPITAL CORP.

Application for License as Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA), pursuant to § 107.102 of the Regulations (13 FR 107.102 (1974)), under the name of H & T Capital Corporation, 4750 Selma Highway, Suite C, Montgomery, Alabama 36105 for a license to operate in the State of Alabama as an SBIC under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. et seq.).

The proposed officers and directors, and major stockholders are as follows:

	Percent
Jack W. Harber, 2160 Rosemont Drive, Montgomery, Ala. 36114; president, director, and manager	0
Robert S. Querry, Jr., 2611 Wildwood Drive, Montgomery, Ala. 36111; vice president, director	0
Eddie E. Helms, 107 Vasis Lane, Montgomery, Ala. 36108; secretary, treasurer	0
Richard J. Flaherty, 3432 N. Water Mill, Montgomery, Ala. 36111; director	0
Hudson-Thompson, Inc., 4750 Selma Highway, Suite C, Montgomery, Ala. 36105	100

Mr. John A. Thompson is the only stockholder of the parent who owns 10 percent or more of the voting securities of that corporation.

The parent company is in the grocery business and provides a complete line of staple groceries and dairy products to small retail grocers.

The applicant will begin operations with a capitalization of \$300,000 which will be a source of equity capital and long-term loans for qualified small business concerns, with particular attention to growth potentials, in the retail food industry. In addition to financial assistance, the applicant will provide consulting services to its clients.

The applicant will conduct its operations principally in the State of Alabama and in other areas wherever the need may arise.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than March 17, 1975, submit written comments on the proposed company to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

Dated: February 24, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.75-5392 Filed 2-27-75; 8:45 am]

HONOLULU DISTRICT ADVISORY COUNCIL Meeting

The Small Business Administration Honolulu District Advisory Council will meet at 9 a.m. (H.d.t.), Thursday, March 27, 1975, in the Conference Room of the Honolulu District Office, 1149 Bethel Street, Honolulu, Hawaii 96813, to discuss such business as may be presented by members, the staff of the Small Business Administration and others attending. For further information, call or write David K. Nakagawa, at the above-mentioned address, (808) 546-8950.

Dated: February 25, 1975.

JOHN JAMESON,
Director,
Office of Advisory Councils,
Small Business Administration.

[FR Doc.75-5393 Filed 2-27-75; 8:45 am]

[License No. 03/20-0124]

REAL ESTATE CAPITAL CORP.

Approval of Application for Transfer of Control of Licensed Small Business Investment Company

Pursuant to the provision of § 107.701 of the Small Business Administration (SBA) Rules and Regulations (13 CFR 107.701 (1974)) for transfer of control

of Real Estate Capital Corporation, 111 West 40th Street, New York, New York 10018, notice was published in the FEDERAL REGISTER on January 27, 1975 (40 FR 4056).

Interested persons were given an opportunity to send their written comments to SBA on the proposed transfer of control. No comments were received.

Upon consideration of the application and other relevant information, SBA hereby approves the transfer of control of Real Estate Capital Corporation.

Dated: February 24, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.75-5394 Filed 2-27-75; 8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health
Administration

STANDARDS ADVISORY COMMITTEE ON AGRICULTURE

Notice of Meeting and Request for Information

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. D), notice is hereby given that the Standards Advisory Committee on Agriculture and its subcommittees as noted herein, established under section 7 (b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Monday, March 24 and Tuesday, March 25, 1975, starting at 8:30 a.m. each day in Room 216 ABCD, Main Labor Building, Constitution Avenue at 14th Street NW., Washington, D.C. The meeting shall be open to the public and all interested parties are encouraged to attend.

It is planned that Subcommittees on Airborne Hazards, Electrical Hazards, Noise, and Ladders will meet. Agenda items are subject to change as time and priorities dictate.

Any member of the public wishing to submit written presentations to the Committee may do so by filing such a statement, together with 20 duplicate copies, with the Committee Management Officer by close of business March 21, 1975, or by filing such statements with the Committee Management Officer at the meeting. Such submissions will be provided to the members of the Committee and will be included in the record of the meeting.

The Committee Chairman may permit oral statements before the Committee by interested persons. Consequently, persons desiring to make an oral presentation to the Committee should submit a written request to be heard to the Committee Management Officer by close of business March 17, 1975. The request must include the name and address of the person wishing to appear, the capacity in which he will appear, a short summary of the intended presentation, and the approximate amount of time required for his presentation. Such submissions will be provided to the Committee Chairman for his consideration.

The Committee herein repeats its request for relevant information or data on agricultural employee exposure to noise, airborne hazards, and electrical hazards. The Committee would appreciate receiving such data at any time during its meetings on these subjects but would find the information most useful in the early stages of these deliberations.

Communications and questions about the proceeding should be addressed to:

Jeanne W. Ferrone
Committee Management Officer
U.S. Department of Labor
Occupational Safety and Health Administration
1726 M Street NW., Room 200
Washington, D.C. 20210
Phone: 202-961-2248, 2487.

All materials which have been submitted to or developed by the Committee since the beginning of its deliberations, as well as the official record of all Committee proceedings, are available for public inspection and copying at the above location.

Signed at Washington, D.C., this 21st day of February, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-5345 Filed 2-27-75; 8:45 am]

Office of the Secretary

JOSEPH WEISS & SONS, INC.

Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

The Department of Labor has received a United States International Trade Commission report containing an affirmative finding under section 301(c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of the workers and former workers engaged in the production and installation of manufactured granite at Joseph Weiss & Sons, Inc., Brooklyn, New York (TEA-W-258). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the United States International Trade Commission report should be certified as eligible to apply for adjustment assistance, provided under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views or arguments relating to

the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. on or before March 4, 1975.

Signed at Washington, D.C. this 19th day of February 1975.

GLORIA G. VERNON,
Director, Office of
Foreign Economic Policy.

[FR Doc. 75-5346 Filed 2-27-75; 8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 708]

ASSIGNMENT OF HEARINGS

FEBRUARY 25, 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 interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 115767 Sub 4, Terminal Transfer, Inc., now being assigned April 22, 1975 (1 day), at Salem, Oregon, in a hearing room to be designated later.

AB 71, Baltimore and Annapolis Railroad Company Abandonment of Operations Between Clifford Junction, Baltimore City and Annapolis, in Baltimore and Anne Arundel Counties, Maryland, now assigned March 12, 1975, at Baltimore, Maryland is postponed to April 16, 1975, at Baltimore, Maryland.

MC 107515 Sub 941, Refrigerated Transport Co., now assigned March 17, 1975, at Denver, Colorado, is cancelled and application is dismissed.

MC 119656 Sub 27, North Express, Inc. now assigned March 27, 1975, at Chicago, Ill. is cancelled and application dismissed.

MC-F-12239, Ruan Transport Corporation—Control—Arizona Tank Lines, Inc., now assigned March 11, 1975, at Phoenix, Ariz., will be held in Room 2, Arizona Corporation Commission, 1688 W. Adams St.

MC 25869 Sub 124, Nolte Bros. Truck Line, Inc., MC 52709 Sub 324 Ringsby Truck Lines, Inc., MC 99540 Sub 915, Watkins Motor Lines, Inc., MC 114273 Subs 176 and 216, Cedar Rapids Steel Transportation, Inc., MC 118060 Sub 5, Capitol Packing Co., and MC 138018 Subs 8, 13 & 15, Refrigerated Foods, Inc., now assigned March 17, 1975, at Denver, Colo., will be held in Room 587, 5th Floor Tax Court, U.S. Federal Building & Courthouse, 19th & Stout Sts.

MC 128473 Subs 5 & 16, Montana Express, Inc., now assigned March 24, 1975, at Billings, Mont., will be held in Room 246, U.S. Post Office Bldg., 2602 First Ave., North.

MC 128932 Sub 8, Robert L. Torrains, DBA Commercial Storage & Distribution Co., now assigned March 24, 1975, at Dallas, Tex., is cancelled and the application is dismissed.

No. 35659, Miller Oil Purchasing Company vs. Amerada-Hess Corporation, et al., now assigned March 4, 1975, at Washington, D.C., is postponed to May 6, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 25399 Sub 10, A-P-A Transport Corp., now being assigned April 15, 1975, at Philadelphia, Pa. in a hearing room to be later designated.

MC 140002, Edward J. Ring Detective Agency, Inc., now being assigned April 17, 1975, at Philadelphia, Pa. in a hearing room to be later designated.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-5383 Filed 2-27-75; 8:45 am]

[No. MC-C-8596]

BADGER LINES, INC.

Filing of Petition

In the matter of a petition for declaratory order regarding increased compensation for lessors of equipment to motor contract carriers of property.

Petitioner: Badger Lines, Inc.

Petitioner's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203.

By petition filed January 30, 1975, Badger Lines, Inc. of Milwaukee, Wis., a motor contract carrier of property, seeks a declaratory order interpreting certain orders and regulations issued by this Commission during February 1974 as not affecting its obligation to compensate equipment lessors. The request is based on the fact that prior to the issuance of such orders and regulations petitioner had increased compensation paid to its equipment lessors and thereby enabled them to offset the increased cost of diesel fuel.

More specifically, petitioner seeks issuance of a declaratory order by this Commission to the effect that the provisions of § 1057.4(a)(5) of Part 1057 of Title 49 of the Code of Federal Regulations do not require it, in light of certain facts and circumstances, to pay additional compensation to its equipment lessors. That subsection was modified by order entered February 14, 1974, in Ex Parte No. MC 43 (Sub-No. 2), Adjustment of Compensation for Equipment Leased by Motor Carriers of Property Because of Rising Fuel Costs, and the regulations now provide for a pass-through to equipment lessees of increased fuel costs borne by equipment lessors. The circumstances to which petitioner refers and upon which it relies are: (1) the fact that February 15, 1974, was the date on which modification of § 1057.4(a)(5) became effective; (2) the net effect of the modification was that an increase in compensation was to be paid lessors for leased equipment (a) by subtracting the price of fuel on May 15, 1973 (the date on which controls on the prices on certain fuels were relaxed), from the current price therefor on fuel consumed in operations for which the equipment is leased, (b) reducing such difference by any amounts as are paid for the same

operations to the lessor in the form of specific fuel-cost adjustments obtained subsequent to May 15, 1973, and (c) adding the net difference between those amounts to the compensation paid a lessor; (3) by filing Supplement No. 1 (effective January 21, 1974) to its rates Schedule MF-ICC No. 31, petitioner increased its rates an average of 10 percent; (4) petitioner's equipment lessors were then compensated on the basis of 80 percent of the revenue generated by the traffic they transport and, thus, they received an increase in compensation of approximately 8 percent, an amount alleged to be sufficient to off-set increased fuel costs borne by such equipment lessors; (5) although Special Permission Order No. 74-2525, entered February 7, 1974, as amended, provided a procedure for enabling motor common carriers to recoup escalating fuel costs and passing supplemental compensation therefor on to equipment lessors, that order has no application to motor contract carriers; and (6) to require petitioner to pay additional compensation to its lessors—which petitioner alleges it has been directed to do by this Commission's field staff—would result in its paying double compensation to its equipment lessors to the extent that fuel costs have increased.

Petitioner states that an agreement recently was negotiated with its lessors whereby it would file increased rates with this Commission of an average of 10 percent higher than the rates filed in Supplement No. 1, and that new lease agreements would be executed between petitioner and its lessors whereby the latter would be paid a sum equal to 70 percent of gross revenues derived from the use of leased equipment plus an amount equal to the increased cost of fuel purchased and borne by its lessors. The new lease agreements and rate increases were to become effective simultaneously during January 1975.

Petitioner is under the impression that despite these developments it is the position of this Commission's field staff that the changes in its rates and leases described in the preceding paragraph would not satisfy the requirements of the leasing regulations, as modified, and that it still would be obligated to pay its lessors, as a separate payment, the increased costs of fuel purchased and borne by them from February 14, 1974, to the date the new rates and leases take effect. It believes such an interpretation is incorrect and that to require it thus to pay such double compensation would be unlawful and in violation of the provisions of the order entered in Ex Parte No. MC 43 (Sub-No. 2).

Petitioner prays that the Interstate Commerce Commission issue an order finding that under the above-described circumstances and in light of the provisions of the order entered February 14, 1974, in Ex Parte No. MC 43 (Sub-No. 2), it is not obligated to pay additional compensation to its lessors for their increased costs of fuel over and above the specific fuel cost rate increase placed into effect

by publication of Supplement No. 1 to Schedule MC-ICC No. 31.

No oral hearing is contemplated at this time, but any person (including petitioner) interested in making representations in favor of, or against, the relief sought in the petition may do so by the submission of written data, views, or arguments. An original and fifteen (15) copies of such data, views, or arguments shall be filed with the Commission on or before April 15, 1975. A copy of each representation should be served upon petitioner's representatives. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours. Notice to the general public of the matters herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5384 Filed 2-27-75;8:45 am]

[Notice 241]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

FEBRUARY 28, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 20, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75342. By order of February 14, 1975, the Motor Carrier Board approved the transfer to Robert Jekel and David Jekel, a partnership, doing business as Jekel Moving & Storage Co., 405-36th St., S.E., Grand Rapids, Mich., 49508, of the operating rights in Certificate No. MC 54147 issued April 29, 1968 to Root's Van Lines, Inc., 809 Harrison St., Kalamazoo, Mich., 49007, authorizing the transportation of household goods between Grand Rapids, Mich. and points in Michigan within 80 miles there-

of, on the one hand, and, on the other, points in Indiana, Illinois, Ohio, Pennsylvania, New York and Wisconsin.

No. MC-FC-75579. By order of February 14, 1975, the Motor Carrier Board approved the transfer to Harry H. Kemp, doing business as Harry H. Kemp Enterprises, Oskaloosa, Iowa, of the operating rights in Certificate No. MC-110589 (Sub-No. 6) issued April 20, 1972, to J. E. Lammert Transfer, Inc., Grand Island, Nebr., authorizing the transportation of meats, meat products, meat by-products, and articles distributed by meat packinghouses, except commodities in bulk and hides, from the plant site of Gibbon Packing, Inc., at Gibbon, Nebr., to points in Illinois and Wisconsin. Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501, representative for applicants.

No. MC-FC-75585. By order of February 14, 1975, the Motor Carrier Board approved the transfer to Ray Bethers Trucking, Inc., Salt Lake City, Utah, of the operating rights in Certificates Nos. MC 129994 and MC 129994 (Sub-No. 1) issued May 12, 1969, and May 13, 1974, respectively, to Ray Bethers, Salt Lake City, Utah, authorizing the transportation of lumber, lumber mill products, utelite and sheet rock and roofing materials, from and to points in Colorado, Nevada, Utah, Wyoming, New Mexico, Arizona, Montana, and California. Lon Rodney Kump, 333 East Fourth South, Salt Lake City, Utah 84111, attorney for applicants.

No. MC-FC-75595. By order of February 18, 1975, the Motor Carrier Board approved the transfer to South Shore Motor Service, Inc., Chicago, Ill., of the Certificate of Registration in No. MC 120615 (Sub-No. 1) issued November 29, 1963, to Robert Stanley Brooks, doing business as South Shore Express & Motor Service, Chicago, Ill., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of intrastate authority in Certificate No. 6621MC issued November 16, 1954, by the Illinois Commerce Commission. James R. Madler, 1255 N. Sandburg Terrace, Chicago, Ill. 60610, attorney for applicants.

No. MC-FC-75671. By order entered February 14, 1975 the Motor Carrier Board approved the transfer to Mt. McKinley Bus Lines, Inc., Anchorage, Alaska, of Certificate of Registration No. MC 138474, issued May 10, 1974, to Roy M. Payne, doing business as Mt. McKinley Bus Lines, Anchorage, Alaska, evidencing a right to engage in transportation in interstate or foreign commerce, of passengers, their baggage and express, between specified points in Alaska. William G. Knight, 741 C Street, Anchorage, Alaska 99501, representative for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5386 Filed 2-27-75;8:45 am]

[Notice 21]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 24, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 55512 (Sub-No. 1TA), filed February 10, 1975. Applicant: RAUCH TRUCK LINES, INC., 110 Olive Street, St. Charles, Mo. 63301. Applicant's representative: O. J. Heck, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between St. Louis, West Alton, and St. Charles, Mo., from St. Louis, Mo., over U.S. Highway 67, to West Alton, thence over Missouri Highway 94 to St. Charles, Mo., and return over the same route, serving all points on each side of Missouri Highway 94 and all intermediate points and off route points in St. Charles County east of County Road C, from and to points in St. Louis, Mo., and East St. Louis, Ill. commercial zones. Applicant intends to tack with MC 55512. Supporting shipper: Saale Bros., Appliance & Building Material Co., West Alton, Mo. 63386. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1465, 12th St., St. Louis, Mo. 63101.

No. MC 65802 (Sub-No. 58TA), filed February 15, 1975. Applicant: LYNDEN TRANSPORT, INC., P.O. Box 433, Lynden, Wash. 98264. Applicant's representative: James T. Johnson, 1610 IBM

Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Fairbanks, Alaska and Prudhoe Bay, Alaska, serving all intermediate points and all off route points within 100 miles of the unnumbered highway between Livengood and Prudhoe Bay, from Fairbanks, Alaska over Alaska State Highway No. 2 to Livengood thence over unnumbered highway to Prudhoe Bay, and return over the same route, for 180 days. Supporting shippers: Alyeska Pipeline Service Company, 1835 South Bragaw Street, Anchorage, Alaska; Fluor Alaska, Inc., P.O. Box 3301, Fairbanks, Alaska 99701; Alaska Diamond Drill Contractors, Inc. 2402 Commercial Dr., Anchorage, Alaska 99501. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg. Seattle, Wash. 98174.

No. MC 100666 (Sub-No. 288TA), (Correction), filed January 16, 1975, published in the FEDERAL REGISTER issue of January 23, 1975, and republished as corrected this issue. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation Life Center, 3535 Northwest 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Union City, Ga., to points in Arkansas, Kansas, Louisiana, Nebraska, Oklahoma, and Texas, for 180 days. Supporting shipper: Richmond Lumber, Inc., P.O. Box 691, Union City, Ga., 30291. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room T-9038, U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La. 70113. The purpose of this republication is to indicate the state of Texas in lieu of Tennessee.

No. MC 107496 Sub-No. 987TA) (Amendment), filed January 24, 1975, published in the FEDERAL REGISTER issue of February 12, 1975, and republished as amended this issue. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, from Clearbrook, Minn., to Superior and Saxon, Wis., for 180 days. Supporting shipper: Lakehead Pipeline, Bemidji, Minn. 56601. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., 210 Walnut St., Des Moines, Iowa 50309. The purpose of this republication is to indicate the correct address to which the protests are to be sent.

No. MC 113410 (Sub-No. 92TA), filed February 12, 1975. Applicant:

DAHLEN TRANSPORT, INC., 1630 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Joseph A. Eschenbacher, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk, from Hillsboro and Wahpeton, N. Dak., to points in Iowa, Minnesota and Wisconsin, for 180 days. Supporting shipper: North Central Sugar Marketing Coop., Suite 362, 400 Shelard Plaza South, Minneapolis, Minn. 55426. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Building and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 117119 (Sub-No. 525TA), filed February 13, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsites and storage facilities of Good Humor Corporation at Chicago, Ill., to points in Idaho, Montana, Oregon, Utah, Washington, and Wyoming. Equipment terminating in destination area is returned by authority in MC 117119 Sub Nos. 2, 44, 343, 6, 33, 160, 178, 179, and 374, for 180 days. Supporting shipper: Good Humor Corporation, 40 New Dutch Lane, Fairfield, N.J. 07006. Send protests to: William H. Land, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 117119 (Sub-No. 525TA), filed February 14, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Breeder base mixes and flour compounds* (except in bulk), between Evansville, Ind., and Ponchatoula, La., for 180 days. Supporting shipper: Modern Maid Food Products, Inc., 250 E. Willo St., Ponchatoula, La. 70454. Send protests to: William H. Land, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 117547 (Sub-No. 14TA), filed February 12, 1975. Applicant: BELL TRANSPORTATION CO., INC., 133-03 35th Avenue, Flushing, N.Y. 11354. Applicant's representative: George H. Rosen, 265 Broadway, P.O. Box 348, Monticello, N.Y. 12701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passenger automobiles* which are owned by persons traveling under military orders, with or without baggage, tools, sporting equipment and personal

effects in driveway service, between points in Philadelphia, Pa., and Philadelphia, Pa. commercial zone as defined by the Commission, on the one hand, and, on the other, Bayonne, N.J., for 180 days. Supporting shipper: Department of Defense, Department of the Army, Washington, D.C. 20310. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 117940 (Sub-No. 157TA), filed February 12, 1975. Applicant: NATION-WIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from the plantsites of Diamond Crystal Salt Company, at Akron, Ohio and St. Clair, Mich., to Dover, Del., Baltimore, Cambridge, Cumberland, Frederick, Grantsville, Hagerstown, Hunts Valley and Mountain Lake Park, Md., Bristol, Jackson and Knoxville, Tenn., Bristol, Christiansburg, Elliston, Norfolk, Portsmouth, Richmond, Roanoke, Salem, Smithfield, Virginia Beach and Winchester, Va., Bayonne, Boundbrook, Brentwood, Edison, Elizabeth, Fairlawn, Flemington, Hillside, Jersey City, Linden, Newark, Paterson, South Kearney, Totowa and Woodbridge, N.J., for 180 days. Supporting shipper: Diamond Crystal Salt Company, 916 South Riverside Ave., St. Clair, Mich. 48079. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 117975 (Sub-No. 5TA), filed February 7, 1975. Applicant: MOTOR EXPRESS, INC., P.O. Box 160, Pearland, Tex. 77581. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, and (2) *bananas* when transported in mixed loads with agricultural commodities exempt from economic regulation under Section 203(b) (6) of the Act, from Hidalgo, Tex., to points in Kansas, Georgia, Tennessee, Alabama, Mississippi, Oklahoma, Louisiana, Arkansas, and Tex., for 180 days. Supporting shipper: Glisson and Scales Produce Company, 2107 Military Road, Hidalgo, Tex. 78557. Send protests to: John Mensing, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 119245 (Sub-No. 8TA), filed February 12, 1975. Applicant: E. J. PAULETTE, doing business as PAULETTE'S DELIVERY SERVICE, 1155 Joseph St., Shreveport, La. 71107. Applicant's representative: John M. Madison, Jr., P.O. Box 1707, Shreveport, La. 71166. Authority sought to operate as a *contract*

carrier, by motor vehicle, over irregular routes, transporting: *Home care products* from Shreveport, La., to Counties in Arkansas as follows: Ashley, Ark., Bradley, Calhoun, Chicot, Columbia, Conway, Cleveland, Clark, Crawford, Drew, Dallas, Desha, Faulkner, Franklin, Grant, Garland, Howard, Hot Springs, Hempstead, Jefferson, Johnson, Little River, Lafayette, Lincoln, Lonoke, Lee, Logan, Miller, Montgomery, Monroe, Nevada, Ouachita, Pike, Polk, Pope, Perry, Pulaski, Prairie, Phillips, Sevier, Scott, Saline, Sebastian, Union and Yell Counties, Ark., for 180 days. Supporting shipper: Amway Corporation, 2001 Timberlake, Arlington, Tex. 76010. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-9038 U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 126713 (Sub-No. 3TA), (Correction), filed February 3, 1975, published in the FEDERAL REGISTER issue of February 18, 1975, and republished as corrected this issue. Applicant: GRAVES VAN LINES, INC., 411 W. Lincoln, Salina, Kans. 67401. Applicant's representative: Harold H. Chase, Box 914, Salina, Kans. 67401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, having a prior or subsequent movement in containers and to pick up and delivery service in connection with packing, unpacking, crating, uncrating, containerization and decontainerization, between points in Norton, Phillips, Graham, Rooks, and Trego Counties, Kans., and Salina, Kans., as tacking point with authority held by applicant in MC 126713, applicant intends to tack with its present authority at Salina, Kans., for 180 days. Supporting shipper: Department of Defense, Department of the Army, Washington, D.C. 20310. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

NOTE.—The purpose of this republication is to show movement is between in lieu of from.

No. MC 133684 (Sub-No. 14TA), filed February 10, 1975. Applicant: GORDON FAST FREIGHT, INC., 2205 Pacific Highway East, Tacoma, Wash. 98422. Applicant's representative: Michael D. Duppenhaler, Room 411, Lyon Bldg., 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, between Vancouver, Wash., and points in Los Angeles and San Francisco, California Commercial Zone, for 180 days. Supporting shipper: General Brewing Company, P.O. Box 1210, Vancouver, Wash. 98660. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, Room 858 Federal Bldg., 915 Second Avenue, Seattle, Wash. 98174.

No. MC 134323 (Sub-No. 70TA), filed January 7, 1975. Applicant: JAY LINES, INC., 720 North Grand, Amarillo, Tex. 79105. Applicant's representative: Gailyn Larsen, 521 South 14th St., P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat and meat products*, (a) from Omaha, Nebr., to Philadelphia, Pa., and points in New York, New Jersey, and Florida, (b) from the plantsite and storage facilities of MBPXL Corporation at or near Rockport, Mo., to Omaha, Nebr., (c) between Omaha, Nebr., on the one hand, and, on the other, the plantsite and storage facilities of MBPXL Corporation at or near Plainview, Tex., and (d) from ports of entry in the States of New York and New Jersey, to Omaha, Nebr., (2) *plastic bags*, from Mt. Vernon, Ohio, to Omaha, Nebr., and (3) *Curing compound*, from Chicago, Ill., to Omaha, Nebr., for 180 days. Supporting shipper: MBPXL Corporation, P.O. Box 910, Plainview, Tex. 79072. Send protests to: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 134875 (Sub-No. 6TA), filed February 18, 1975. Applicant: JOHN W. SMOOT, Mount Jackson, Va. Applicant's representative: M. Bruce Morgan, 201 Azar Bldg., Glen Burnie, Md. 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles, cloth, dry goods or fabrics, textile machinery, clothing, viz: Garment findings, buttons, zippers, hooks and eyes, cones, thread, cotton, wool, polyester, nylon or synthetic yarn, natural yarn, dyed, finished roll goods; unfinished roll goods, chemicals, for finishing, sewing, cutting, dyeing; printing screen equipment; cartons and packaging materials, fabrics, remnants and scraps*, between Abilene, Tex., Edinburg, Woodstock, Va., Orange, Flint Hill, Victoria, New Market, Brookneal, Culpeper, Monterey, Danville, Radford, Va., San Angelo, Snyder, Tex., Lowland, Nashville, Memphis, Tenn., Pace, Fla., Sylacauga, Alabama, Orangeburg, Hartsville, Green, Greenville, Union, South Carolina, Enka, Kings Mountain, Stanley, Forest City, Lincolnton, Charlotte, Gastonia, Shelby, N.C., for 180 days. Supporting shipper: Aileen, Inc., P.O. Box 248, Edinburg, Va. 22824. Send protests to: W. C. Hersman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 317, 12th & Constitution Ave. NW., Washington, D.C. 20423.

No. MC 135486 (Sub-No. 10TA), filed February 14, 1975. Applicant: JACK HODGE TRANSPORT, INC., 2410 West 9th St., Marion, Ind. 46952. Applicant's representative: Jacob Billig, 1126 16th St. NW., Suite 300, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packaged dried beans, packaged rice, packaged black*

pepper, packaged aluminum foil, packaged polyethylene bags, popcorn, charcoal lighter fluid, and charcoal briquettes, from the facilities of Arrow Industries, Inc., at Dallas, Tex., to Cincinnati, Cleveland, Columbus and Dayton, Ohio; Detroit, Mich.; St. Louis, Mo.; Ft. Wayne, and Indianapolis, Ind.; Louisville, Ky.; Memphis and Nashville, Tenn., and Little Rock, Ark., for 180 days. Supporting shipper: Arrow Industries, Inc., Box 34489, Dallas, Tex. 75234. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Wayne St., Rm. 204, Ft. Wayne, Ind. 46802.

No. MC 135846 (Sub-No. 2TA), filed February 13, 1975. Applicant: M. S. MOLITOR, doing business as MOLITOR TRUCKING, P.O. Box 259, Boulder, Mont. 59632. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, from Azusa, Calif., to Bozeman, Butte, Helena, and Missoula, Mont.; and *return of empty bottles, cans, kegs and pallets*; (2) *malt beverages*, in containers, from Los Angeles, Calif., and points in its Commercial Zone, to points in Montana; and *return of empty bottles, cans, kegs and pallets*; and (3) *juices and mixes*, from Hayward and Sacramento, Calif., to Billings, Bozeman, Butte, Helena, Livingston, Missoula, and West Yellowstone, Mont., for 180 days. Supported by: There are approximately 8 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 136931 (Sub-No. 1TA), filed February 13, 1975. Applicant: WRIGHT MOTOR FREIGHT, INC., 2520 Lansing Avenue, Jackson, Mich. 49202. Applicant's representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between points in Hillsdale County, Mich., on the one hand, and, on the other, Willow Run Airport and Detroit Metropolitan Airport; (2) Between points in Hillsdale County, Mich., on the one hand, and, on the other, Reynolds Field, Jackson, Mich., all movements restricted to traffic having an immediately prior or immediately subsequent movement by air carrier, for 180 days. Supporting shippers: Addison Products Company, P.O. Box 100, Addison, Mich. 49220. Ask Packer Inc., 136

S. Chicago St., Litchfield, Mich. 49252. Quincy Stamping & Mfg. Co., 480 Knowles Road, North Adams, Mich. 49262. Hillsdale Tool & Mfg. Co., 135 E. South St., Hillsdale, Mich. 49242. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

NOTE.—There are ten (10) more supporting shippers not named herein, all are located in Hillsdale County, Mich., and their names and addresses may be obtained from the Lansing, Mich., or Washington Interstate Commerce Commission offices.

No. MC 138465 (Sub-No. 4TA) (Correction), filed January 31, 1975, published in the FEDERAL REGISTER issue of February 13, 1975, and republished as corrected this issue. Applicant: PHIL TOWNSEND, JR., Route 1, Box 19, Live Oak, Fla. 32060. Applicant's representative: Ronald D. Peterson, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fertilizer, dry, in bulk or in bags, from Albany, Ga., to points in Alachua, Baker, Bradford, Columbia, Dixie, Gadsden, Gilchrist, Jefferson, Lafayette, Leon, Levy, Madison, Suwannee, Taylor, Union, and Wakulla Counties, Fla., for 180 days. Supporting shippers: Mizell Produce Co., Inc., 302 S. Pine Ave., Live Oak, Fla. 32060. Swift Chemical Co., Albany, Ga. Send protests to: G. J. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202. The purpose of this republication is to correct the name of the applicant, and to add the supporting shipper which was omitted in the previous publication.

No. MC 139196 (Sub-No. 7TA), filed February 13, 1975. Applicant: RAY WAGNER & SON TRUCKING CO., INC., Box 117, Owen, Wis. 54460. Applicant's representative: Ray Wagner (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Milk feed, except milk feed in liquid in tank vehicles, from the plantsites and facilities utilized by Heger Company at Minneapolis, Minn., to points in McHenry County, Ill., Iowa, the Upper Peninsula of Michigan, Minnesota, points on and east of U.S. Highway 83 in Nebraska and South Dakota, and points in Wisconsin (except Ashland, Brown, Door, Florence, Forest, Iron, Kewaunee, Lincoln, Marathon, Marinette, Oconto, Oneida, Outagamie, Price, Shawano, Taylor, and Vilas Counties), for 180 days. Supporting shipper: Heger Company, 2562 East 7th Avenue, North St. Paul, Minn. 55109. Send protests to: Barney L. Harsin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 139784 (Sub-No. 5TA), filed February 11, 1975. Applicant: CATTLE AND GRAIN TRANSPORTS, INC., Box 726, Professional Bldg., Scott City, Kans.

67871. Applicant's representative: Keen K. Brantley, 325 Main Street, Scott City, Kans. 67871. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen boxed inedible meats, meat and bone meal and animal fats, all producing and/or shipping points in Kansas to Amarillo, Tex., and Kansas City, Mo., for 180 days. Supporting shipper: Tribune By-Products, Inc., Tribune, Kans. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 140488 (Sub-No. 1TA), filed February 12, 1975. Applicant: RUSSELL R. JARMUSCH, doing business as CALIFORNIA CONTRACT CARRIER, 5110 District Blvd., Maywood, Calif. 90270. Applicant's representative: Russell R. Jarmusch (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Bookcases, book or record cabinets or tables, fiberboard or wood combined, from the plantsite of J. S. Permaneer Corporation, at Wright City, Mo., to distributor warehouses and facilities at Garfield, N. J., Baltimore, Md., and New York, N.Y. (2) Plywood, from the plantsite of the Permaneer Corporation at Union, Mo., to Dallas, Houston, Lubbock, McKinney, and San Antonio, Tex., for 180 days. Supporting shipper: Permaneer Corporation, 201 Progress Parkway, Maryland Hgts., Mo. 63043. Send protests to: Walter W. Strakosch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90013.

No. MC 140616 (Sub-No. 1TA), filed February 13, 1975. Applicant: GEORGE WALDORFF, doing business as WALDORFF & SON, Rt. 1, Box 24, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Fertilizer (2) slag, (1) from points in Henry County, Ala., Bainbridge, Ga., Yazoo City and Pascagoula, Miss., to Altha, Fla. (2) from Birmingham, Ala., to Altha, Fla., for 180 days. Supporting shipper: Altha Farmers Coop, P.O. Box 98, Altha, Fla. 32421. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 140620 (Sub-No. 1TA), filed February 14, 1975. Applicant: D & K TRANSPORT, INC., 19245 NE. 159th St., Woodinville, Wash. 98072. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Cabinets, cabinet components, cabinet parts and millwork, hardboard, particleboard, lumber and lumber products, plywood, vinyl, doors,

building hardware, speakers and speaker parts between points in Washington, Oregon, California, Idaho, Montana, Wyoming, Colorado, Nevada, Minnesota, Wisconsin, Missouri, Illinois, New York, Pennsylvania, and New Jersey under contract with Brillware Mfg. Co., Kirkland, Wash. Supporting shipper: Brillware Mfg. Co., 11809 NE. 116th St., Kirkland, Wash. 98033. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 140656 TA, filed February 12, 1975. Applicant: TROCHU TRUCKING SERVICES, LTD., P.O. Box 23, Trochu, Alberta, Canada T0M 2C0. Applicant's representative: Alberta Hannah (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Soybean meal, in bags, in bulk, from Minnesota in the U.S. of A., through North Dakota, Montana to U.S.-Canadian Boundary, for 180 days. Supporting shipper: L. V. Patteson Limited, 215 Panet Road, Winnipeg, Manitoba, Canada R2J 0S4. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 222, Post Office Bldg., Billings, Mont. 59101.

No. MC 140657 TA, filed February 14, 1975. Applicant: D. S. JACOBSEN TRUCKING CO., Route 1, Box 84, Riddle, Ore. 97469. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Ore. 97210. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Abrasive grit (granulated slag), from Douglas County, Ore., to points in California, Oregon, and Washington, for 180 days. Supporting shipper: Mining Minerals Manufacturing Co., P.O. Box 211, Riddle, Ore. 97469. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 140658 TA, filed February 12, 1975. Applicant: PHIL WALTON ENTERPRISES HAULING, LTD., 4123 Ogden Road SE., Calgary, Alberta, Canada. Applicant's representative: Ray F. Koby, 314 Montana Bldg., Great Falls, Mont. 59401. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (2) machinery, materials, equipment and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, and (3) commodities

(except in bulk) used in, or in connection with the construction, operation, repairing, servicing, maintaining, dismantling and removal of all encampment facilities for housing and quartering personnel (and their families) engaged in use and operation of the commodities described in (1) and (2) hereof, when moving in connection with the commodities described in (1) and (2) hereof, between ports of entry on the United States-Canada Boundary in the State of Alaska, on the one hand, and, on the other, points in Alaska on and east of Alaska Highway 1, from Homer, Alaska, on the southern boundary of said state to Palmer, Alaska; on and east of Alaska Highway 3 from Palmer, Alaska, to Fairbanks, Alaska; on and east of Alaska Highway 2 from Fairbanks, Alaska, to Livengood, Alaska; on and east of Walter Hickel Highway from Livengood, Alaska, to its intersection with the Itkillik River; and on and east of the Itkillik River from its intersection with the Walter Hickel Highway to the northern boundary of Alaska, for 180 days. Supporting shippers: Tracked Vehicle Supply, Ltd., 815 Highfield Ave. SE, Geophysical Service Incorporated, 640 12 Ave. SW., Calgary, Alta., Canada. Becker Drills, Ltd., 415 Monument Place SE., Calgary, Alberta, Canada. Drill Systems, Inc., P.O. Box 5140, Station A, Calgary, Alberta, Canada T2H 1X3. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 223, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 140659 TA, filed February 12, 1975. Applicant: INTERNATIONAL VAN & STORAGE, INC., 5001 NW. 4th, Oklahoma City, Okla. 73127. Applicant's representative: Bruce W. Day, 1600 Midland Center, Oklahoma City, Okla. 73102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Knocked-down farm buildings and shelters only*, on flat bed trailers equipped with special un-

loading equipment with an unloading capacity of 1500 lbs., from Pasco Steel Co., P.O. Box 619, Wathena, Kans. 66090. Star Mfg. Co., 8600 S.I. 35, Oklahoma City, Okla. 73149. 10th & Pryor, Cedar-town, Ga., Highway 119, Homer City, Pa., Varco Purden Co., 17th & Cottonbelt Road, Pine Bluff, Ark., 530 S. Tegner, Turlott, Calif., 273 Water St., Evansville, Wis. U.S. Highway 421, Kernsville, N.C., & Mear Road, Holbrook, Mass. 02343, to Farm and Ranch Sites within the continental United States, for 180 days. Supporting shipper: Agra Steel Corporation, 4650 W. 90th Terrace, Prairie Village, Kans. 66008. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240 Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

MOTOR CARRIERS OF PASSENGERS

No. MC 107583 (Sub-No. 57TA), filed February 12, 1975. Applicant: SALEM TRANSPORTATION CO., INC., 133-03 35th Ave., Flushing, N.Y. 11354. Applicant's representative: George H. Rosen, 265 Broadway, P.O. Box 348, Monticello, N.Y. 12701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers in special and charter operations, over irregular routes, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof and not including children under 10 years of age who do not occupy a seat or seats, between points in Philadelphia, Pa., and the Philadelphia, Pa. Commercial Zone, as defined by the Commission, on the one hand, and, on the other, the Military Ocean Terminal at Bayonne, N.J., and the Bayonne, N.H., Commercial Zone as defined by the Commission, for 180 days. Supporting shipper: Department of Defense, Department of the Army, Washington, D.C. 20310.

Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 140661 TA, filed February 7, 1975. Applicant: CIVIC TRANSPORTATION SERVICE, INC., doing business as SUBURBAN BUS LINES, 5803 Queensgate Drive, Houston, Tex. 77066. Applicant's representative: T. Brook Farnsworth (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between Houston and Beaumont, Tex., on the one hand, and, on the other, Evangeline Downs, Inc., at or near Lafayette, La., for 180 days. Supporting shipper: Evangeline Downs, Inc., P.O. Box 3508, Lafayette, La. Send protests to: John Mensing, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 515 Rusk, Room 8610 Federal Bldg., Houston, Tex. 77002.

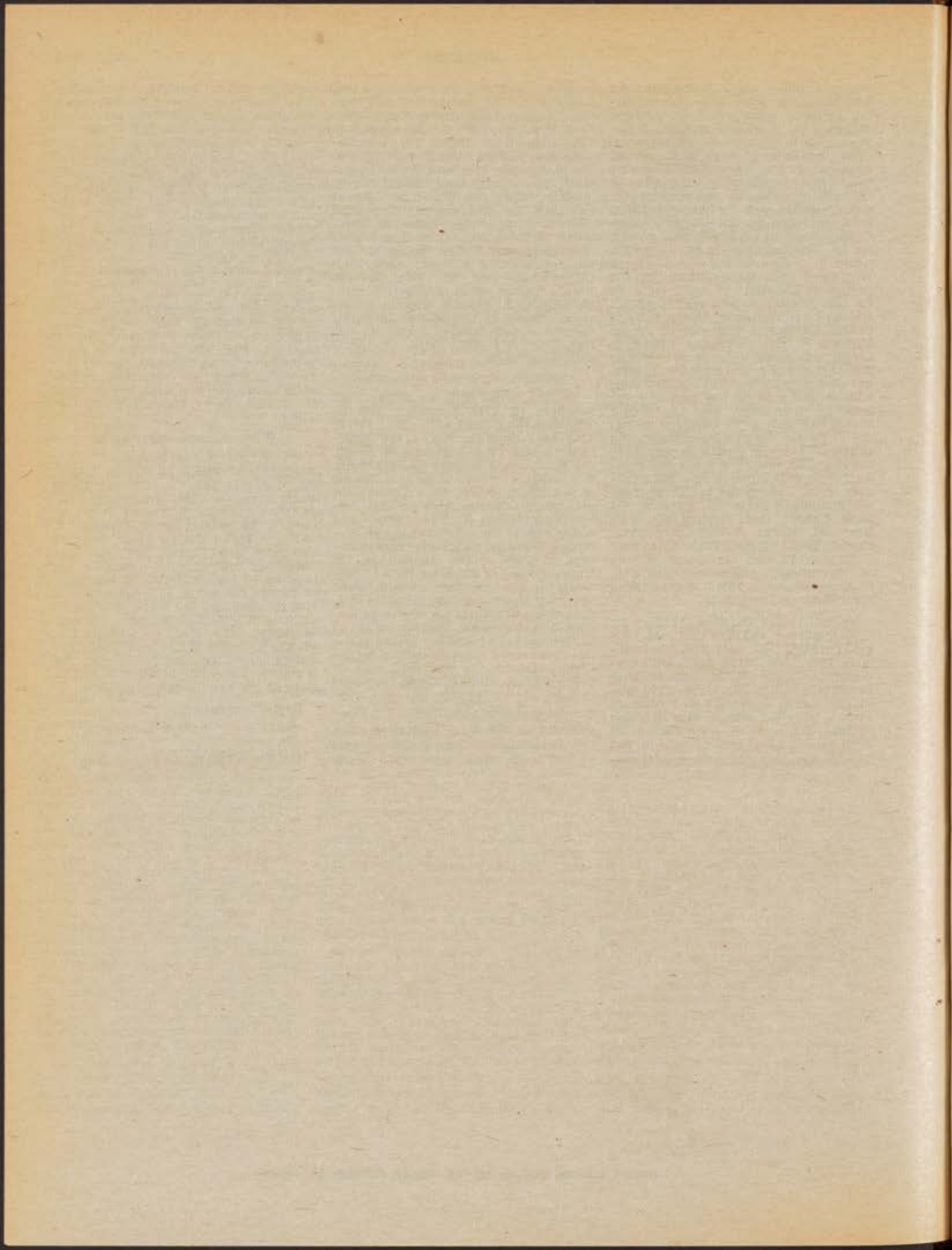
WATER CARRIER APPLICATION

No. W 1287 TA, filed January 27, 1975. Applicant: NAVIGABLE RIVER TRAVEL, INC., 111 East Third Street, Little Rock, Arkansas 72201. Applicant's representative: John F. Trotter (same as above). By order entered February 4, 1975 the Motor Carrier Board granted Navigable River Travel, Inc., 180 days temporary authority to engage in the business of transportation in interstate or foreign commerce, as a *common carrier* by water in the transportation of passengers and their baggage, between Muskogee, Okla., and New Orleans, La., via the Arkansas, White, and Mississippi Rivers. Any interested person may file a petition for reconsideration within 20 days of the date of this publication.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5385 Filed 2-27-75; 8:45 am]



federal register

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PART II



DEPARTMENT OF TRANSPORTATION

Federal Highway
Administration



INTERSTATE MOTOR CARRIER NOISE EMISSION STANDARDS

Proposed Compliance Procedures

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 325]

[Docket No. MC-62; Notice No. 75-4]

INTERSTATE MOTOR CARRIER NOISE EMISSION STANDARDS

Compliance with Standards

The Director of the Bureau of Motor Carrier Safety is issuing this notice of proposed rule making for the purpose of inviting interested persons to comment on the text of proposed regulations establishing methodologies for determining whether commercial motor vehicles conform to the Interstate Motor Carrier Noise Emission Standards of the Environmental Protection Agency.

INTRODUCTION

On October 21, 1974, the Acting Administrator of the Environmental Protection Agency issued final regulations establishing standards for maximum external noise emissions of motor vehicles having a gross vehicle weight rating or a gross combination weight rating of more than 10,000 pounds that are operated by commercial motor carriers engaged in interstate commerce (39 FR 38208). Those regulations were issued under the authority of section 18 of the Noise Control Act of 1972. Section 18 of the Noise Control Act of 1972 also directs the Secretary of Transportation to promulgate regulations to ensure compliance with the Environmental Protection Agency's standards. The Secretary is required to carry out the regulations through the use of his powers and duties of enforcement authorized by the Interstate Commerce Act and the Department of Transportation Act. Those two statutes vest in the Department of Transportation the responsibility for issuing and enforcing the Federal Motor Carrier Safety Regulations.

The objective of the regulations under consideration at this time is to prescribe the manner in which commercial motor vehicles will be inspected and examined, and their performance will be monitored and measured, to determine whether they conform to the EPA standards. Those standards become effective on October 15, 1975 and, as noted above, are applicable only to motor vehicles with a GVWR or a GCWR of more than 10,000 pounds, which are operated by interstate motor carriers. The Department of Transportation has no statutory authority to alter or amend the EPA noise emission standards or to decline to issue procedures for their full enforcement. Therefore, the Director does not propose to reopen for consideration questions relating to the bases of the EPA noise emission standards which were fully considered and acted upon by EPA during the rulemaking proceeding in which it promulgated the Interstate Motor Carrier Noise Emission Standards. Those questions included, but were not limited to, (a) defining the "best available technology" consistent

with the motor carrier industry's ability to comply with the standards; (b) cost of compliance; (c) Federal preemption of State and local noise laws and ordinances; (d) applicability of the standards to various weight classes of vehicles; and (e) the appropriate definition of an interstate motor carrier, to whose equipment the standards are applicable.

In the present rulemaking proceeding, the Director is concerned primarily with the following issues relating to the enforcement regulations now under consideration: (1) adequacy of the proposed rules to ensure that the EPA standards are fully enforced; (2) flexibility of the enforcement procedures specified in the proposed rules to ensure that enforcement agencies can make use of a wide range of measurement sites; and (3) technical validity of the proposed rules, in that they maintain, but do not decrease or increase, the stringency of the EPA standards.

In developing the proposed enforcement regulations, the Bureau of Motor Carrier Safety has given extensive consideration to the experience gained by enforcement personnel of the States of New York and California, the city of Chicago, and the New Jersey Turnpike Authority, which now operate programs of noise emission regulation and enforcement, as well as the enforcement experience of the Bureau's own personnel. Background studies of noise enforcement methodology prepared for those, and other, government agencies have been extensively consulted during the preparation of this proposal. Among the studies consulted were the following:

Research on Highway Noise Measurement Sites, Ben H. Sharp, Wyle Laboratories, El Segundo, CA, Prepared for California Highway Patrol under Contract No. C-219-71-72, March 1972.

Truck Noise—I, Peak A-Weighted Sound Levels Due to Truck Tires, National Bureau of Standards, prepared for U.S. Department of Transportation, Report No. OST-ONA-71-9, Sept. 1970.

Truck Noise—II, Interior and Exterior, A-Weighted Sound Levels of Typical Highway Trucks, W. H. Close and R. M. Clarke, U.S. Department of Transportation Report No. OST/TST 72-2, July 1972.

Field Measurement Procedures for Noise Enforcement, Bolt Beranek and Newman, Inc., Cambridge, MA, submitted to the Corporation Counsel, City of Chicago, Department of Environmental Control, July 1973.

Background Document for Interstate Motor Carrier Noise Emission Regulations, U.S. Environmental Protection Agency, EPA-550/9-74-017, October 1974.

Recommendations: Vehicle Noise Emission Regulations and Measurement Procedures, C. W. Dietrich, Bolt Beranek and Newman, Inc., Cambridge, MA, Report No. 2782, submitted to New Jersey Turnpike Authority, Jan. 1974.

MEASUREMENT PROCEDURES

The measurement procedures the Director proposes to institute are basically identical to those now used by most agencies that currently enforce noise emission regulations. There are, however,

some notable differences from those standard practices in this proposal. Among them are the following:

1. *Measurement tolerances.* The rules of the State of Hawaii and the city of Chicago currently specify a tolerance level to take into account the inaccuracy of sound level measurement systems as currently manufactured. The Director does not now intend to specify such a tolerance factor in the Bureau's enforcement regulations, even though the Bureau is aware of the fact that noise enforcing agencies routinely add or subtract tolerances of 1 to 2 dB to or from the observed noise emission levels of motor vehicles they monitor before considering enforcement action. The Director believes that if a tolerance factor is applied, it should be applied through the mechanism of administrative policy instructions to enforcement personnel, rather than by a specified tolerance level written into the enforcement regulations. This is the case because the tolerance level that is appropriate in one situation may be entirely inappropriate in others. Some of the variants are discussed below. In addition, the Director is cognizant of the fact that, under section 18(c)(1) of the Noise Control Act of 1972, State and local governments will have to utilize the procedures specified in the Federal regulations when they carry out their own motor carrier noise emission regulatory programs.

Tolerances are considered necessary for a number of reasons, such as limitation instruments and atmospheric conditions in the accuracy of sound measurements.

The specification to which sound level measurement systems are currently manufactured (*American National Standard Specification for Sound Level Meters*, ANSI S1.4-1971, of the American National Standards Institute) specifies a tolerance band for meter response. In the case of Type 1 meters, this tolerance band is ± 1 dB(A) for A-weighting throughout the frequency range from 50 to 4,000 Hz. (At frequencies above or below this range, the tolerance exceeds ± 1 dB.) In the case of Type 2 meters, this tolerance band is ± 2 dB for A-weighting throughout the frequency range from 315 to 630 Hz and from 1,000 to 1,250 Hz. (Again, at frequencies above or below the specified range, the tolerance exceeds ± 2 dB.) What this means is that, in the case of a Type 2 meter, for example, an observed meter reading may deviate as much as 2 dB from the actual A-weighted sound level generated by the noise source, even though the meter conforms to the specifications of ANSI S1.4-1971. It should be noted, however, that the deviations referred to in those specifications are measured at single, discrete frequencies. The overall frequency response tolerance of Type 1 and Type 2 meters to broad band (multi-frequency) noise is not specified in ANSI S1.4-1971. Nevertheless, the fact that ANSI S1.4-1971 permits deviations from the true reading

of the magnitude noted above indicates that enforcement tolerances are in order.

Weather conditions at and near a measurement site can have an effect on noise measurements at the site. The precise magnitude of these effects is not entirely known at present, but several published studies indicate that they exist.¹ Because of the above-mentioned variables and others, the Director has concluded that a tolerance factor to be subtracted from the observed meter reading would be warranted as a general operating practice. At the same time, the Director also has concluded that no single tolerance factor can, or should, be specified in the regulations. This is the case because differences in the circumstances under which measurements are made will require application of different tolerance factors. For example, the Bureau's enforcement staff will, in the initial phases of the Federal enforcement program, be using Type 2 sound level meters.

They will be conducting measurements at a large number of sites under varying weather conditions. In these circumstances, it is anticipated that a tolerance factor of 2 dB would be appropriate. On the other hand, a municipal government may be enforcing noise emission regulations using equipment meeting the ANSI requirements for Type 1 meters, and it may be using only a single site, with sound attenuation characteristic known to provide repeatable results, in relatively stable weather conditions. In this type of case, a smaller administrative tolerance, on the order of 1 dB, could possibly be justified.

For the foregoing reasons, the Bureau does not propose to establish enforcement tolerance factors in the proposed rules. The Bureau will be available to work with States and other government agencies to establish reasonable administrative tolerances for specific measurement conditions and locales. It is the opinion of the Bureau that motor carriers and manufacturers of motor vehicles would be best advised to apply no tolerance factor when testing the noise propagation characteristics of their equipment or products.

2. Open site requirements. The open site characteristics proposed in the text of the rules set forth below differ somewhat from those employed by some enforcement agencies. Figure A, below, shows the open site currently utilized by the California Highway Patrol, the city of Chicago, and the New Jersey Turnpike Authority.

¹ Ratering, E. G., *The Application of Vehicle Noise Test Results in the Regulatory Process*, in Proceedings: Conference on Motor Vehicle Noise, General Motors Corp. (1973); Hemdal, J. F., et al., *A Study of the Repeatability at Motor Vehicle Noise Measurement Sites*, Environmental Research Institute of Michigan, ERIM No. 301300-1-F (1974).

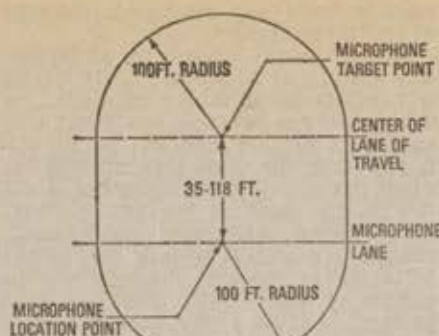


Figure A

Figure B, below, shows the open site referred to in the Environmental Protection Agency's *Background Document for Interstate Motor Carrier Noise Emission Regulations*.

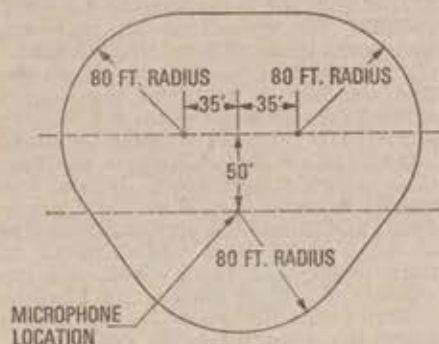


Figure B

The open site characteristics are specified with the intention of eliminating or minimizing the effects of sound that is reflected from surfaces that would not be present in a hypothetically "perfect" measurement site. The contribution that this reflected sound can make to the observed sound level reading varies; it is a function of several variables, including the acoustical properties of the reflecting surface and the distance between the surface and both the vehicle and the microphone of the sound level measurement system.

The Director is proposing to require measurements to be made at a site that has an open area around both the microphone and the vehicle for a distance equivalent to the distance between the microphone and the vehicle. This requirement is a compromise between the need for a test site that is, so far as practicable, free of reflecting surfaces—other than the ground—particularly in the critical area between the microphone and the vehicle—and the need to maximize the number of sites available for enforcement of the standards.

Because the open site distances are equal to the distance between the microphone and the vehicle, reflected sound

waves will always have to travel a distance to reach the microphone (and so be detected by the measurement system) that is significantly greater than the distance the primary sound waves propagated by the vehicle must travel to reach the microphone. This will result in a substantial attenuation of reflected sound waves, so that the maximum contribution that reflected sound could make to an observed sound level reading would be negligible.

3. Distance correction factors. The distance correction factors in § 325.73 of the proposed rules do not provide for making measurements at distances closer than 35 feet from the vehicle or farther than 83 feet from the vehicle. This is a departure from the practice followed by California authorities, who permit measurements to be made at distances up to 118 feet. It is also a departure from the practice in several jurisdictions of allowing measurements to be made in the range from 25-35 feet.

There is good reason for these variations. The theory of measuring sound emissions is based on the premise that sound levels drop 6 dB every time the distance between the sound source and the receiver is doubled. This premise assumes that there is a single-point source radiating sound into free space. In the real world, this is obviously not the case. Motor vehicles do not emit noise from a single point. The fact that tires and numerous engine and other mechanical components emit noise makes for a complicated sound propagation source. The environment into which this noise is emitted is obviously not free space; indeed, in many cases, the environment is not even hemispherical free space because of variations in terrain at or near the test site. Accordingly, erratic "near field" effects may be found at measurement distances closer than 35 feet, making repeatable measurements at those distances difficult. For this reason, the proposal would not permit measurements made at distances closer than 35 feet from the centerline of the path of the vehicle to be used for enforcement purposes.

Measurements made at distances greater than 83 feet from the vehicle also pose open site and ambient sound level problems which make measurements at such distances impracticable as a general rule.

Therefore, the Director is proposing to restrict the range of measurement distances to not less than 35 feet and not more than 83 feet from the center of the path of vehicle travel. These restrictions are identical to those employed by the New Jersey Turnpike Authority, and their presence does not appear to have hampered the Authority's enforcement program.

4. Ground surface correction factors. The proposed rules take into account differences in the acoustical character-

istics of different types of ground surfaces that may be found between the vehicle and the microphone. The Environmental Protection Agency, in issuing the standards, clearly intended that both high-speed and low-speed pass-by measurements would be made at typical roadside sites rather than in a laboratory situation. The sites that were used to accumulate the survey data typically had a short grass cover between the highway and the microphone location point. These types of sites are considered acoustically "soft" sites. When pass-by measurements are made at sites which have asphalt, concrete, or other acoustically "hard" surface material between the vehicle and the microphone, readings substantially higher than those observed at "soft" sites are obtained.

Accordingly, the Director proposes to require subtraction of a 2 dB correction factor from a measurement of noise emissions during highway operations when the measurement is made at a "hard" site. Subtraction of that figure will ensure that the "hard" site measurement produces an observed reading substantially equivalent to the reading that would have been obtained if the measurement had been made at the "soft" site contemplated in the EPA standards.

Similarly, the Environmental Protection Agency, in promulgating its standard for noise emissions under stationary test, clearly contemplated a measurement to be conducted at an acoustically "hard" site. If a measurement is made at a "soft" site, it would fail to show accurately whether, and the extent to which, the vehicle either conforms to the standard or fails to conform to it, unless a correction factor is added to the observed sound level generated by the motor vehicle under stationary test. For this reason, the Director proposes a 2 dB correction factor to be added to observed sound levels generated by motor vehicles under stationary test at "soft" sites.

5. *Guard rails.* The Director is proposing to consider a test site adequate for noise emission measurements even though there are metal guard rails within the site. The purpose of this proposal is to make available for measurement purposes a large number of sites near major highways which contain no substantial sound-reflecting surfaces other than guard rails. Numerous potential sites are adjacent to four-lane divided highways, having continuous metal guard rails separating opposing lanes of traffic. The Bureau believes that the contribution of sound waves reflected off guard rails of that type to the overall observed sound level at a site adjacent to such a highway would be negligible. Nevertheless, the Director does not propose to allow guard rails within the measurement area, the area between the vehicle and the microphone.

6. *Visual tire inspection.* The EPA standard on tires (40 CFR 202.23) makes the use of tires having a tread pattern consisting mainly of cavities or pockets a violation if the tread of the tire when originally manufactured or newly re-

manufactured was composed primarily of cavities or pockets.

It is, of course, difficult for an inspector, looking at a motor vehicle during a roadside or terminal inspection, to determine whether the tire tread that meets his eyes is identical to, or different from, the tread that the tire had when it was new. To achieve the objective of the standard, the Director proposes to place on the motor carrier whose vehicle is equipped with a tire having a "cavity" or "pocket" tread pattern the burden of establishing that the tread pattern was of a permissible variety when originally manufactured or newly remanufactured.

Another feature of the tire standard that creates difficulties for enforcement agencies in the "savings" clause which absolves a motor carrier of liability for operating a motor vehicle on a tire having a prohibited tread pattern if the carrier "demonstrates it to be in compliance with the noise emission standard specified for operations on highways with speed limits of more than 35 MPH" (i.e., the high-speed pass-by standard). The standard is mute on the subject of where the demonstration will be conducted. The Bureau frequently conducts inspections of motor vehicles at locations where a high-speed pass-by test cannot be made (e.g., at carriers' terminals), and it does not appear practicable to make sound level measurements in conjunction with every visual tire inspection. For these reasons, the Director proposes that the motor carrier will be given the opportunity to demonstrate the vehicle's conformity to the high-speed noise emission standard for highway operations at a place and time to be selected by the Bureau. It may be that pass-by measurements are being made at the same time and place as visual tire inspections, in which event the demonstration can be performed at that time and place. But if the two enforcement activities are not being conducted jointly, the demonstration will have to be conducted at another time and place.

The Bureau has not found it necessary to make any provision in the proposed rules for measurement of noise emissions of motor vehicles operating at a speed of 65 miles per hour on highways having unlimited speed limits. By virtue of the enactment and implementation of section 2 of the Emergency Highway Energy Conservation Act, Pub. L. 93-239, and 23 U.S.C. 154, there is no highway without a posted speed limit in the United States, and the highest posted speed limit is 55 miles per hour.

7. *Vehicles equipped with fan clutches.* The proposed procedures would permit a vehicle equipped with a fan clutch to undergo the test for compliance with the standard for operation under stationary test while the fan clutch is disengaged. Experience with fan clutches indicates that they produce salutary results in the context of truck noise abatement, and that, accordingly, their installation should be encouraged in the

interest of carrying out the purpose of the Noise Control Act.

As part of the "quiet truck program" sponsored by the Department of Transportation, International Harvester Company, a truck manufacturer, equipped the radiator fan drives of 24 heavy duty trucks with either "on-off" or modulating-type fan clutches. These devices were designed either to disengage the fan from its pulley drive completely or to reduce the radiator fan's rotational speed below that of the engine during periods of reduced engine cooling thermal load. It became apparent that installation of fan clutches produced a twofold benefit. First, with the fan either totally stopped or operating at a reduced rpm rate, radiator fan noise is significantly reduced. Reductions in fan-generated noise on the order of 20 dB(A) are typical when these types of devices are installed.² Second, the installation of a fan clutch results in a reduction or elimination of the engine horsepower that would otherwise be required to operate the radiator fan at times when its engine-cooling capability is not needed. As a result, the vehicle achieves a 5- to 10-percent saving in fuel consumption.³

Field tests of the 24 vehicles, involving more than 30,000 hours of vehicle operation and nearly 1,100,000 vehicle miles, indicated that the average fan-on time for vehicles equipped with an on-off type of fan clutch is slightly under 3 percent. Significant fan-on time⁴ was less than 1 percent for vehicles equipped with this type of fan clutch. Significant fan-on time for vehicles equipped with modulated fan-drive clutch units was also less than 1 percent of total engine operating time, even during the warm summer months.

It is apparent, therefore, that installation of radiator fan-drive clutches results in significant noise abatement benefits as well as other benefits. The noise reduction associated with installation of fan clutches occurs between 97 and 99 percent of the time the vehicle is operating. In light of these benefits, the Director has concluded that widespread installation of fan clutches should be encouraged. He proposes, therefore, to require the stationary test of a vehicle equipped with a fan clutch to be performed with the clutch disengaged.

ENFORCEMENT

The Bureau at this time anticipates that it will conduct a program of enforcing the noise emission standards through the same techniques that are used to en-

² Damkevala, R. J. et al., *Noise Control Handbook for Diesel Powered Vehicles*, U.S.D.O.T. Report No. DOT-TSC-OST-74-5 (1974).

³ U.S.D.O.T. and U.S.E.P.A., *Study of Potential for Motor Vehicle Fuel Economy Improvement*, Truck and Bus Panel Report (1975).

⁴ "Significant fan-on time" was defined as the period of time during which the fan operated at a speed of 1,600 rpm or more. This rpm level was selected because, at 1,600 rpm, fan noise would be approximately 10 dB(A) below its maximum level.

force the Federal Motor Carrier Safety Regulations. Inspection and surveillance of motor carriers will be carried out through terminal surveys and equipment inspection and driver-equipment compliance checks at roadside sites. Under the Noise Control Act, a violation of an EPA motor carrier noise emission standard gives rise to the possibility of imposing sanctions under section 11 of the Act. The sanctions include criminal prosecution of knowing or willful violators, in which the maximum sentence is a fine of \$25,000 per day, imprisonment for 1 year, or both, in the case of first offenders, and a fine of \$50,000 per day, imprisonment for 2 years, or both, in the case of subsequent offenders. In addition, section 11 authorizes the United States to secure an injunction against future violations in the appropriate United States District Court and permits the Administrator of the Environmental Protection Agency, after notice and the opportunity for hearing, to issue cease-and-desist orders against violators.

Section 18(b) of the Act authorizes the Secretary of Transportation to carry out the regulations for ensuring compliance with EPA noise emission standards "through the use of his powers and duties of enforcement and inspection authorized by the Interstate Commerce Act and the Department of Transportation Act." The basic "powers and duties" referred to in section 18(b) are derived from section 220 of the Interstate Commerce Act, 49 U.S.C. 320. Section 220 requires motor carriers to submit their properties and documents for inspection and examination by designated special agents of the Department of Transportation's Federal Highway Administration. This is the statutory basis for section 325.13 of the proposed rules. Section 220 also authorizes the Department of Transportation to require periodic and special reports from motor carriers subject to the Department's jurisdiction. It is on this basis that the Bureau now requires motor carriers whose equipment is found to be defective during a driver-equipment compliance check to make a report to the Bureau certifying that repairs have been made. See 49 CFR 396.5. The Bureau is considering adopting a similar procedure in the case of motor vehicles which are found to be in violation of the noise emission standards.

The use by the Bureau of the enforcement techniques described above does not limit or restrict the enforcement techniques or sanctions that a State or political subdivision thereof may employ in carrying out its motor carrier noise emission regulatory program, even after the effective date of the EPA standards and the Department of Transportation's regulations for implementing those standards. Section 18(c) of the Noise Control Act provides that, after the Federal regulations have become effective, a State or its political subdivisions may not adopt or enforce noise emission standards applicable to motor carriers subject to the Federal standards unless (1) the State or local standard is identical to the Federal standard; or (2) a

special variance for a differing standard is granted by the Administrator of EPA after consultation with the Secretary of Transportation. It is the position of the Bureau that, while the "preemption" provisions of section 18(c) require States and their political subdivisions that have not secured a special variance to apply the identical criteria and measurement methodologies as are specified in Federal regulations to determine whether a motor vehicle is in conformity with noise emission standards, once a violation is detected, the State or local government may proceed to impose sanctions or take other corrective action in accordance with its own law. Thus, for example, a State could, if it wishes, bring a civil penalty proceeding against a violator, notwithstanding the fact that, under Federal law, the violation is a crime. Similarly, a State could, if its law permits, impound equipment found in violation of the noise emission standards, even though Federal law does not provide for impoundment as a sanction.

The rules under consideration at this time do not explicitly refer to the matters discussed here under the heading of "Enforcement." This is the case because the resolution of issues relating to the imposition of sanctions after violations of the noise emission standards are detected is a function of statutory construction rather than regulatory issuance. The discussion is included at this point in order to give interested persons insight into the Bureau's current thinking on these important issues.

In consideration of the foregoing, the Director of the Bureau of Motor Carrier Safety proposes to amend Subchapter A of Chapter III in title 49, CFR, by adding a new part 325, reading as set forth below.

Interested persons are invited to submit written data, views, or arguments pertaining to the proposed amendment. All comments submitted should refer to the docket number and notice number that appear at the top of this document. Comments should be submitted in triplicate to the Director, Bureau of Motor Carrier Safety, U.S. Department of Transportation, Washington, D.C. 20590. All comments received before the close of business on May 1, 1975 will be considered before further action is taken on the proposal. All comments received will be available for examination in the public Docket Room of the Bureau of Motor Carrier Safety, Room 3401, 400 Seventh Street, SW., Washington, D.C., both before and after the closing date for comments.

This notice of proposed rule making is issued under the authority of section 18 of the Noise Control Act of 1972, 42 U.S.C. 4917, the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(p), and the delegation of authority by the Federal Highway Administrator at paragraph 7, Chapter 7, Part I of FHWA Order 1-1.

Issued on February 20, 1975.

ROBERT A. KAYE,
Director, Bureau of
Motor Carrier Safety.

PART 325—COMPLIANCE WITH INTERSTATE MOTOR CARRIER NOISE EMISSION STANDARDS

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- 325.91 Exhaust systems.
325.93 Tires.

AUTHORITY: The provisions of this Part 325 issued under sec. 18, 86 Stat. 1234, 1249-1250, 42 U.S.C. 4917.

Subpart A—General Provisions

§ 325.1 Scope of the rules in this Part.

(a) The rules in this Part prescribe procedures for the inspection, surveillance, and measurement of motor vehicles and motor vehicle equipment operated by motor carriers to determine whether those vehicles and that equipment conform to the Interstate Motor Carrier Noise Emission Standards of the Environmental Protection Agency, 40 CFR Part 202.

(b) Except as provided in paragraph (c) of this section, the rules in this Part apply to each motor vehicle operated by an interstate motor carrier, regardless of whether the motor vehicle is used in interstate or foreign commerce by the motor carrier.

(c) The rules in this Part do not apply to—

- (1) A motor vehicle that has a Gross

Vehicle Weight Rating of 10,000 pounds (4,536 kg.) or less;

(2) A combination of motor vehicles that has a Gross Combination Weight Rating of 10,000 pounds (4,536 kg.) or less;

(3) The sound generated by a warning device, such as a horn or siren, installed in a motor vehicle;

(4) An emergency motor vehicle, such as a fire engine, an ambulance, a police van, or a rescue van, when it is responding to an emergency call;

(5) A snow plow in operation; or

(6) The sound generated by auxiliary equipment which is normally operated only when the motor vehicle on which it is installed is stopped or is operating at a speed of 5 miles per hour (8 kph) or less. Examples of that type of auxiliary equipment include, but are not limited to, cranes, asphalt spreaders, ditch diggers, liquid or slurry pumps, auxiliary air compressors, welders, and trash compactors.

§ 325.3 Effective date.

The rules in this Part are effective on October 15, 1975.

§ 325.5 Definitions.

(a) *Statutory definitions.* All terms defined in the Noise Control Act of 1972 (Pub. L. 92-574, 86 Stat. 1234) are used as they are defined in that Act.

(b) *Definitions in standards.* All terms defined in § 202.10 of the Interstate Motor Carrier Noise Emission Standards, 40 CFR 202.10, are used as they are defined in that section.

Subpart B—Administrative Provisions

§ 325.11 Issuance, amendment, and revocation of the rules in this Part.

The procedures specified in Part 389 of this Chapter for the issuance, amendment, or revocation of the Federal Motor Carrier Safety Regulations apply to rule-making proceedings for the issuance, amendment, or revocation of the rules in this Part.

§ 325.13 Inspection and examination of motor vehicles.

(a) Any special agent of the Federal Highway Administration (designated in Appendix B to Subchapter B of this Chapter) is authorized to inspect, examine, and test a motor vehicle operated by a motor carrier in accordance with the procedures specified in this Part for the purpose of ascertaining whether the motor vehicle and equipment installed on the motor vehicle conform to the Interstate Motor Carrier Noise Emission Standards of the Environmental Protection Agency, 40 CFR Part 202.

(b) A motor carrier, its officers, drivers, agents, and employees must, at any time, submit a motor vehicle used in its operations for inspection, examination, and testing for the purpose of ascertaining whether the motor vehicle and equipment installed on it conform to the Interstate Motor Carrier Noise Emission

standards of the Environmental Protection Agency, 40 CFR Part 202.

Subpart C—Instrumentation

§ 325.21 Scope of the rules in this subpart.

The rules in this subpart specify criteria for sound level measurement systems which are used to make the sound level measurements specified in Subpart D and Subpart E of this Part.

§ 325.23 Types of measurement systems which may be used.

The sound level measurement system must meet or exceed the requirements of *American National Standard Specification for Sound Level Meters* (ANSI S1.4-1971), approved April 27, 1971, issued by the American National Standards Institute, throughout the frequency range of 50 to 10,000 Hz for either—

- (a) A Type 1 sound level meter;
- (b) A Type 2 sound level meter; or
- (c) A Type S sound level meter which has—

- (1) A-weighting frequency response;
- (2) Fast dynamic characteristics of its indicating instrument; and

(3) Relative response level tolerances consistent with those of either a Type 1 or Type 2 sound level meter, as specified in section 3.2 of ANSI S1.4-1971.

§ 325.25 Calibration of measurement systems.

(a) The sound level measurement system must be calibrated at one or more frequencies in the range from 250 to 1,000 Hz at the beginning and at the end of each series of measurements. The sound level measurement system must also be calibrated at one or more of those frequencies immediately after measurement of a violation of a Standard in 40 CFR 202.20 or 40 CFR 202.21.

(b) The calibrator used to calibrate the sound level measurement system in accordance with paragraph (a) of this section must produce a sound pressure level at the microphone that is known to be accurate within a tolerance of ± 1.0 dB of the sound pressure level of a prescribed source. The calibrator must have been checked within the preceding year by its manufacturer, a representative of its manufacturer, or a person of equivalent special competence to verify that its output meets the manufacturer's design criteria.

§ 325.27 Use of a windscreen.

A windscreen shall be installed on the microphone of the sound level measurement system. Installation of the windscreen shall not cause a change in the sensitivity of the system of more than ± 0.5 dB in the frequency range from 0 to 5 kHz or more than ± 2.0 dB in the frequency range from 5 kHz to 8 kHz.

¹ Copies of the specification may be secured from American National Standards Institute, 1430 Broadway, New York, New York 10018.

Subpart D—Measurement of Noise Emissions; Highway Operations

§ 325.31 Scope of the rules in this subpart.

The rules in this subpart specify conditions and procedures for measurement of the sound level generated by a motor vehicle engaged in a highway operation for the purpose of ascertaining whether the motor vehicle conforms to the Standards for Highway Operations set forth in 40 CFR 202.20.

§ 325.33 Site characteristics; highway operations.

(a) Measurements shall be made at a test site which is adjacent to, and includes a portion of, a travelled lane of a public highway. A microphone target point shall be established on the centerline of the travelled lane of the highway, and a microphone location point shall be established on the ground surface not less than 35 feet (10.7 m.) or more than 83 feet (25.3 m.) from the microphone target point and on a line that is perpendicular to the centerline of the travelled lane of the highway and that passes through the microphone target point. In the case of a standard test site, the microphone location point is 50 feet (15.2 m.) from the microphone target point. Within the test site is a triangular measurement area. A plan view diagram of a standard test site, having an open site within a 50-foot (15.2 m.) radius of both the microphone target point and the microphone location point, is shown in Figure 1. Measurements may be made at a test site having smaller or greater dimensions in accordance with the rules in subpart F of this Part.

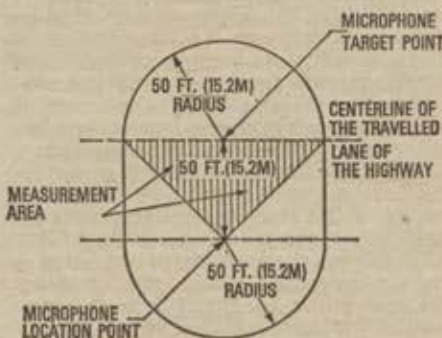


Figure 1
STANDARD TEST SITE;
HIGHWAY OPERATIONS

(b) The test site must be an open site, essentially free of large sound-reflecting objects. The following objects may be within the test site if they are outside of the triangular measurement area of the site:

- (1) Fire hydrants.
- (2) Telephone and other utility poles.
- (3) Rural mailboxes.

(4) Guardrails of any type of construction except solid concrete barriers.

(5) Any vertical surface (such as a billboard), regardless of size, having a lower edge more than 15 feet (4.6 m.) higher than the surface of the traveled lane of the highway.

(6) Any uniformly smooth sloping surface slanting away from the highway (such as a rise in grade alongside the highway) with a slope that is less than 45 degrees above the horizontal.

(7) Any surface slanting away from the highway that is 45 degrees or more and not more than 90 degrees above the horizontal, if all points on the surface are more than 15 feet (4.6 m.) above the surface of the traveled lane of the highway.

(c) One or more curbs having a vertical height of 1 foot (.3 m.) or less may be within the test site (including the triangular measurement area of the site). However, the test site must be free of any curb with a vertical height exceeding 1 foot (.3 m.).

(d) The surface of the ground within the measurement area must be flat to within +2 feet (+.6 m.) and -6 feet (-1.8 m.) of a horizontal plane passing through the centerline of the travelled lane of the highway. Except for the highway and its adjacent shoulder, the surface of the ground within the measurement area of a standard test site must be predominantly covered with grass or other ground cover. However, if the surface of the ground within the measurement area (exclusive of the highway and its adjacent shoulder) is predominantly covered with concrete, asphalt, packed dirt, gravel, snow, or similar reflective material, the correction factor specified in § 325.75 applies to the measurement.

(e) The travelled lane of the highway within the test site must be dry, paved with relatively smooth concrete or asphalt, and free of—

(1) Holes or other defects which would cause a motor vehicle to emit irregular tire noises or body or chassis impact noises; and

(2) Loose material, such as gravel or sand.

(f) The travelled lane of the highway on which the microphone target point is situated must not pass through a tunnel or underpass located within 100 feet (30.5 m.) of that point.

§ 325.35 Ambient conditions; highway operations.

(a) **Sound.** The ambient A-weighted sound level at the microphone location point, measured with fast meter response using a sound level measurement system that conforms to the rules in § 325.23, must not exceed the level specified in Table 1 or Table 2 set forth below.

TABLE 1.—Measurements Made at "Soft" Test Site as Specified in § 325.55(d)

If the distance between the microphone location point and the microphone target point is—	The maximum ambient sound level for tests at highways with a posted speed limit of 35 mph (56.3 kph) or less is—	The maximum ambient sound level for tests at highways with a posted speed limit of more than 35 mph (56.3 kph) is—
35 feet (10.7 m.) or more but less than 39 feet (11.9 m.)	79 dB(A)	83 dB(A)
39 feet (11.9 m.) or more but less than 43 feet (13.1 m.)	78 dB(A)	82 dB(A)
43 feet (13.1 m.) or more but less than 48 feet (14.6 m.)	77 dB(A)	81 dB(A)
48 feet (14.6 m.) or more but less than 58 feet (17.1 m.)	76 dB(A)	80 dB(A)
58 feet (17.1 m.) or more but less than 70 feet (21.3 m.)	75 dB(A)	79 dB(A)
70 feet (21.3 m.) or more but less than 83 feet (25.3 m.)	74 dB(A)	78 dB(A)

TABLE 2.—Measurements Made at "Hard" Test Site as Specified in § 325.75(a)

If the distance between the microphone location point and the microphone target point is—	The maximum ambient sound level for tests at highways with a posted speed limit of 35 mph (56.3 kph) or less is—	The maximum ambient sound level for tests at highways with a posted speed limit of more than 35 mph (56.3 kph) is—
35 feet (10.7 m.) or more but less than 39 feet (11.9 m.)	81 dB(A)	85 dB(A)
39 feet (11.9 m.) or more but less than 43 feet (13.1 m.)	80 dB(A)	84 dB(A)
43 feet (13.1 m.) or more but less than 48 feet (14.6 m.)	79 dB(A)	83 dB(A)
48 feet (14.6 m.) or more but less than 58 feet (17.1 m.)	78 dB(A)	82 dB(A)
58 feet (17.1 m.) or more but less than 70 feet (21.3 m.)	77 dB(A)	81 dB(A)
70 feet (21.3 m.) or more but less than 83 feet (25.3 m.)	76 dB(A)	80 dB(A)

(b) **Wind.** The average continuous wind velocity and the gust wind velocity must not exceed 12 miles per hour (19.3 kph) at the microphone of the sound level measurement system.

(c) **Precipitation.** Measurements must not be made while it is raining or snowing at the test site.

§ 325.37 Location and operation of sound level measurement system; highway operations.

(a) The microphone of a sound level measurement system that conforms to

the rules in § 325.23 shall be located as follows:

(1) If the microphone location point is at or below a horizontal plane that intersects the microphone target point, the microphone shall be positioned above the microphone location point so that it is not less than 3½ feet (1.1 m.) and not more than 4½ feet (1.4 m.) above that horizontal plane.

(2) If the microphone location point is above a horizontal plane that intersects the microphone target point, the microphone shall be positioned above the microphone location point so that it is at least 3½ feet (1.1 m.) above that point, not more than 4½ feet (1.4 m.) above that point, and not more than 6 feet (1.8 m.) above that horizontal plane.

(b) When the sound level measurement system is hand held or is otherwise monitored by a person located near its microphone, the holder or monitor must orient himself so that his torso—

(1) Is at least 2 feet (.6 m.) from the system's microphone;

(2) Is facing in a direction parallel to the centerline of the travelled lane of the highway; and

(3) Is not located between the microphone location point and the microphone target point.

(c) The microphone of the sound level measurement system shall be oriented toward the traveled lane of the highway at the microphone target point at an angle that is consistent with the recommendation of the system's manufacturer. If the manufacturer of the system does not recommend an angle of orientation for its microphone, the microphone shall be oriented toward the highway at an angle of not less than 70 degrees and not more than perpendicular to the horizontal plane of the traveled lane of the highway at the microphone target point.

(d) The sound level measurement system shall be set to the A-weighting network and "fast" meter response mode.

§ 325.39 Measurement procedure; highway operations.

(a) In accordance with the rules in this subpart, a measurement shall be made of the sound level generated by a motor vehicle operating through the measurement area on the traveled lane of the highway within the test site, regardless of the highway grade, load, acceleration or deceleration.

(b) The sound level generated by the motor vehicle is the highest reading observed on the sound level measurement system as the vehicle passes through the measurement area, corrected, when appropriate, in accordance with the rules in subpart F of this Part. However, the sound level reading is valid only if the observed sound level of the vehicle being measured, before application of any correction factor, is observed to rise at

least 6 dB(A) before the maximum sound level occurs and to fall at least 6 dB(A) after the maximum sound level occurs.

NOTE.—The Standards for Highway Operations specify a maximum permissible corrected sound level reading of 86 dB(A) on highways with speed limits of 35 MPH or less and 90 dB(A) on highways with speed limits of more than 35 MPH when measured at a standard test site at a distance of 50 feet. See 40 CFR 202.20.

Subpart E—Measurement of Noise Emissions; Stationary Test

§ 325.51 Scope of the rules in this subpart.

(a) The rules in this subpart specify conditions and procedures for measuring the sound level generated by a motor vehicle when the vehicle's engine is accelerated from idle with wide open throttle to governed speed with the vehicle stationary, its transmission in neutral, and its clutch engaged, for the purpose of ascertaining whether the motor vehicle conforms to the Standard for Operation Under Stationary Test, 40 CFR 202.21.

(b) The rules in this subpart apply only to a motor vehicle that is equipped with an engine speed governor.

§ 325.53 Site characteristics; stationary test.

(a) The motor vehicle to be tested shall be parked on the test site. A microphone target point shall be established on the ground surface of the site on the centerline of the lane in which the motor vehicle is parked at the point on that centerline which is intersected by a transverse plane passing through the front face of the vehicle's front bumper. A microphone location point shall be established on the ground surface not less than 35 feet (10.7 m.) and not more than 83 feet (25.3 m.) from the microphone target point on the ground surface not less than 35 feet (10.7 m.) centerline of the lane in which the vehicle is parked and that passes through the microphone target point. In the case of a standard test site, the microphone location point is 50 feet (15.2 m.) from the microphone target point. Within the test site is a triangular measurement area. A plan view diagram of a standard test site, having an open site within a 50-foot (15.2 m.) radius of both the microphone target point and the microphone location point, is shown in Figure 2. Measurements may be made at a test site having smaller or greater dimensions in accordance with the rules in subpart F of this Part.

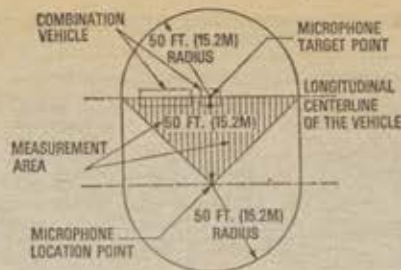


Figure 2
STANDARD TEST SITE,
STATIONARY TEST

(b) The test site must be an open site, essentially free of large sound-reflecting objects. The following objects may be within the test site if they are outside the triangular measurement area of the site:

- (1) Fire hydrants.
- (2) Telephone and other utility poles.
- (3) Rural mailboxes.
- (4) Guard rails of any type of construction except solid concrete barriers.
- (5) Any vertical surface, regardless of size (such as a billboard), having a lower edge more than 15 feet (4.6 m.) above the ground.

(6) Any uniformly smooth surface slanting away from the vehicle with a slope that is less than 45 degrees above the horizontal.

(7) Any surface slanting away from the vehicle that is 45 degrees or more and not more than 90 degrees above the horizontal, if all points on the surface are more than 15 feet (4.6 m.) above the surface of the ground in the test site.

(c) One or more curbs having a height of 1 foot (.3 m.) or less may be within the test site (including the triangular measurement area of the site). However, the test site must be free of any curb with a vertical height exceeding 1 foot (.3 m.).

(d) (1) Except as provided in paragraph (d) (2) of this section, the surface of the ground within the measurement area must be—

(i) Flat and level to within +2 feet (+.6 m.) and -6 feet (-1.8 m.) of the ground surface at the microphone target point;

(ii) Predominantly paved with relatively smooth concrete or asphalt or predominantly covered with packed dirt or gravel; and

(iii) Free of snow.

(2) If the surface of the ground within the measurement area is predominantly covered with grass or other vegetation, the correction factor specified in § 325.75 applies to the measurement.

§ 325.55 Ambient conditions; stationary test.

(a) Sound. The ambient A-weighted sound level at the microphone location point, measured with fast meter response using a sound level measurement system that conforms to the rules in § 325.23

must not exceed the level specified in Table 3 set forth below.

TABLE 3.—Ambient Sound Levels; Measurements Under Stationary Test

If the distance between the microphone location point and the microphone target point is—	The maximum ambient sound level for tests at a "hard" site as specified in § 325.53(d) is—	The maximum ambient sound level for tests at a "soft" site as specified in § 325.75(b) is—
35 feet (10.7 m.) or more but less than 39 feet (11.9 m.)	81 dB(A)	79 dB(A)
39 feet (11.9 m.) or more but less than 43 feet (13.1 m.)	80 dB(A)	78 dB(A)
43 feet (13.1 m.) or more but less than 48 feet (14.6 m.)	79 dB(A)	77 dB(A)
48 feet (14.6 m.) or more but less than 58 feet (17.1 m.)	78 dB(A)	76 dB(A)
58 feet (17.1 m.) or more but less than 70 feet (21.3 m.)	77 dB(A)	75 dB(A)
70 feet (21.3 m.) or more but less than 83 feet (25.3 m.)	76 dB(A)	74 dB(A)

(b) Wind. The average continuous wind velocity and the gust wind velocity must not exceed 12 miles per hour (19.3 kph) at the microphone of the sound level measurement system.

(c) Precipitation. Measurements must not be made while it is raining or snowing at the test site.

§ 325.57 Location and operation of sound level measurement system; stationary test.

(a) The microphone of a sound level measurement system that conforms to the rules in § 325.23 shall be positioned not less than 3½ feet (1.1 m.) and not more than 4½ feet (1.4 m.) above the microphone location point.

(b) When the sound level measurement system is hand held or is monitored by a person located near its microphone, the holder or monitor must orient himself so that his torso—

(1) Is at least 2 feet (.6 m.) from the system's microphone;

(2) Is facing in a direction parallel to the longitudinal centerline of the motor vehicle; and

(3) Is not located between the microphone location point and the microphone target point.

(c) The microphone of the sound level measurement system shall be oriented toward the vehicle at an angle that is consistent with the recommendation of the system's manufacturer. If the manufacturer of the system does not recommend an angle or orientation for its microphone, the microphone shall be oriented at an angle of not less than 70 degrees and not more than perpendicular to the horizontal plan of the test site at the microphone target point.

(d) The sound level measurement system shall be set to the A-weighting network and "fast" meter response mode.

§ 325.59 Measurement procedure; stationary test.

In accordance with the rules in this subpart, a measurement shall be made of the sound level generated by a stationary motor vehicle as follows:

(a) Park the motor vehicle on the test site as specified in § 325.53 of this subpart. If the motor vehicle is a combination (articulated) vehicle, park the combination so that the longitudinal centerlines of the towing vehicle and the towed vehicle or vehicles are in substantial alignment.

(b) Turn off all auxiliary equipment which is installed on the motor vehicle and which is designed to operate under normal conditions only when the vehicle is operating at a speed of 5 miles per hour (8 kph) or less. Examples of such equipment include cranes, asphalt spreaders, liquid or slurry pumps, auxiliary air compressors, welders, and trash compactors.

(c) If the motor vehicle's engine radiator fan drive is equipped with a clutch or similar device that automatically either reduces the rotational speed of the fan or completely disengages the fan from its power source in response to reduced engine cooling loads, park the vehicle before testing with its engine off or idling for sufficient time, but not more than 10 minutes, to permit the engine radiator fan to be automatically disengaged when the vehicle's noise emissions are measured under stationary test.

(d) With the motor vehicle's transmission in neutral and its clutch engaged, accelerate the vehicle's engine from idle to its maximum governed speed at wide open throttle. Return the engine's speed to idle.

(e) Observe the maximum reading on the sound level measurement system during the time the procedures specified in paragraph (c) of this section are followed. Record that reading, if the reading has not been influenced by extraneous noise sources such as motor vehicles operating on adjacent roadways.

(f) Repeat the procedures specified in paragraphs (d) and (e) of this section until two maximum sound level readings within 2 dB(A) of each other are recorded. Numerically average those two maximum sound level readings. When appropriate, correct the average figure in accordance with the rules in subpart F of this Part.

(g) The average figure, corrected as appropriate, obtained in accordance with paragraph (f) of this section, is the sound level generated by the motor vehicle for the purpose of determining whether it conforms to the Standard for Operation Under Stationary Test, 40 CFR 202.21.

NOTE.—The Standard for Operation Under Stationary Test specifies a maximum corrected sound level reading of 88 dB(A) when measured at a standard test site at a distance of 50 feet. See 40 CFR 202.21.

Subpart F—Correction Factors

§ 325.71 Scope of the rules in this subpart.

(a) The rules in this subpart specify correction factors which are added to, or subtracted from, the reading of the sound level generated by a motor vehicle, as displayed on a sound level measurement system, during measurement of the motor vehicle's sound level emissions at a test site which is not a standard site.

(b) The purpose of adding or subtracting a correction factor is to equate the sound level reading actually generated by the motor vehicle to the sound level reading it would have generated if the measurement had been made at a standard test site.

§ 325.73 Microphone distance correction factors.

If the distance between the microphone location point and the microphone target point is other than 50 feet (15.2 m), the maximum observed sound level reading generated by the motor vehicle in accordance with § 325.39 of this Part or the numerical average of the recorded maximum observed sound level readings generated by the motor vehicle in accordance with § 325.59 shall be corrected as specified in the following table:

TABLE 4—DISTANCE CORRECTION FACTORS

If the distance between the microphone location point and the microphone target point is:	The value (dB(A)) to be applied to the observed sound level reading is—
35 feet (10.7 m) or more but less than 39 feet (11.9 m).....	-3
39 feet (11.9 m) or more but less than 43 feet (13.1 m).....	-2
43 feet (13.1 m) or more but less than 48 feet (14.6 m).....	-1
48 feet (14.6 m) or more but less than 58 feet (17.1 m).....	0
58 feet (17.1 m) or more but less than 70 feet (21.3 m).....	+1
70 feet (21.3 m) or more but less than 83 feet (25.3 m).....	+2

§ 325.75 Ground surface correction factors.

(a) *Highway operations.* When measurements are made in accordance with the rules in subpart D of this Part upon a test site at which the measurement area (exclusive of the travelled lane of the highway and the shoulder of that lane) is predominantly covered with concrete, asphalt, packed dirt, gravel, or similar reflective material, a correction factor of 2 dB(A) shall be subtracted from the maximum observed sound level reading generated by the motor vehicle to determine whether the motor vehicle conforms to the Standards for Highway Operations, 40 CFR 202.20.

(b) *Stationary test.* When measurements are made in accordance with the rules in subpart E of this Part upon a test site at which the measurement area

is predominantly covered with grass or other ground cover, a correction factor of 2 dB(A) shall be added to the numerical average of the recorded maximum observed sound level readings generated by the motor vehicle to determine whether the motor vehicle conforms to the Standard for Operation Under Stationary Test, 40 CFR 202.21.

§ 325.77 Computation of open site requirements—nonstandard sites.

(a) If the distance between the microphone location point and the microphone target point is other than 50 feet (15.2 m), the test site must be an open site within a radius from both points which is equal to the distance between the microphone location point and the microphone target point.

(b) Plan view diagrams of nonstandard test sites are shown in Figures 3 and 4. Figure 3 illustrates a test site which is smaller than a standard test site and is based upon a 35-foot (10.7-m.) distance between the microphone location point and the microphone target point. (See § 325.79(b) (1) for an example of the application of the correction factor to a sound level reading obtained at such a site.) Figure 4 illustrates a test site which is larger than a standard test site and is based upon a 60-foot (18.3-m.) distance between the microphone location point and the microphone target point. (See § 325.79(b) (2) for an example of the correction factor to a sound level reading obtained at such a site.)

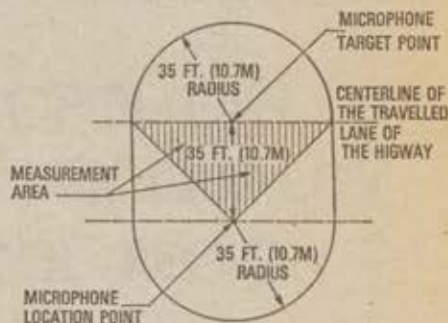


Figure 3
NON-STANDARD TEST SITE:
(35 FT. (10.7M) DISTANCE BETWEEN
MICROPHONE LOCATION AND TARGET POINTS)

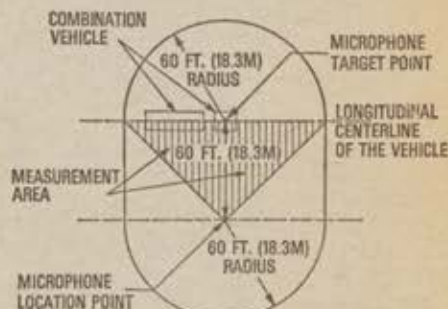


Figure 4
NON-STANDARD TEST SITE:
(60 FT. (18.3M) DISTANCE BETWEEN
MICROPHONE LOCATION AND TARGET POINTS)

§ 325.79 Application of correction factors.

(a) If two correction factors apply to a measurement, both are applied cumulatively.

(b) The following examples illustrate the application of correction factors to sound level measurement readings:

(1) *Example 1—Highway operations.* Assume that a motor vehicle generates a maximum observed sound level reading of 93 dB(A) during a measurement in accordance with the rules in subpart D of this Part. Assume also that the distance between the microphone location point and the microphone target point was 35 feet (10.7 m.) and that the measurement area of the test site was acoustically "hard," e.g., paved with asphalt. The corrected sound level generated by the motor vehicle would be 88 dB(A), calculated as follows:

93 dB(A)	Uncorrected reading
-3 dB(A)	Distance correction factor
-2 dB(A)	Ground surface correction factor

88 dB(A) Corrected reading.

(2) *Example 2—Stationary test.* Assume that a motor vehicle generates maximum sound level readings which average 86 dB(A) during a measurement in accordance with the rules in subpart E of this Part. Assume also that the distance between the microphone location point and the microphone target point was 60 feet (18.3 m.), and that the measurement area of the test site was covered

with grass. The corrected sound level generated by the motor vehicle would be 89 dB(A), calculated as follows:

86 dB(A)	Uncorrected average of readings
+1 dB(A)	Distance correction factor
+2 dB(A)	Ground surface correction factor

89 dB(A) Corrected reading.

Subpart G—Exhaust Systems and Tires

§ 325.91 Exhaust systems.

A motor vehicle does not conform to the exhaust system requirements of the Interstate Motor Carrier Noise Emission Standards, 40 CFR 202.23, if inspection of the exhaust system of the motor vehicle discloses that the system—

(a) Has a defect which adversely affects sound reduction, such as exhaust gas leaks or alteration or deterioration of muffler elements;

(b) Is not equipped with either a muffler or other noise dissipative device, such as a turbocharger (supercharger driven by exhaust gases); or

(c) Is equipped with a cut-out, bypass, or similar device.

§ 325.93 Tires.

(a) Except as provided in paragraph (b) of this section, a motor vehicle does not conform to the tire requirements of the Interstate Motor Carrier Noise Emission Standards, 40 CFR 202.23, if inspection of any tire on which the vehicle is operating discloses that the tire has a tread pattern composed primarily of cavities in the tread (excluding sipes and

local chunking) which are not vented by grooves to the tire shoulder or circumferentially to each other around the tire.

(b) Paragraph (a) of this section does not apply to a motor vehicle operated on a tire having a tread pattern of the type specified in that paragraph, if the motor carrier who operates the motor vehicle demonstrates to the satisfaction of the Director of the Bureau of Motor Carrier Safety or his designee that either—

(1) The tire did not have that type of tread pattern when it was originally manufactured or newly remanufactured; or

(2) The motor vehicle generates a maximum sound level reading of 90 dB(A) or less when measured at a standard test site for highway operations at a distance of 50 feet and under the following conditions:

(i) The measurement must be made at a time and place and under conditions specified by the Director or his designee.

(ii) The motor vehicle must be operated on the same tires that were installed on it when the inspection specified in paragraph (a) of this section occurred.

(iii) The motor vehicle must be operated on a highway having a posted speed limit of more than 35 miles per hour (56.3 kph).

(iv) The sound level measurement must be made while the motor vehicle is operating at the posted speed limit.

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PART III



ENVIRONMENTAL PROTECTION AGENCY

■

METROPOLITAN BOSTON AIR QUALITY CONTROL REGION

Transportation Control Plan

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 335-6]

BOSTON, MASSACHUSETTS

Proposed Amendments to Transportation Control Plan

The Environmental Protection Agency is considering a number of amendments to the transportation control plan which it promulgated on November 8, 1973 (39 FR 30960), for the Metropolitan Boston Intrastate Air Quality Control Region (the "Boston Intrastate Region"). These amendments stem in part from the conclusions of an exhaustive technical review of air quality in the Boston Intrastate Region which EPA has recently concluded as a result of the order of the Court of Appeals for the First Circuit in *South Terminal Corporation v. EPA* (6 ERC 2025, 504 F.2d 646) and eight related cases issued September 27, 1974. Certain additional amendments are being proposed as a result of conclusions which EPA has drawn in connection with its administrative experiences to date in implementing the original plan. In formulating these amendments, EPA has also drawn upon a wide variety of consultations with a number of affected state and municipal officials, business groups, environmental groups and members of the Massachusetts legislature.

Included in the proposed amendments is a revised regulation for reduction of commuter travel which would include both students and employees. This program would be implemented in conjunction with the carpool matching program being developed by the Commonwealth of Massachusetts and the employee pass program offered by the Massachusetts Bay Transportation Authority. Also included in these proposals is a new provision for limiting overall hydrocarbon emissions from major users of organic compounds. In addition, EPA is publishing a proposal for encouraging bicycle use, new proposals for controlling carbon monoxide levels outside the Boston core area, and a new procedure for periodic monitoring and updating of the plan. Other features of the original plan are retained with modifications in some areas. These include the ceiling on the level of commercial parking spaces in the so-called "freeze" area, limitations on on-street commuter parking, a semi-annual inspection and maintenance program, a retrofit program, and incentives for carpool and transit use.

BACKGROUND

The Clean Air Act requires EPA to establish national "primary" air quality standards strict enough to protect all members of the population from adverse health effects caused by air pollution, including carbon monoxide and photochemical oxidants. It then requires each

state to have in effect an "implementation plan" to achieve these standards throughout its territory by 1975, or 1977 at the latest if an extension is granted, as is the case for the Boston area. If a state does not submit an appropriate implementation plan, the Act requires EPA to promulgate an appropriate plan for the state.

Although the Massachusetts plan was substantially approvable for non-automobile-related pollutants, it did not provide for meeting the oxidant and carbon monoxide standards by May 31, 1975. The automobile is the source of nearly all carbon monoxide and a majority of the hydrocarbons which form photochemical oxidants. Although the Federal Motor Vehicle Control Program ("FMVCP") established by the Clean Air Act requires all new automobiles to meet strict emission standards for these pollutants, calculations show that this program will not by itself assure that the national primary air quality standards necessary to protect public health will be met throughout the Boston Intrastate Region by the 1977 date mandated by the Act. Therefore, the implementation plan for the Boston Intrastate Region must contain land use and transportation controls in order to be federally approved. However, instead of including such measures, Massachusetts asked for an extension of time in which to supply the missing portions of its plan and an extension of time in which to achieve the standards. On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specific exceptions, the Massachusetts state implementation plan and approved the requests for extensions of time.

On January 31, 1973, the United States Court of Appeals for the District of Columbia Circuit found that the Administrator did not conform to the strict requirements of the Clean Air Act in granting Massachusetts and several other states their extensions. Accordingly, the Court ordered the Administrator to rescind the extensions. The Administrator complied on March 20, 1973 (38 FR 7327), and Massachusetts was required to submit a transportation control plan by April 15, 1973, as specified by the court. Because the Commonwealth did not submit its plan by that date, on July 2, 1973, the Administrator proposed a transportation control plan for the Boston Intrastate Region. Hearings on the plan were held on July 19 and 20, 1973 at Faneuil Hall, Boston. A final plan was promulgated on November 8, 1973 (38 FR 30960). The plan called for the control of hydrocarbon emissions from manufacturing establishments that contribute to photochemical oxidant formation, for the control of hydrocarbon emissions from gasoline marketing operations, for the installation of additional emission control devices ("retro-

fits") on various classes of motor vehicles currently in use, and for the reduction of motor vehicle traffic through a wide variety of devices aimed at reducing the availability of parking and encouraging carpools and mass transit.

In promulgating the plan, the Administrator found that some of the transportation control strategies selected for attaining and maintaining the carbon monoxide and photochemical oxidant standards were not implementable in the Boston Intrastate Region by May 31, 1975, the original date required by the Clean Air Act. Consequently, the Administrator acted under section 110 (e) of the Act to grant the maximum extension of the deadline for several strategies until May 31, 1977.

Nine separate petitions for review challenging the Administrator's action in promulgating the plan were filed with the Court of Appeals for the First Circuit pursuant to section 307(b)(1) of the Clean Air Act. On September 27, 1974, the First Circuit ruled on the issues in the *South Terminal* case. Briefly, the court upheld the Administrator's authority to impose each of the measures contained in the plan, and accepted his method of calculating the reduction in pollutant emissions needed to reduce a given level of pollutants measured in the air to the level of the standards. However, the court ordered two specific matters of detail to be changed in the regulations and declined provisionally to accept EPA's measurements of the actual severity of air pollution in the Boston area. The court stated that it did not have sufficient basis for deciding whether or not these measurements were accurate, and that the technical questions raised by the petitioners about the measurements justified further examination prior to the time the regulations would take effect. The Court ordered an informal rule-making hearing to be held by EPA, one purpose of which would be to permit further public comment on the technical data. The court also stated:

It may well be that EPA, after full exposure to petitioners' objections, will effectively demonstrate the adequacy of existing readings and the rationality of its conclusions. Better still, by now EPA may have additional measurements and data on oxidant and carbon monoxide levels. (*South Terminal Corporation v. EPA* 6 ERC at 2035, 504 F.2d at 660.)

TECHNICAL BASIS FOR THE CONTROLS

In preparation for the court-ordered public hearing to be held on March 20 and 21, 1975, EPA has examined all available recent data on carbon monoxide and photochemical oxidant levels in the Boston Intrastate Region recorded by the Massachusetts air monitoring network and a monitoring station located at Logan Airport operated by the Massachusetts Port Authority. Data from the following seven air quality monitoring stations was reviewed:

TABLE 1

Site location ¹	Date monitoring began	
	Carbon monoxide	Photochemical oxidants
1. Kenmore Square, Boston.	July 1969.	Dec. 1970 to Nov. 1971 and Apr. 1972 to present.
2. Wellington Circle, Medford.	Sept. 1971.	Apr. 1972.
3. Science Park, Cambridge.	May 1971.	May 1973.
4. Moody and Main Street, Waltham.	Jan. 1973.	Jan. 1973.
5. Fore River Bridge, Quincy.	do.	Do.
6. Logan Airport, Boston.	Oct. 1973.	None.
7. East Boston.	Oct. 1974.	Do.

¹ All sites except Logan Airport and East Boston are operated by the Bureau of Air Quality, Commonwealth of Massachusetts. The Logan Airport site is operated by the Massachusetts Port Authority; the East Boston site is operated jointly by EPA and the Commonwealth's Bureau of Air Quality.

EPA has conducted an intensive quality control check on the reliability of instruments in service at each of the monitoring sites and reviewed the site locations and the validity of data.

Maintenance logs for all sites were

TABLE 2.—Carbon Monoxide Concentrations in Excess of 8-hour Standards Recorded in the Boston Intrastate Region—January 1, 1973 to June 30, 1974

Location	Year	Highest (parts per million)	Date ¹	Second highest (parts per million)	Date ¹
Kenmore Square	1973	18.2	Dec. 4	15.4	Oct. 3
	1974	15.1	Apr. 13	13.9	Apr. 23
Wellington Circle	1973	22.8	Oct. 17	17.0	Nov. 21
	1974	12.0	Feb. 4	10.5	Jan. 7
Waltham	1973	29.0	Dec. 4	18.2	Dec. 5
	1974	16.6	Jan. 16	14.4	Jan. 11
Science Park	1973	11.6	Dec. 4	11.1	Nov. 12
	1974	14.4	Jan. 3	9.9	Jan. 3
Quincy	1973	15.5	June 4	11.2	June 1
	1974	14.0	Mar. 30	11.4	Mar. 29
East Boston ¹	1974	16.0	Oct. 31	15.7	Oct. 29
Logan Airport ²					

¹ Date on which running averages is recorded (i.e., last hour of 8-hour period).

² Operated from October through December, 1974.

³ No 8-hour averages at Logan Airport exceeded the standard during the period of operation from October, 1973 to June 30, 1974. This monitoring station is located on the airport itself. Therefore, it would tend to monitor only airport traffic; the East Boston site monitors both airport-bound and general traffic entering and leaving the Callahan and Summer Tunnels.

TABLE 3.—Photochemical Oxidant Concentrations Recorded in the Boston Intrastate Region 1973 to 1974

Location	Year	Highest (parts per million)	Date	Second highest	Date
Kenmore Square	1973	0.13	Jan. 6	0.12	Jan. 6
	1974	.14	June 30	.13	July 2
Wellington	1973	.17	Sept. 1	.17	Sept. 1
	1974	.20	Apr. 29	.20	Apr. 20
Waltham	1973	.18	Sept. 2	.17	July 26
	1974	.16	June 30	.16	June 30
Science Park	1973	.20	Sept. 1	.18	Aug. 30
	1974	.13	June 10	.13	June 5
Quincy	1973	.21	Sept. 1	.20	July 13
	1974	.19	Apr. 29	.16	Apr. 21

INTERPRETATION OF TECHNICAL DATA CARBON MONOXIDE

The national primary ambient air quality standard for carbon monoxide states that the level of 9 parts per million ("ppm") can be exceeded only once per year.

EPA has re-examined the carbon monoxide reading of 21.9 ppm taken at Kenmore Square on October 28, 1973, which was used in EPA's original plan. The second highest reading in 1970 is now calculated to have been 16.9 parts per million for 1970 as opposed to the

examined to determine data validity. A detailed statistical analysis was performed. Data reported during any period of instrumentation malfunction has been disregarded in formulating EPA's present technical conclusions. EPA has conducted quality control audits of all sites to determine whether quality control procedures in use at those sites are proper and that the instruments are measuring correctly. A more detailed description of all quality assurance procedures followed is contained in a technical support document prepared by EPA, Region I, dated February 14, 1975 entitled "Technical Evaluation of the Metropolitan Boston Intrastate Air Quality Control Region Transportation Control Plan" which is available for inspection and copying as mentioned under "Availability of Information" below.

As a result of all of these quality assurance procedures, EPA has concluded that the air quality readings set forth in the following Tables 2 and 3 are valid and representative of the air quality problem in the Boston Intrastate Region:

source of emissions. Kenmore Square is the intersection of a number of heavily traveled streets where traffic moves slowly throughout the day. The level of concentration recorded in Kenmore Square can be expected to occur or be exceeded in other major intersections in the Boston core where similar patterns of traffic and physical configuration occur, with variations depending upon traffic flow and physical and meteorological characteristics of the particular location.

The following Table 4 sets forth the projected concentrations of carbon monoxide at the Kenmore Square location and at two other principal locations in the Monitoring network for the period ending May 31, 1977:

TABLE 4.—Projections of Impact of the Federal Motor Vehicle Control Program on Potential Maximum 8-hour, Carbon Monoxide Concentrations¹

(CO standard=9.9 pounds per million)				
Date	Kenmore Square	Waltham	East Boston	
May 31, 1974	14.5			
May 31, 1975	12.8	16.9	14.2	
May 31, 1976	10.9	14.7	12.4	
May 31, 1977	9.1	12.7	10.6	

¹ These figures assume (a) no inspection and maintenance program, (b) annual traffic growth rates of 0 percent for Kenmore Square and 2.5 percent for Waltham and East Boston and (c) implementation of the final 1977 Federal Motor Vehicle Control Program emission limitations. EPA believes that Kenmore Square is now totally saturated with traffic at peak rush hours and thus further growth is not projected.

EPA is taking Kenmore Square carbon monoxide readings as the basis for evaluating the need for restrictions in the Boston core area inasmuch as these are the highest measured readings in the area.

Because of the data set forth in Table 4, EPA now believes that a carbon monoxide strategy for the Boston core area would not be needed to meet a 1977 deadline. However, EPA is required by section 110(e) of the Clean Air Act, wherever it extends the May 31, 1975 attainment date, to impose interim measures which EPA determines to be reasonably available under the circumstances to attain the standards earlier than the extended date for final compliance. EPA has determined those measures which now being proposed as control strategies to control hydrocarbon emissions throughout the Boston Intrastate Region will also tend to reduce carbon monoxide emissions and therefore they fulfill the need for interim measures to control carbon monoxide.

However, carbon monoxide control strategies will be needed outside of the Boston core area. As shown in Table 4, neither East Boston nor Waltham will attain the standards even by the 1977 extended date. EPA has also determined that the regional photochemical oxidant control strategies will not be sufficient to meet carbon monoxide standards on or before the 1977 date. Consequently, separate carbon monoxide strategies for East Boston and Waltham (and similar suburban "hotspots") will be needed. This is

21.9 ppm used in formulating the original plan. The method of calculation resulting in this figure is discussed in detail in section IIIA of the February 14, 1975 technical support document mentioned above. However, as shown in Table 2, EPA is now using concentration data from 1973 and 1974 in preparing the current proposals.

As is more fully described in the aforementioned February 14, 1975 technical support document, carbon monoxide is a localized pollutant which is usually detected in high concentrations near the

more fully explained in the description of the proposed carbon monoxide strategies below.

SUMMARY OF CONTROL STRATEGIES: CARBON MONOXIDE

Because the regional photochemical oxidant control strategy for the Boston Intrastate Region will not be sufficient to attain carbon monoxide standards by 1977 in East Boston and in the Boston suburban problem areas such as Waltham, EPA is now proposing that separate carbon monoxide control strategies be developed for these areas.

For East Boston, EPA is proposing to retain the ceiling on new commercial parking construction. In addition, employees at Logan Airport would continue to be subject to the controls on vehicle use, now proposed to be replaced by the single-passenger commuter vehicle use reduction program contained in a new § 52.1161. EPA is also proposing that the Commonwealth of Massachusetts, the Massachusetts Port Authority and the City of Boston begin joint consultation as to the means to reduce congestion in the vicinity of the Callahan and Sumner Tunnels and to evaluate specific proposals to provide the needed reductions. Each of the affected entities would be required to report to EPA on its recommendations for achieving carbon monoxide standards in the East Boston area. On the basis of this consultative process, air quality data and the effects of the other elements of the transportation control plan, EPA would revise its regulations to include the measures necessary to achieve the standards.

Among the alternatives which EPA believes should be considered are: modifying the traffic patterns associated with the tunnel and removing parking areas and providing remote terminals with shuttle service for passengers.

EPA has already determined that a carbon monoxide control strategy is needed for Waltham. For other suburban areas, EPA is proposing that the Commonwealth analyze data on major intersections in the Boston Intrastate Region to identify those intersections where traffic density, intersection dwell time, local meteorology, physical configuration of the surrounding area and other factors are likely to produce a carbon monoxide problem. Those intersections would then be modeled and monitored as necessary to determine whether or not a carbon monoxide problem actually exists. In Waltham and elsewhere where a control strategy is indicated, EPA would require the Commonwealth, in cooperation with the affected municipality, to prepare a program to reduce carbon monoxide emissions in the area by such measures as are necessary. These measures would then be put into effect by the May 31, 1977 deadline.

INTERPRETATION OF TECHNICAL DATA— PHOTOCHEMICAL OXIDANTS

Unlike carbon monoxide which is a primary pollutant emitted directly from the tailpipe, photochemical oxidants are

secondary pollutants that result from complex reactions of hydrocarbons and oxides of nitrogen catalyzed by sunlight. The conversion of hydrocarbons can require several hours to several days—depending on hydrocarbon reactivity. In either case, the oxidants produced are relatively stable and may last for extended time periods. While carbon monoxide emissions generally cause a localized problem, the oxidants and hydrocarbons may be subject to transport over considerable distances.

EPA has re-examined and verified the validity of all oxidant data and, as indicated in Table 3, is basing the amended Boston transportation control plan on several second high readings of .20 parts per million rather than the reading of .26 parts per million in the original plan. The national primary ambient air quality oxidant standard is .08 parts per million. This data indicates that a 60 percent hydrocarbon reduction is necessary in the Boston Intrastate Region to reach the national standard by the 1977 deadline. However, to have assurance that the standards will be attained within the Boston Intrastate Region, it may be

necessary in the future to amend the control strategy within the Region and to establish new control measures beyond its boundaries.

EPA is not proposing at this time to extend hydrocarbon controls beyond the boundaries of the Boston Intrastate Region. EPA will, however, modify the hydrocarbon control strategy in the future as necessary, according to the proposed periodic air quality review and update procedure proposed here. EPA is continuing to study oxidant transport. In the meantime, EPA Regions I, II, and III, comprising the Northeastern and Middle Atlantic areas of the country, are working towards developing additional hydrocarbon control strategies which could be implemented along the Atlantic seaboard.

SUMMARY OF TRANSPORTATION CONTROL STRATEGIES: PHOTOCHEMICAL OXIDANTS

The photochemical oxidant control strategies proposed for the amended plan and the emission reductions which are expected to result from each of such strategies are set forth in the following Tables 5 and 6:

	Kilograms per day
Hydrocarbon reductions required to meet national ambient air quality standards for photochemical oxidants, from 1974 base emission year.....	302,400
Hydrocarbon increase from expanded organic solvent use, etc., 1974-77.....	14,600
Total hydrocarbon reductions required.....	317,000
Nonvehicular reductions:	
A. Gasoline storage, transfer and marketing regulations.....	66,200
B. Organic solvent use regulation.....	155,200
Total reduction—nonvehicular sources.....	221,400
Vehicular reductions:	
A. Federal motor vehicle emission controls.....	51,600
B. Inspection and maintenance.....	20,500
C. Commuter automobile reduction program, supported by State carpool program and preferential bus and carpool efforts.....	12,200
D. On street parking limitations, and ceiling on off street parking.....	900
E. Retrofit program, including:	
1. Air bleed devices.....	8,400
2. Vacuum spark advance disconnect.....	2,200
Total retrofit reductions.....	10,600
Total reduction from vehicular sources.....	95,800
Total reduction from vehicular and nonvehicular sources.....	317,200

Source	Base year (1974) emissions (kilograms per day)	1977 emissions without additional AQCR controls	1977 emissions with AQCR strategies	Reduction due to AQCR strategies
Nonvehicular:				
Organic solvent use (Drycleaning, degreasing, paints and coatings).....	154,800	168,900	13,700	155,200
Gasoline handling (storage, marketing).....	79,500	79,500	13,300	66,200
Miscellaneous (Aircraft, incineration, fuel combustion, manufacturing).....	20,900	21,400	21,400	
Total.....	255,200	269,800	48,400	221,400
Vehicular:				
Exhaust.....	170,900	134,200	80,000	44,200
Evaporative.....	77,900	73,000	73,000	
Total.....	248,800	197,200	153,000	44,200
Total nonvehicular and vehicular Necessary to meet standards.....	504,000	467,000	201,400	265,600
Reduction necessary.....	302,400	265,400		

¹ Excludes effects of FMVCP.

Estimates of the 1974 base year and 1977 deadline year emissions of organic solvents and gasoline from stationary sources were taken from "Hydrocarbon Emission Sources in the Metropolitan Boston Intrastate Air Quality Control Region", prepared for EPA by GCA/Technology Division and submitted in May, 1974.

Motor vehicle emissions were derived from the emission base estimates contained in the "Technical Support Document for the Transportation Control Plan for the Metropolitan Boston Intrastate AQCR", prepared for EPA by GCA/Technology Division in June, 1973. Modifications to this estimate base were made to account for: (a) the 1976 extension of the emission controls under the Federal Motor Vehicle Control Program, (b) new emission factors calculated by the methodology described in Supplement 5 to AP-42, "Compilation of Air Pollutant Emission Factors", (c) inclusion of the entire Boston Intrastate Region, as opposed to including only that portion of the Region within the confines of Route 128, and (d) the 1973 distribution of vehicle model years within the Region, as opposed to the original 1971 distribution. The latter information was obtained from statistics supplied by R. L. Polk and Co. and includes data, as of July 1, 1973, for the four counties of the Region.

During the past year, EPA has had extensive consultations with federal, state and local officials over the administrative requirements imposed by the original plan. EPA has met with chambers of commerce and other representatives of business groups concerned with the problems associated with the plan, particularly those aspects impacting employee parking spaces. EPA has also met with leaders of local environmental groups and has solicited their observations on the plan. EPA has had consultants assess and report on the costs and benefits of the plan. In addition, EPA has received numerous written comments from the public, some of them through the press. Throughout this process of consultation and critical review, EPA has attempted to review each of the strategies of the plan to determine how to mitigate the actual and perceived effects which commentators have pointed out.

EPA has decided that continuing emphasis should be placed on stationary sources of hydrocarbons such as solvent users and fuel transfer and handling facilities. This type of control has a substantial effect in terms of the actual reductions obtained.

The Federal Motor Vehicle Control Program is the core of EPA's strategies for reducing vehicle emissions. However, this program must be supplemented by a program for inspecting and maintaining the emission control devices installed under the FMVCP if the full effect of the FMVCP is to be felt. Inspection and maintenance can detect unlawful tampering. It can also detect malfunction of the engine or the emission control device. Where engine modification is detected and corrected, substantial fuel

economies can result, thereby offsetting any costs to the public associated with the inspection and maintenance program.

The original plan (§ 52.1144) requires the Commonwealth to establish a state-operated program for the inspection and maintenance of emission control devices on various categories of vehicles. The regulation requires the use of the so-called "loaded mode" method of inspection. EPA and the Commonwealth have had extensive consultations in the past eight months as to the best procedure for inspection and maintenance and have reached agreement in principal on several matters. Because the Commonwealth now uses a certified private inspection station system for conducting its semi-annual safety inspection program, the Commonwealth and EPA are seriously considering the use of this system for an emission control inspection program in lieu of setting up an entirely new state-run inspection apparatus. In addition, the Commonwealth has stated its preference for the use of the "idle mode" inspection device rather than the more expensive "loaded mode" device prescribed by the regulations. Although EPA has not given its final concurrence to this alternate mode, it appears that there may be substantial initial capital cost advantages in using idle mode inspection and EPA is willing to allow the Commonwealth to proceed to assess the feasibility of an idle mode program. Finally, the Commonwealth has strongly recommended that a demonstration project be conducted in the Commonwealth prior to actual implementation. EPA has no objection to this, provided that the demonstration is carried out in time for actual implementation prior to the first 1977 deadline. EPA expects to continue to consult with the Commonwealth during the coming months.

The method and the administrative system to be used for inspection and maintenance in the Boston Intrastate Region are still under review. Until these subjects are finally determined, EPA is proposing to retain the semi-annual "loaded mode" state-operated system required under the present regulations.

The Commonwealth is currently preparing an instruction manual showing how employees and educational institutions can reduce commuter mileage by forming carpools and vanpools. EPA has worked closely with the Commonwealth on this manual. EPA believes that the manual will offer employers valuable information and will encourage the formation of a substantial number of carpools and vanpools. The Commonwealth is negotiating a contract with the firm of consultants which prepared the manual for a carpool program which would employ between twelve and twenty full-time carpool/transit consultants who would work with employers and educational institutions throughout the Commonwealth. In addition, the Commonwealth will make available a computer program for matching the names and travel patterns within large groups of employees or students and it is prepared to run such

a program on a state-owned computer if a particular employer or educational institution should require the service. EPA believes that these actions on the part of the Commonwealth are likely to result in substantial carpool and vanpool formations, and strongly supports them.

EPA has received many comments to the effect that the success of any effort to encourage persons to shift from single-person private vehicle use to mass transit or carpool/vanpool alternatives depends upon the willing cooperation of both employers and commuters. A principal objection to EPA's original plan which many critics and observers made was that it called for a flat cut-back in employee parking spaces, without explicit provisions for exceptions for employees who had no readily available alternatives. When it was pointed out that certain employees would not be able to form carpools or take mass transportation, EPA determined that a hardship exemption should be adopted in order to make the regulation more equitable.

It was also pointed out that many employers who do not furnish parking spaces and educational institutions were not subject to the original requirements, even though many commuters traveled daily to their facilities and could be encouraged to shift to mass transit or carpool/vanpool alternatives. Therefore, EPA has decided (a) to expand the coverage of the plan to employers without parking facilities and educational institutions, (b) to drop the mandatory cut-back in parking spaces, and (c) in order to establish uniform requirements for all affected facilities, to propose a 25 percent cut-back in single-passenger vehicle commuting. Although this requirement would mean a slightly smaller reduction in commuter travel for some facilities subject to the original plan, the reduction would apply to more facilities thereby offsetting any emission losses from dropping the mandatory parking space cut-back feature. Furthermore, the new reduction appears to be more achievable by affected facilities, thereby eliminating the need for a formal hardship provision.

Many business groups have informed EPA that a regulation such as the one proposed will have the support of their organizations during the implementation phase and that employers can be expected to participate willingly in the programs being suggested to achieve the reduction. If this is the case, enforcement effort by EPA on the Commonwealth should be minimal, and it should not prove necessary to stiffen these requirements in connection with periodic updates to the plan.

There should be incentives built into the public highway system for encouraging carpool and vanpool formation and increased mass transit use. The original plan called for specific highway incentives, such as reserving lanes for exclusive carpool and bus use and contra-flow bus lanes. EPA and the Commonwealth are now reconsidering certain of those specific requirements owing to changes

in circumstances, such as the opening up of Interstate Route 93 during the period when the Mystic River Bridge was out of service. EPA is now proposing that the Commonwealth do a study of all points of advantage which could be offered to carpool and bus riders in order to shorten their trip time and cost. This study would present alternatives which the Commonwealth could then put into effect in an effort to support the Commonwealth's carpool program.

Bicycle use in the Boston Intrastate Region could be increased substantially if safe bikeways were to be constructed and convenient storage facilities provided. In addition, it should be far easier to use bicycles to commute to transit stops than it is at present. The Environment Committee of the Boston Bar Association has developed a set of proposed regulations calling for a comprehensive study of bikeway and bicycle usage improvements as well as establishment of bicycle corridors in the near future. Although these proposed regulations have not been examined in detail by the Commonwealth, they are being published at this time with the Commonwealth's concurrence in order to acquaint the public with their contents and to solicit comment.

Travel to and from the Boston core area is responsible for a large portion of vehicle use within the Region. This contributes to both hydrocarbon generation and carbon monoxide emissions. Inasmuch as it is necessary to reduce hydrocarbons generally throughout the Region and to reduce carbon monoxide concentrations both within the City and in the vicinity of the Summer and Callahan Tunnels, EPA is proposing to maintain the ceiling on the construction of new commercial parking facilities and the on-street commuter parking ban for Cambridge and a portion of the City of Boston, both of which were in the original plan.

In addition to the new or modified strategies discussed above, elements of the original plan dealing with retrofits to existing vehicles would be retained, including the air bleed device and the vacuum spark advance disconnect, although the implementation dates in the original plan would be extended, thereby deferring implementation of the strategies.

PROPOSED CHANGES IN THE REGULATIONS

1. In § 52.1128: The "freeze area" is currently defined to include a small section of the City of Somerville because of the location of a railroad line which was used as a boundary of the freeze area and it also excludes a small portion of the City of Cambridge. EPA has determined that there is no substantial reason to retain any portion of Somerville in the freeze area and is therefore proposing to exclude it. Officials of the City of Cambridge have requested that the freeze area include the entire City. For this reason, EPA is now proposing to include all of Cambridge. In addition, officials of the City of Boston have requested (a) reduction of the boundaries of the on-street commuter ban area in Boston for

administrative convenience in enforcing the ban and (b) adjustment of the boundaries of the freeze area in a manner consistent with Boston's ongoing planning and construction review procedures for the affected areas. A new area called "Boston proper" is therefore being proposed to meet these requests.

2. In § 52.1134: In connection with the regulation limiting on-street parking in the freeze area, EPA proposes to revise the definition of "on-street parking" in order to make it clear that legal parking in loading zones and stops by emergency vehicles are not included in the ban. EPA is also proposing to revise the requirement that the Commonwealth and affected municipalities adopt on-street bans in the freeze area to make it clear that the officials thereof having responsibility over streets, highways and roadways are responsible for implementing the requirements. In addition, EPA is proposing to postpone the incremental steps toward full implementation of the on-street ban and to extend the date for final compliance from March 1, 1975, to January 1, 1976 for the City of Cambridge and March 1, 1977, for the City of Boston. This is being done in order to allow the Cities sufficient time to obtain funds and personnel, such as parking control officers, needed to implement the regulation. Exemptions from the on-street ban are now allowed for residents of the affected municipalities who park their vehicles within one-half mile of their residences, as well as for handicapped persons and disabled veterans. In accordance with the desires of officials of the affected municipalities, EPA is proposing to revise the exemption to apply to vehicles registered to residences in the Cities of Cambridge and Boston which display residential parking stickers issued by the respective Cities. EPA also proposed to eliminate the exemption for disabled veterans because the exemption for handicapped persons appears to be adequate to cover all persons who would require such an exemption for physical reasons. In addition, commercial vehicles would be permitted to park during the hours of the ban in order to facilitate commercial stops and deliveries.

3. In § 52.1135: The original plan contained requirements (a) limiting the number of new commercial parking spaces within the freeze area to the level existing on October 15, 1973, plus an additional 10 percent for spaces then being constructed, (b) forbidding any new or modified parking facility within the Region without a permit to be granted only upon a showing that the new facility would not interfere with the attainment of air quality standards, and (c) requiring every employer of 50 or more persons within the Region to reduce the number of his available employee parking spaces by 25 percent, or down to a parking space/employee ratio of 3 to 4.

The first requirement, that no new off-street facility be built within the freeze area without a showing that an equivalent number of spaces have been eliminated, would be amended by adopting new definitions of the terms "commence construction", "commence modification",

"commercial parking facility" and "commercial parking space". In each case in order to clarify the intention of the regulation. In addition, the portion of the section dealing with preconstruction review of new parking facilities would be reserved pending promulgation of final regulations for management of parking supply. (See "Parking Management Regulations" below.) Finally, the portion of the section requiring certain employers to reduce available employee parking would be reserved and replaced by a new § 52.1161 requiring certain employers and educational institutions to reduce single passenger commuter vehicle use at their facilities by 25 percent.

4. In § 52.1136: The requirement of a 40 percent vacancy rate in commercial parking facilities in the Boston core area at 10 a.m. would be eliminated entirely.

5. In § 52.1138: This section would be revised so as to reflect the program which the Commonwealth is currently undertaking for comprehensive carpool matching programs throughout the Region. The proposed section contemplates the preparation and distribution of an employer carpool instruction manual, availability of a computer matching program, consultant assistance to employers, and use of a computer for matching groups of 400 or more commuters by the Commonwealth.

6. In § 52.1139: This section would be expanded to require the Commonwealth to do a feasibility study of bus and carpool incentives which are available on Interstate Route 93, the Southeast Expressway, U.S. Route C-1, U.S. Route 1 and the Central Artery.

7. In § 52.1141: Interim and final implementation dates for the retrofit of vehicles with the vacuum spark advance disconnect would be postponed.

8. In § 52.1142: Interim and final implementation dates for the retrofit of vehicles with the air bleed device would be postponed.

9. In § 52.1143: Retrofit of vehicles with the catalytic converter is no longer considered necessary. This section would be revoked.

10. In § 52.1145: Three changes are proposed for this section. The present organic solvent use regulations exempt the use of organic materials used in certain specified types of machinery, provided that the materials do not come into contact with flame. The exemption would be modified to provide that only machinery constructed or modified before November 8, 1973, need not have the flame-proof feature in order to qualify for the exemption. Finally, a new proposed paragraph (k) would be added to limit overall hydrocarbon discharged from a facility to 3,000 pounds per day or 450 pounds per hour unless the emission represented at least an 85 percent reduction from the process discharge.

11. In § 52.1160: This section would be changed to emphasize the continuing role EPA intends to play in monitoring performance under the plan and in revising it as necessary. The Commonwealth is now responsible for monitoring air quality and reporting to EPA. The section

would require the Commonwealth to devise methods to improve overall data-gathering and reporting procedures in a manner necessary to provide current information to EPA on the effectiveness of the plan. As required by the order of the court in the *South Terminal* case, EPA must periodically assess the effectiveness of the plan and adjust its control measures as necessary to avoid having either too lax or too rigorous a plan. Upon receipt of information from the Commonwealth, EPA would then have a basis for evaluation. The section would require the Administrator of EPA to make whatever changes were necessary according to public participation procedures generally followed for rulemaking purposes.

12. In § 52.1161: This section proposes a complete modification of the original parking space reduction program for employees. EPA is proposing that employers having an employment facility with 50 or more employees and educational institutions with 250 or more commuting students and employees would be required to reduce by 25 percent the number of single passenger commuting vehicles used by employees and students commuting to work or classes. EPA is focussing on this category of vehicle users because they have the best chance of switching to carpools or mass transit for their regular commuting. Facilities would be required to develop programs to encourage the use of carpools or mass transit.

Affected facilities would be required to report on the number of commuters, commuting vehicles and single passenger commuting vehicles as of a base date. Employers who filed action plans with EPA under the original plan and commenced measures to cut back commuting vehicle use would be allowed to establish their base date as of the date of commencement of such measures, thereby receiving credit for efforts prior to the effective date of the proposed regulations. For other facilities, the base date would be October 1, 1975. No action plans would be required, as under the original plan. Instead, the affected facilities would be required to file base date reports indicating the above information. Facilities with 400 or more commuters would be required to file this report on October 15, 1975; facilities with 200 to 399 commuters would be required to file on March 1, 1976; facilities with 100 to 199 commuters would be required to file on May 31, 1976; and facilities with 50 to 99 commuters would be required to file on November 30, 1976. The 25 percent reduction would then have to be achieved within six to ten months after the date of the base date report, depending upon the size of the facility. At the end of the implementation period, an updating report would be due which would indicate whether or not the facility had achieved its goal. If the reduction requirement has been met by this time, the facility need only maintain the ratio of single passenger commuter vehicles to overall commuters which resulted from the original reduction and report periodically

on its situation. If the reduction requirement has not been met by the date of the first updating report, the facility would be in violation of the section. It must then report on the measures used in an attempt to achieve the goal. It must also give the reasons why certain measures specified in the proposed section were not implemented at the facility.

The proposed regulations (§ 52.1139) would require the Commonwealth to have its carpool consulting program fully operational in time to assist affected facilities to meet the requirements of this proposed regulation. If an employer fails to achieve or maintain the required reduction, he could be contacted by the Commonwealth. In order to avoid duplication of reporting, the proposed section contemplates that the reports under the section would go directly to the Secretary of Transportation and Construction, who has overall responsibility for the carpool program. Based upon the reports, the Secretary could make a determination as to where efforts to encourage and assist affected facilities could be directed. Instances of violation of the regulations would be reported to EPA. Prior to commencing any enforcement action, both the Secretary and EPA would be required to take into consideration any good faith efforts made by a facility to achieve the required reduction.

13. In § 52.1162: A new section providing for a study of improved bicycle facilities and interim construction of bicycle routes would be added.

14. In § 52.1163: A new section would provide that the City of Boston, the Commonwealth and the Massachusetts Port Authority each study alternate means of reducing carbon monoxide concentrations in the vicinity of the Callahan and Sumner Tunnels and make recommendations to EPA for incorporation into the plan.

15. In § 52.1164: The Commonwealth would be required by this new proposed section to review available information on heavily-congested intersections in Waltham and elsewhere inside the Boston Intrastate Region and to develop programs to be implemented in time to reduce carbon monoxide concentrations to meet standards by the May 31, 1977 deadline.

ECONOMIC IMPACTS

Both positive and negative economic impacts on the Region can be expected, with a substantial net positive benefit due largely to reductions in general air pollution-related health costs and in automobile use costs to commuters.

The most significant economic impact can be expected with implementation of the commuter automobile use reduction part of the plan. Table 7 shows the vehicle miles traveled (VMT) reductions which may be expected with implementation of the plan. Table 8 shows the expected savings in gasoline consumption. Note the inclusion of fuel savings from the inspection and maintenance program, which would bring about a rise in the general level of vehicle fuel efficiency

through better maintenance of vehicles. Table 9 shows the quantifiable annual private cost savings that will be directly attributable to the plan, based on 1974 prices. Not included in this Table are the as yet unmeasured air pollution-related health service costs, or the personal positive income effect of deferred replacement car buying made possible by substantial annual mileage reductions. Neither, of course, can the non-quantifiable, but nonetheless real, benefits of decreased morbidity and mortality, increased visual clarity of the atmosphere and decreased urban congestion be included in this Table.

The Tables are based on the assumption that 25 percent of current single-passenger vehicle commuters will switch to carpooling. To the extent that the switch is to mass transit instead, cumulative personal cost will be reduced as compared to the long-term operation and maintenance cost of automobile use. However, there will be certain offsetting incremental public costs to the mass transit system for additional capacity, if required. In general, the substitution of mass transit use for single passenger commuting will produce large real net benefits for the Intra-Route 128 area.

Due to the flexibility available to the employer in allocating the single passenger commuting reductions, only a short-term minimal adverse effect on the work force should result. In the long run, insofar as public transportation system improvements are induced by the plan, a potentially significant favorable indirect effect on labor mobility and availability should exist. For the same reason, the long-term impact on Boston commercial businesses should be favorable.

Secondary impacts will tend to cancel one another. For example, reduced gasoline sales and deferred replacement car buying could have the secondary effect of reducing the income of those associated with automobile and gasoline sales. On the other hand, the income of those associated with automobile servicing should increase. Downtown garage owners should benefit from the on-street parking ban, as some displaced commuters choose to garage their automobiles.

In summary, when the economic benefits of decreased health costs from improved air quality, cost savings from automobile-use reduction, and the potential indirect benefits from induced mass transit improvements are weighed against the short-term dislocations and inconveniences associated with switching transit modes, the net economic impact of the plan cannot be less than substantially beneficial.

TABLE 7.—Vehicle miles travelled (VMT) reduction as a function of the transportation control plan¹

1. Commuter automobile use reduction:	
A. 25 percent single passenger vehicle reduction.	12,278,000
B. Student parking (10,050 VMT/1000 vehicles removed from use).	(Data not available).
2. On-street parking reduction...	42,000
Total (per day).....	2,320,000

NOTE: Footnote references on page 8670.

TABLE 8.—Gasoline use reduction as a function of the plan

1. Stationary source control	23,000 gal/day ^(a)
2. VMT reduction	193,000 gal/day ^(a)
3. Semi-Annual I & M program	51,600 ^(a)
Total	267,600 gal/day
Annual total	64,159,200 gal/year ^(a)

^(a) Derived from Booz, Allen, Hamilton, Inc., Report No. 9075-075 (EPA Contract No. 68-01-2942).

^(b) The Booz, Allen figure of 84,500 VMT reduced was modified based on the assumption that a substantial percentage of displaced parkers would enter garages.

^(c) In-ground and in-vehicle tank filling.

^(d) Assuming an average of 12 mi/gal.

^(e) Assuming an overall 4% increase in engine efficiency.

^(f) Assuming 240 working days per year.

TABLE 9.—Private commuter annual cost savings with implementation of the transportation control plan¹ (in millions of dollars)

1. Gasoline	\$32.08 ²
2. Auto repair and maintenance	17.68
3. Motor vehicle accidents	.06 ³
4. Tolls—passenger vehicles	0.83
5. Other auto expense	5.23 ⁴
Total	55.88

¹ Figures are based on a daily estimated reduction of 2,320 million VMT and 1974 prices. All estimates are derived from Booz, Allen, Hamilton, Inc., Report No. 9075-025 (EPA Contract No. 68-01-2942), except for a portion of the gasoline reduction (EPA data) and No. 5 taken from Jaca Corp. (EPA Contract No. 68-01-1356).

² Based on gasoline price of \$5.50.

³ Includes wage losses, medical expenses, et al.

⁴ Insurance.

MASS TRANSIT AND THE TRANSPORTATION CONTROL PLAN

Certain strategies in the proposed plan would tend to have a stimulating effect on mass transit construction and use. The proposed commuter vehicle use reduction regulation is the prime example. The required reduction in the use of single passenger commuter vehicles will encourage commuters to shift to transit use, thereby increasing ridership and demand for new facilities. Employers located on the MBTA system will be encouraged to offer the payroll deduction to their employees. Because the cost of transit commuting with the pass is lower, employees will have an incentive to use it for their daily commuting trips. The regulations also permit an employer or educational institution to satisfy its obligation to reduce single passenger vehicle use by a variety of transit-stimulating measures such as use of park-and-ride facilities to allow commuters to park in remote parking areas and take transit facilities, instituting staggered hours programs to permit commuters to take transit in off-peak periods, posting schedules and fees of all transit facilities servicing the facility, negotiating with transit officials for improved service to a facility, subsidizing costs of commuter transit use, participation in dial-a-ride programs, and instituting shuttle bus service. Another regulation requires the Commonwealth to study major highways leading into Boston in order to determine where

bus service could be improved by opening up express lanes, thus cutting trip time for the bus commuter. In addition, the proposed bicycle regulation would require mass transit authorities to install secure bicycle storage facilities. This would have the effect of cutting down auto travel to transit stops and also encouraging commuters who use bicycles to commute by transit.

In addition to the planning requirements involved in the express bus lane program, EPA is proposing a regulation which would stimulate the Commonwealth to conduct its future transit planning with a view toward the greatest possible reductions in vehicle miles traveled. The first step toward this would be an annual report to EPA describing all mass transit improvements planned or proposed throughout the Boston Intrastate Region and the projected effects of such improvements on reducing vehicle miles traveled.

PARKING MANAGEMENT REGULATIONS

Section 52.1135(d) of the original regulations require any permit issued for the construction or modification of a new parking facility in the Boston Intrastate Region to state that "construction or modification of such facility will not interfere with the attainment or maintenance of applicable Federal air quality standards . . ." On August 22, 1974 (39 FR 30440) the Administrator proposed a set of changes to § 52.1135(d) which would have established procedures for meeting permit requirements. These changes were also proposed for nearly twenty other urban areas having transportation control plans with pre-construction review and permit requirements. Hearings on these proposed regulations were held in all of the affected areas except the Boston Intrastate Region. The public response to these proposed regulations is now being analyzed by EPA and final regulations are now being developed. Because EPA anticipates that the final regulations will be ready for publication in the FEDERAL REGISTER within one or two months, the proposals being published today do not include regulations on this subject. Rather, EPA will publish proposed parking management regulations for the Boston Intrastate Region as soon as these regulations are finalized for the rest of the affected areas. Notice of a public hearing on these parking management regulations will appear concurrently with the notice of proposed amendments to § 52.1135(d).

NOTICE OF PUBLIC HEARING

A public hearing will be held on March 20 and 21 at the Transportation Systems Center of the U.S. Department of Transportation, Kendall Square, Cambridge, Massachusetts, commencing at 10 a.m. on each day, with an evening session commencing at 7 p.m. on March 20, for the following purposes:

1. To receive and consider objections and arguments respecting the technical basis now being considered for calculating the amounts of hydrocarbons and carbon monoxide reductions required to

attain and maintain primary photochemical oxidant and carbon monoxide standards within the Boston Intrastate Region and to modify the emission reductions stated in the original transportation control plan for the Boston Intrastate Region.

2. To obtain public comment on various proposed amendments to the original transportation control plan regulations, including the adoption as part of the plan of a regulation providing a procedure for the continuous monitoring of progress in air quality improvement and for the periodic updating of the controls set forth in the plan as may be appropriate in light of the results of such monitoring so that the transportation control restrictions are neither more or less rigorous than actually required to meet air quality standards.

3. To obtain public comments on any alternate methods for reducing photochemical oxidants and carbon monoxide with the Boston Intrastate Region which the Administrator could consider prior to final rulemaking action on the above proposals.

EPA will consider all comments relating to the plan which it receives after the date of this proposal and before April 1, 1975. Although EPA has been discussing the plan almost continuously with interested persons since it was first promulgated on November 8, 1973, those who wish to ensure that their views receive formal consideration as a part of this reproposal and are reflected in any record certified for judicial review must either testify at the hearings or submit written comments during the comment period. Persons wishing to give testimony at the hearing should contact the Region I Office to schedule a time for appearing and submit a copy of such testimony prior to the hearing, if possible. Persons who do not schedule a time for giving testimony may appear at the hearing and make a statement as time permits.

All comments should be addressed to:

Regional Administrator
Region I, Boston
Environmental Protection Agency
Room 2203
John F. Kennedy Federal Building
Boston, MA 02203

with a copy to:

Assistant Administrator for Air and Waste Management (AW-443)
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

AVAILABILITY OF INFORMATION

In preparation for the public hearing, EPA has prepared a lengthy technical support document containing the results of its data analysis. In addition, consultants working for EPA have prepared separate reports on the following areas: (1) economic and social impacts of the plan; (2) secondary economic and social effects on the proposed commuter automobile use reductions and; (3) meteorological effects on the monitoring of pollutants in the Boston area. Such documents are available for inspection at the Regional Office of EPA in Boston. A schedule of these documents and fees

which will be charged therefor is available at the Regional Office of EPA in Boston. The Agency may waive the fee in the case of public agencies and public interest groups having a substantial interest in the transportation control plan. Documents may be ordered by writing to the Regional Administrator at the address shown above.

SCHEDULE FOR FINAL REGULATIONS

The Administrator's final promulgation of transportation controls for the Boston Intrastate Region will be influenced by the comments and testimony he receives, as well as by any further approvable strategies submitted by the Commonwealth as part of the state implementation plan. These influences and the additional analysis of alternative strategies that can be made in the time between this proposal and final promulgation, may lead the Administrator to adopt final regulations that differ in important ways from this proposal.

EPA is under court order to promulgate final changes to the regulations within 30 days following the public hearing and to submit such final regulations to the Court of Appeals for the First Circuit. Thereafter, petitioners in the *South Terminal* case will have ten days in which to file written objections to the court to the final regulations. The court has suspended controls under existing §§ 52.1135, 52.1136, and 52.1144 until further order of the court. Therefore, the new regulations now being proposed as §§ 52.1135 and 52.1161 would not take effect unless and until the court so rules in its final order. In other respects, the changes proposed by this notice, with appropriate modifications, will be effective as noted. This notice of proposed rulemaking is issued under the authority of sections 1110(c) and 301(a) of the Clean Air Act.

Dated: February 18, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart W—Massachusetts

1. Section 52.1182 is revised to read as follows:

§ 52.1128 Transportation and land use controls.

(a) For purposes of this subpart, the definitions herein are applicable.

(b) Definitions:

(1) "Register," as applied to a motor vehicle, means the licensing of such motor vehicle for general operation on public roads or highways by the appropriate agency of the Federal Government or by the State.

(2) "Boston Intrastate Region" means the Metropolitan Boston Intrastate Air Quality Control Region, as defined in § 81.19 of this part.

(3) [Reserved]

(4) "Freeze area" means that portion of the Boston Intrastate Region enclosed within the following boundaries: The City of Cambridge; that portion of the City of Boston from the Charles River and the Boston Inner Harbor on north and northeast of pier 4 on Northern

Avenue; by the east side of pier 4 to B Street, B Street extension of B Street to B Street, B Street, Dorchester Avenue, and the Preble Street to Old Colony Avenue, then east to the water, then by the water's edge around Columbia Point on various courses generally easterly, southerly, and westerly to the center of the bridge on Morrissey Boulevard, on the east and southeast; then due west to Freeport Street, Freeport Street, Dorchester Avenue, Southeast Expressway, Southhampton Street, Reading Street, Island Street, Chadwick Street, Carlow Street, Albany Street, Hunneman Street, Madison Street, Windsor Street, Cabot Street, Ruggles Street, Parker Street, Ward Street, Huntington Avenue, Brookline-Boston municipal boundary, Mountford Street to the Boston University Bridge on the southwest and west; and the Logan International Airport. Where a street or roadway forms a boundary the entire right-of-way of the street is within the freeze area as defined.

(5) "Boston proper" means that portion of the City of Boston, Massachusetts, contained within the following boundaries: The Charles River and Boston Inner Harbor on the northwest, north, and northeast, the Inner Harbor, Fort Point Channel, Fitzgerald Expressway, and the Massachusetts Avenue Expressway access branch on the east and southeast, and Massachusetts Avenue on the west. Where a street or roadway forms a boundary, the entire right-of-way of the street is within the Boston proper area as here defined.

2. Section 52.1134 is revised to read as follows:

§ 52.1134 Regulation limiting on-street parking by commuters.

(a) "On-street parking" means parking a motor vehicle on any street, highway, or roadway, except for legal stops within designated loading zones or areas defined for loading purposes, at or before intersections, as caution, safety and emergencies require, whether or not a person remains in the vehicle.

(b) Commencing on or before June 30, 1974, the Commonwealth of Massachusetts, the City of Boston, the City of Cambridge, and administrative bodies of any of them having jurisdiction over any streets, highways, or roadways within the City of Cambridge or Boston proper, and the principal officials and administrative bodies thereof having responsibility over parking on such streets, highways, or roadways shall adopt all necessary administrative and enforcement procedures and regulations to effect a prohibition of on-street parking within Boston proper between the hours of 7 a.m. and 9:30 a.m., and within the City of Cambridge between the hours of 7 a.m. and 10 a.m. except Saturdays, Sundays and legal holidays. The regulations shall state that violation of the prohibition shall be punishable by a fine of not less than \$15. The City of Boston shall at a minimum eliminate 33 1/3% of on-street parking during the hours specified by September 30, 1974; 50% by September 30, 1975; 66 2/3% by December 31,

1975; and 100% by March 1, 1977. The City of Cambridge shall at a minimum eliminate 33 1/3% of on-street parking during the hours specified by September 30, 1974; 66 2/3% by December 31, 1974, and 100% by January 1, 1976. Any other affected entity shall at a minimum eliminate 33 1/3% of such parking during the hours of 7 a.m. and 10 a.m. by September 30, 1974; 66 2/3% by December 30, 1974, and 100% by March 1, 1975.

(c) The following classes of vehicles shall be exempt from the requirements of this section, provided that on-street parking by such vehicles is in compliance with local and state regulations:

(1) Vehicles owned by residents of that portion of the City of Boston included within Boston proper that are registered in Boston and display a resident parking sticker for that area issued by the City of Boston, in accordance with procedures adopted by the City of Boston;

(2) Vehicles owned by residents of Cambridge that are registered in and parked within Cambridge and bear an appropriate parking sticker issued by the City of Cambridge;

(3) Vehicles owned and operated by handicapped persons with HP license plates; and

(4) Vehicles registered as "commercial vehicles" by the Commonwealth of Massachusetts and displaying appropriate license plates.

(d) On or before June 30, 1974, no owner or operator of a motor vehicle shall park, or permit the on-street parking of, said vehicle within the City of Cambridge or Boston proper except in conformity with the provisions of this section and the measures implementing it.

(e) The Governor of the Commonwealth of Massachusetts, and the chief executive of any other governmental entity on which obligations are imposed by paragraph (b) of this section, shall, on or before April 15, 1975, submit to the Administrator for his approval a detailed statement of the legal and administrative steps selected to effect the prohibition provided for in paragraphs (b) and (d) of this section, and a schedule of implementation consistent with the requirements of this section. Such schedule shall include as a minimum the following:

(1) Designation of one or more agencies responsible for the administration and enforcement of the program.

(2) The procedures by which the designated agency will enforce the prohibition provided for in paragraphs (b) and (d) of this section.

(3) The procedures by which vehicles exempt from the requirements of this section will be marked.

3. Section 52.1135 is revised to read as follows:

§ 52.1135 Regulation for parking freeze.

(a) Definitions:

(1) The phrase "to commence construction" means to engage in a continuous program of on-site construction including site clearance, grading, dredging, or land filling specifically designated for

a parking facility in preparation for the fabrication, erection, or installation of the building components of the facility. For the purpose of this paragraph, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

(2) The phrase "to commence modification" means to engage in a continuous program of on-site modifications including site clearance, grading, dredging, or land filling in preparation for a specific modification of the parking facility.

(3) The phrase "commercial parking space" means a space used for parking a vehicle in a commercial parking facility.

(4) [Reserved]

(5) "Commercial parking facility" (also called "facility") means any lot, garage, building or structure, or combination or portion thereof, on or in which motor vehicles are temporarily parked for a fee, excluding (i) a parking facility the use of which is limited exclusively to residents (and guests) of a residential building or group of buildings under common control, and (ii) parking on public streets.

(6) "Freeze" means to maintain at all times after October 15, 1973, the total quantity of commercial parking spaces available for use at the same amounts as were available for use prior to said date; provided, that such quantity may be increased by spaces the construction of which commenced prior to October 15, 1973; provided, further, that such additional spaces do not result in an increase of more than 10 percent in the total commercial parking spaces available for use on October 15, 1973, in any municipality within the freeze area or at Logan Airport. For purposes of the last clause of the previous sentence, the 10 percent limit shall apply to each municipality and Logan Airport separately.

(7) —(12) [Reserved]

(b) [Reserved]

(c) There is hereby established a freeze, as defined by paragraph (a) (6) of this section on the availability of commercial parking facilities in the freeze area effective October 15, 1973, in the event construction commenced prior to October 15, 1973, exceeds 10 percent limit prescribed by paragraph (a) (6) of this section, in any municipality or at Logan Airport; then the Commonwealth of Massachusetts shall immediately take all necessary steps to assure that the available commercial spaces within such municipality or at Logan Airport shall be reduced to comply with the freeze.

(d) [Reserved]

(e) After August 15, 1973, no person shall commence construction of any commercial parking facility or modification of any existing such facility in the freeze area unless and until he has obtained from the Administrator or from an agency approved by the Administrator a permit stating that construction or modification of such facility will be in compliance with the parking freeze

established by paragraph (b) of this section. This paragraph shall not apply to any proposed parking facility for which a general construction contract was finally executed by all appropriate parties on or before August 15, 1973.

(f) In order for any agency to be approved by the Administrator for purposes of issuing permits pursuant to paragraph (e) of this section, such agency shall demonstrate to the satisfaction of the Administrator that:

(1) Requirements for permit application and issuance have been established. Such requirements shall include but not be limited to a condition that before a permit may be issued the following findings of fact or factually supported projections must be made:

(i) The location of the facility.

(ii) The total motor vehicle capacity before and after the proposed construction or modification of the facility.

(iii) [Reserved]

(iv) [Reserved]

(v) [Reserved]

(2) Criteria for issuance of permits have been established and published. Such criteria shall include, but not be limited to:

(i) Full consideration of all facts contained in the application.

(ii) Provisions that no permit will be issued if construction or modification of the facility will not comply with the requirements of paragraph (c) of this section.

(iii) [Reserved]

(3) Agency procedures provide that

(iv) [Reserved]

no permit for the construction or modification of a facility covered by this section shall be issued without notice and opportunity for public hearing. The public hearing may be of a legislative type; the notice shall conform to the requirements of 40 CFR 51.4(b); and the agency rules of procedures may provide that if no notice of intent to participate in the hearing is received from any member of the public (other than the applicant) prior to 7 days before the scheduled hearing date, no hearing need be held. If notice of intent to participate is required, the fact shall be noted prominently in the required hearing notice.

(g) [Reserved]

(h) [Reserved]

(i) [Reserved]

(j) [Reserved]

(k) [Reserved]

(l) [Reserved]

§ 52.1136 [Reserved]

4. Section 52.1136 is hereby revoked and reserved.

5. Section 52.1138 is hereby revised to read as follows:

§ 52.1138 Regulation for computer carpool matching.

(a) "Carpool matching" means assembling lists of commuters with similar daily travel patterns and providing a mechanism by which persons on such lists may be put in contact with each other for the purpose of forming carpools.

(b) This section is applicable in the Boston Intrastate Region.

(c) The Governor of the Commonwealth of Massachusetts or a properly authorized department of the executive branch thereof shall establish a program for encouraging employees and educational institutions to set up carpool matching programs within facilities under their control. The program shall provide for:

(1) The distribution to each employer or educational facility subject to § 52.1161 by June 30, 1975, of a manual adequately showing how to establish and maintain a carpool program;

(2) A computer program available by June 30, 1975, to any such employer or educational institution or group for the purpose of carpool matching by use of such computer program;

(3) Processing by the Commonwealth by June 30, 1975, of any set of properly prepared computer cards for 400 or more commuters submitted by any such employer or educational institution;

(4) Distributing the results of any computer carpool matching to the person or persons who submitted the unprocessed cards;

(5) Full-time guidance and technical consulting to the affected facilities available by June 30, 1975, in order to initiate and maintain the carpooling program.

6. In § 52.1139, paragraph (1) is amended to read as follows:

§ 52.1139 Preferential bus/carpool treatment.

(1) The Commonwealth shall, by December 31, 1975, perform and complete feasibility studies for submission to the Administrator on the following measures:

(i) A north/south bus lane system through Boston proper with Washington Street utilized in one direction;

(2) Alternative mechanisms for bus/carpool preferential treatment on the Southeast Expressway, Central Artery, Interstate Route I-93, U.S. C-1, U.S. Route 1, including but not limited to:

(i) Exclusive bus/carpool lanes, including wrong way bus carpool lane;

(ii) A ramp metering system for preferential access given to buses and carpools; and

(iii) A regulation restricting the downtown on and off ramps for use by buses and carpools only during commuting hours (off ramps between 6:30 a.m. and 9:30 a.m. and on ramps between 3:30 p.m. and 6:30 p.m.).

§ 52.1141 [Amended]

7. Section 52.1141 is hereby amended by changing the date in paragraph (c) from January 1, 1976 to May 31, 1977; by changing the date in paragraph (d) from January 1, 1974 to October 1, 1976; by changing the date in paragraph (d) (1) from August 1, 1974 to November 1, 1976; by changing the date in paragraph (d) (2) from January 1, 1975 to January 1, 1977; by changing the date in para-

graph (d) (3) from January 1, 1976 to May 31, 1977; by changing the date in paragraph (e) from January 1, 1976 to May 31, 1977; and by changing the date in paragraph (f) from April 1, 1974 to November 1, 1976.

§ 52.1142 [Amended]

8. Section 52.1142 is hereby amended by changing the date in paragraph (c) from August 1, 1976 to May 31, 1977; by changing the date in paragraph (d) from January 1, 1974 to October 1, 1976; by changing the date in paragraph (d) (1) from January 1, 1975 to November 1, 1976; by changing the date in paragraph (d) (2) from August 1, 1975 to January 1, 1977; by changing the date in paragraph (d) (3) from August 1, 1976 to May 31, 1977; by changing the date in paragraph (e) from August 1, 1976 to May 31, 1977; by changing the date in paragraph (f) from April 1, 1974 to November 1, 1976.

§ 52.1143 [Reserved]

9. Section 52.1143 is hereby revoked and reserved.

10. Section 52.1145 is amended by amending subparagraphs (j) (4) (iv) and (j) (5) (iv) and by adding a new subparagraph (j) (7) and by adding a new paragraph (k) as follows:

§ 52.1145 Regulation on organic solvent use.

(j) * * *

(4) * * *

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame. This last stipulation applies only for those articles, machines, equipment, or other contrivances that are constructed or modified after November 8, 1973.

(5) * * *

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame. This last stipulation applies only for those articles, machines, equipment or other contrivances that are constructed or modified after November 8, 1973.

(7) An article, machine, equipment or other contrivance described in paragraphs (c), (d), (e), or (g) of this section used exclusively for chemical or physical analyses provided that—

(i) The exemption is approved in writing by the Governor or his designee.

(ii) The operator of said article, machine, equipment or contrivance is not an integral part of the production process.

(iii) The emissions from said article, machine, equipment or other contrivance shall not emit more than 800 lbs. in any calendar month.

(k) Effective May 31, 1977, no person shall cause, suffer, allow or permit the discharge into the atmosphere of more than 3,000 lbs. of organic material in any one day, nor more than 450 lbs. in any one hour from any facility unless said discharge has been reduced by installa-

tion of abatement controls by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or contrivance used for employing or applying any organic material shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing or heat polymerizing as described in paragraph (c) of this section shall be excluded from any determination of compliance with this section.

11. Section 52.1160 is revised to read as follows:

§ 52.1160 Monitoring reports.

(a) All definitions are as used in 40 CFR 51.19.

(b) This regulation is applicable in the Boston Intrastate Region.

(c) The Commonwealth of Massachusetts or an agency designated by the Commonwealth and approved by the Administrator, shall monitor the emission reduction occurring as a result of all retrofitted devices and inspection and maintenance programs required under §§ 52.1140 through 52.1143, and as a result of the commuter automobile use reductions required by § 52.1161 and the reductions required by §§ 52.1163 and 52.1164.

(d) [Reserved]

(e) [Reserved]

(f) [Reserved]

(g) [Reserved]

(h) [Reserved]

(i) The Commonwealth of Massachusetts shall review its existing air quality monitoring program and modify it as necessary so as to provide an adequate basis for the annual review by the Administrator required under paragraph (n) of this section. At a minimum the Commonwealth shall review the number and placement of monitoring stations, the types of pollutants and meteorological parameters measured, and shall devise a comprehensive quality assurance program for all phases of the monitoring program.

(j) The Commonwealth of Massachusetts shall review its existing traffic monitoring program and modify it as necessary so as to provide reliable information about vehicle miles traveled and traffic patterns in all critical areas, and shifts in traffic patterns and vehicle miles traveled so as to better correlate traffic data with air quality measurements. Vehicle miles traveled information shall be based on representative traffic counts taken within the Region and shall be correlated with each applicable control measure designated in this plan.

(k) No later than October 1, 1975 the Governor or his designee shall submit a report to the Regional Administrator containing detailed information demonstrating compliance with paragraphs (c), (i) and (j) of this section. The information contained in this report shall include as a minimum:

(1) The administrative process to be used and the agency or agencies respon-

sible for conduction, overseeing and maintaining the monitoring programs in paragraphs (c), (i) and (j) of this section;

(2) A description of the revised ambient air monitoring network, equipment operating and data reporting procedures, and quality assurance programs to be used to insure the routine collection of valid, reliable and representative air quality data;

(3) A description of the revised traffic monitoring program; and

(4) All other information necessary to describe the methods to be used to collect the required data.

(l) The Governor or his designee shall submit a report to the Regional Administrator annually, beginning on February 15, 1976, and containing the results of the monitoring program approved in paragraph (k) of this section. This report shall include at a minimum appropriate air quality and meteorological data, average vehicle miles traveled data, an appropriate analysis of the data base, and summary information on commuter automobile use reductions as required by § 52.1161 of this subpart.

This report shall be submitted in a form acceptable to the Regional Administrator. In addition all air quality data will be submitted quarterly to the Administrator by the Commonwealth as required by 40 CFR 51.7.

(m) Monitoring, quality assurance programs, reporting and other procedures and methodologies required by this section shall be subject to the approval of the Regional Administrator.

(n) Upon receipt of the annual report required by paragraph (g) of this section the Regional Administrator shall analyze it and determine whether the emission reduction is in substantial conformity with the projections which formed the technical basis for the promulgation of transportation controls for the Boston Intrastate Region. If the Administrator determines that the emission reductions are substantially less than or are substantially in excess of those required to meet air quality standards, the Administrator shall, after adequate public notice and public hearing, amend the regulations in such transportation control plan so as to avoid substantially implementing a plan which is either substantially more or substantially less rigorous than that required to meet ambient air quality standards.

(o) On or before February 15, 1976, and on each succeeding February 15 thereafter the Governor of Massachusetts or his designee shall submit to the Administrator a report listing each project for expanding or improving mass transit facilities which is then under construction or is being proposed to be constructed within the Boston Intrastate Region, together with a listing of the reductions in vehicle miles (i) estimated to result from such project and (ii) estimated to result from all projects as an aggregate.

12. A new § 52.1161 is added as follows:

§ 52.1161 Incentives for Reduction in Single Passenger Commuter Vehicle Use.

(a) **Definitions.** (1) "Employer" means any person or entity controlling an employment facility located in the Boston Intrastate Region employing 50 or more employees at any time during a calendar year.

(2) "Educational institution" means any person or entity controlling an educational facility offering secondary level or higher training including vocational training located in the Boston Intrastate Region which has 250 or more employees and students at any time during the academic year.

(3) "Employee" means a person who performs work for an employer on a full time, part time or seasonal basis for compensation.

(4) "Student" means any full time or part time day student who commutes to classes.

(5) "Commuter" means both an "employee" and a "student".

(6) "Single passenger commuter vehicle" means a motor-driven vehicle with four or more wheels with capacity for a driver plus one or more passengers which is used by a commuter traveling alone to work or classes and is not required to be used in the course of his employment or studies.

(7) "Base date" means the date set forth in paragraph (d) of this section as of which the base number of single passenger commuter vehicles at a particular commuter attracting facility must be determined.

(8) "The Secretary" means the Secretary of Transportation and Construction of the Commonwealth of Massachusetts.

(b) On or before the applicable reporting date set forth in paragraph (d) of this section, each employer and educational institution shall reduce the number of single passenger commuter vehicles customarily arriving at such facility as of its base date by 25 percent. Such employer or educational institution shall thereafter maintain the ratio of single-passenger commuter vehicles to total commuters customarily arriving at its facility at or below the ratio which it would achieve by meeting the required reduction.

(c) On or within 10 days before the dates set forth in paragraph (d) of this section, each employer and educational institution shall submit to the Secretary a report containing the following information:

(1) The number of commuters who take any means of transportation to such facility as of its base date (and as of a date within 30 days of the date of such report);

(2) The number of single passenger commuter vehicles customarily used by commuters to the facility as of the base date (and as of a date within 30 days of the date of such report); and

(3) The total number of commuter vehicles customarily used by commuters

to the facility as of the base date (and as of a date within 30 days of the date of such report).

(d) The base date for all facilities shall be October 1, 1975, except that, where a facility can establish to the satisfaction of the Secretary that such facility had commenced measures to reduce the number of single passenger commuter vehicles customarily arriving daily at an earlier date, beginning November 8, 1973, the Secretary may approve the use of such earlier date as the base date for such facility. An employer or educational institution shall determine whether or not it is subject to a reporting requirement and the schedule to be used in filing reports by reference to the number of commuters which it reasonably anticipates it will have coming to its facility at the date the base date report is due. The reports required under paragraph (c) of this section shall be filed according to the following schedule:

(1) For a facility with 400 or more commuters, a base date report shall be due on October 15, 1975;

(2) For a facility with 200 to 399 commuters, a base date report shall be due on March 1, 1976;

(3) For a facility with 100 to 199 commuters, a base date report shall be due on May 31, 1976;

(4) For a facility with 50 to 99 commuters, a base date report shall be due on November 30, 1976.

(e) By each of the applicable dates set forth in paragraph (f) below, each employer and educational institution shall submit to the Secretary a report containing the information called for in paragraph (c) of this section.

(f) Each affected employer and educational institution regardless of size shall periodically update its base date report, the first such periodic report shall be due on the next succeeding December 31 or June 30 after the base date report, whichever is later; and each successive six months thereafter on June 30 or December 31 until June 30, 1978, and every year thereafter on June 30.

(g) Where the total number of commuters to a particular facility is changed due to fluctuation in employment or enrollment between the base date and the date of any report under paragraphs (c) or (d) of this section, such fact shall be reported at the time of the submission of such report. The employer or educational institution having such a change shall be required to attain and maintain the same ratio of single passenger commuter vehicles to total commuters as was necessary to achieve the reduction required under paragraph (b) of this section.

(h) In lieu of accomplishing a 25 percent reduction in single passenger commuter vehicles arriving at a particular facility, an employer or educational institution may elect to demonstrate to the Secretary that it has accomplished a 25 percent reduction in the number of vehicle miles traveled to its facility by its commuters. Any employer or educational institution electing to use this option

shall report the total of its vehicle miles traveled as of its base date in the base date report required under paragraph (c) of this section and shall thereafter update such total on its periodic reports.

(i) If an employer or educational institution does not meet and thereafter at all times maintain the reduction required under paragraphs (b) and (g) of this section, in connection with each report under paragraphs (d) or (e) of this section, it shall submit a complete description of all measures which it has applied to achieve and maintain the reduction; it shall further describe the consideration given to each of the following measures which it has not applied and the reasons for not applying such measure:

(1) Conducting a carpool program (either alone or in cooperation with neighboring facilities) which

(A) Matches the names, addresses, and work and home telephone numbers of all commuters to a facility or group of neighboring facilities so that persons with similar daily travel patterns are informed of each other for the purpose of forming carpools;

(B) Publicizes the advantages of carpooling, both in terms of savings of fuel and money, and any incentives in effect at the facility; and

(C) Creates incentives for carpool formation by providing persons who carpool with first call on available parking spaces or spaces which are closest to entrances to the facility.

(2) Participation in the payroll deduction pass program made available by the Massachusetts Bay Transportation Authority, if any commuter to the facility uses the mass transit facilities of such Authority as part of his daily commuting trip;

(3) Posting in a conspicuous place or places of the schedules, rate schedules, rate structure, and route of every bus, subway or rail facility which serves the facility;

(4) Publicizing any applicable on-street parking restriction and the penalty for violation which affects areas being used for parking by commuters to the facility;

(5) Staggered or flexible working hours;

(6) Incentives for bicycle commuting, such as secure locking facilities, removal of restrictive rules against bicycle usage at the facility and providing shower facilities;

(7) Negotiations with authorities in charge of rail or bus lines serving the facility for improved service to the facility;

(8) Establishment of park and ride facilities where commuters can park their vehicles in a remote area and carpool, vanpool or take transit services to the facility;

(9) Subsidizing the costs of carpool or transit trips by commuters to the facility;

(10) Establishment of shuttle bus service from collection points (such as mass transit stops) to the facility;

(11) Participation in dial-a-ride programs; and

(12) Establishment of vanpool programs whereby van-type vehicles are purchased or leased and made available to commuters who pay for the cost of their purchase and use.

In addition, it shall submit a description of all measures which it intends to take to meet the requirements of paragraphs (b) and (g) of this section and shall implement the measures so described as expeditiously as practicable.

(j) The Secretary shall report to the Administrator any person who fails to comply with this section and shall upon request by the Administrator, forward copies of all reports, correspondence and other documents pertaining to such instance of noncompliance together with a description of any enforcement action taken by the Commonwealth in connection with the matter.

(k) Prior to taking any enforcement action against any employer or educational institution for failure to meet the requirements of paragraphs (b) and (g) of this section, the Secretary or Administrator shall examine the report submitted pursuant to paragraph (i) of this section and take into consideration whether or not the employer or educational institution has acted in good faith in attempting to meet the requirements of said paragraphs.

13. A new § 52.1162 is hereby added as follows:

§ 52.1162 Regulation for Bicycle Use.

(a) *Definitions.* (1) "Bicycle" means a two-wheel nonmotor-powered vehicle.

(2) "Bike path" means a route for the exclusive use of bicycles separated by grade or other physical barrier from motor traffic.

(3) "Bike lane" means a lane on a street restricted to bicycles and so designated by means of painted lanes, pavement coloring or other appropriate markings. A "peak hour" bike lane means a bike lane effective only during times of heaviest auto commuter traffic.

(4) "Bike route" means a route in which bicycles share road space with motorized vehicles.

(5) "Bikeway" means bike paths, bike lanes and bike routes.

(6) "Bicycle parking facility" means any facility for the temporary storage of bicycles which allows the frame and both wheels of the bicycle to be locked so as to minimize the risk of theft and vandalism.

(7) "Parking facility" means a lot, garage, building, or portion thereof, in or of which motor vehicles are temporarily parked.

(8) "Parking space" means the area allocated by a parking facility for the temporary storage of one automobile.

(9) "MBTA" means the Massachusetts Bay Transportation Authority.

(b) *Application.* This section shall be applicable in the Boston Intrastate Region.

(c) *Study.* The Commonwealth of Massachusetts, according to the schedule

set forth in paragraph (d) of this section, shall conduct a comprehensive study of, and in that study recommend, the establishment of permanent bikeways and related facilities within the area described in paragraph (b) of this section. The study shall consider or include at least the following elements:

(1) The physical design for bikeways, intersections involving bikeways, and means of bicycle link-ups with other modes of transportation;

(2) The location of bikeways, including means of avoiding or ameliorating high accident or pollution locations as well as means of providing intersection safety generally;

(3) The location of bicycle parking facilities, including bus stops;

(4) The rules of the road for bicyclists, and to the extent that present rules must be modified because of bikeways, new rules of the road for motorists. Also the feasibility of mandatory adult bicycle registration to minimize theft and increase recovery of stolen bicycles;

(5) Bicycle safety education for bicyclists, motorists, students, street maintenance personnel and policemen, including requiring bicycle safety principles and safe street riding skills to be taught in high school automobile drivers education programs;

(6) Methods for publicizing bicycles or bicycles plus mass transit as alternatives to automobile transportation, including the preparation, perhaps in conjunction with bicentennial efforts, of a master Boston area transit map, indicating the kind, extent and location of bicycle facilities, public baths, showers, toilet facilities, water fountains, as well as routes and stops for MBTA, common carriers and private bus lines, such map to be distributed by the Registry of Motor Vehicles with each automobile new registration and automobile registration renewal;

(7) Requiring or providing incentives for common carriers and mass transit carriers, especially the Blue Line of the MBTA, to provide bicycle parking facilities at their respective terminals and stations and bicycle carrying facilities on their respective vehicles.

(8) The creation of roadway zones in which all vehicles, except mass transit, emergency and service vehicles, and bicycles, would be excluded;

(9) Requiring or providing incentives for office buildings and employers to install and to provide free shower and locker facilities for cyclists;

(10) A bicycle user and potential user survey, which shall at a minimum determine:

(i) For present bicycle riders, the origin, destination, frequency, travel time, distance and purpose of bicycle trips;

(ii) In high density employment areas, the present modes of transportation of employees and the potential modes of transportation, including the numbers of employees who would use a bicycle for a significant portion of their commuting transportation were suitable facilities available to them. This section of the

study shall seek to ascertain the size of the working population that would move from automobiles to mass transit and bicycles or bicycles alone as a significant form of transportation. It shall also seek to ascertain what bicycle facilities or mix thereof would produce the greatest conversion from auto use;

(iii) High air CO pollution and bicycle accident locations, as well as cases of bicycle accidents;

(11) The special problems related to the design and incorporation in the bikeway network described in paragraph (f) of this section of feeder bikeways to bridges, on-bridge bikeways, feeder bikeways to MBTA and railroad stations, feeder bikeways to fringe parking areas, and bicycle passage through rotaries and squares;

(12) The conversion of railroad beds, power lines, flood control channels or similar corridors to bikeways;

(13) Removing barriers to employees bringing their bicycles into their offices;

(14) Removal or alteration of drain grates with bars so placed as to catch bicycle wheels;

(15) Bicycle rentals at appropriate locations; and

(16) The interim bicycle facilities and requirements set out in paragraph (f) of this section.

In conducting the study, opportunity shall be given for public comments and suggestions. Input shall also be solicited from state, regional and local planning staffs, state, regional and local agencies, bicycle organizations and other interested groups and be related to comprehensive transportation planning for the area designated in paragraph (b) of this section. The study shall recommend as large a network of facilities as is practicable within the area described in paragraph (b) of this section and shall recommend physical designs for said facilities. The network shall contain at least 180 miles of bikeways.

(d) The Commonwealth of Massachusetts shall submit to the Administrator no later than October 1, 1975, a detailed compliance schedule showing the steps that will be taken to carry out the study required by paragraph (c) of this section. The compliance schedule shall at a minimum include:

(1) Designation of the agency responsible for conducting the study;

(2) A date for initiation of the study, which date shall be no later than October 1, 1975;

(3) A date for completion of the study, and submittal thereof to the Administrator, which date shall be no later than June 30, 1976; and

(4) A schedule for compliance for establishing permanent bicycle facilities required by paragraph (h) of this section.

(e) On or before September 1, 1976, the Administrator shall submit to the Commonwealth of Massachusetts his response to the study required by paragraph (c) of this section, and shall, in that response, either approve the facility location and designs and other requirements as well as the proposed compli-

ance schedule for permanent facilities recommended in the study, or shall designate alternative and/or additional facility locations and designs and other requirements as well as modify the proposed compliance schedule for permanent facilities.

(f) *Interim Bicycle Facilities.* (1) The Commonwealth of Massachusetts and such municipalities and authorities, including but not limited to the Metropolitan District Commission, the MBTA, City of Boston, the City of Somerville, the City of Cambridge, the Town of Brookline, the Massachusetts Turnpike Authority, the Massachusetts Port Authority, as are necessary, shall establish, according to the compliance schedule required by paragraph (g) of this section, the following bicycle facilities: (The Commonwealth shall coordinate the implementation of these requirements among the affected jurisdictions.)

(1) A network of bikeways linking residential areas, employment, educational, and commercial centers in accordance with the following requirements:

(A) The network shall be designed to provide means of safe bicycle travel along selected corridors, including but not limited to the following:

(1) Central Square, Cambridge to Boston University;

(2) Harvard Square, Cambridge to Union Square, Allston;

(3) Union Square, Somerville to Central Square, Cambridge;

(4) Union Square, Allston to Government Center;

(5) Harvard Square, Cambridge to Government Center;

(6) Brookline Village to Government Center;

(7) Boston University to Longwood Avenue Hospital Zone;

(8) Egleston Square to Government Center;

(9) Columbus Park to Boston Common;

(10) L Street Beach to Government Center;

(11) Powder House Circle, Somerville to Harvard Square;

(12) Everett to Government Center;

(13) Porter Square, Cambridge to Columbus Park, Boston;

(14) Cleveland Circle to Government Center;

(15) Maverick Square, East Boston to Porter Square, Cambridge to Government Center;

(16) Harvard Square, Cambridge to Boston City Hospital; and

(17) Charlestown, Longfellow, Harvard, Boston University, River Street, Western Avenue, Anderson, Summer Street and Broadway Bridges.

(B) The network shall be designed to provide as direct, safe and flat continuous bikeways as possible consistent with the following additional criteria:

(1) bike paths are preferable to bike routes and bike lanes;

(2) bike routes are preferable to bike lanes so long as low motor vehicle volume side streets are used;

(3) bike lanes are preferable to bike routes where high motor vehicle volume streets are used;

(4) twenty-four hour bike lanes are preferable to peak hour bike lanes.

(C) Each bikeway shall at a minimum:

(1) Be clearly marked at reasonable intervals indicating the corridor being serviced;

(2) Be clearly marked at each intersection that the bikeway is for exclusive bicycle use or shared use with motor vehicles;

(3) Be clear of obstructions and hazards such as drain grates with bars so placed as to catch bicycle wheels;

(4) Be of a hard, smooth surface suitable for bicycles at commuting speeds with a minimum of curb ramps, and where ramps are used, such ramps shall be designed to accommodate commuting speeds;

(5) Be regularly maintained (including sweeping and snow plowing) and repaired by the agencies charged with such activities for the areas in which the bikeways are located;

(6) If a bikelane, have an "effective" width of at least 5.5 feet; if a bikepath, be at least 8 feet wide; "effective" width means minimum running space between lane edge and curb, parked cars, or other obstructions;

(7) Be adequately signed and marked for both motorists and cyclists and be adequately illuminated; and

(8) Where not specified otherwise in these regulations, bikeway design shall conform to the latest edition of *Bikeways—State of the Art*—published by the Federal Highway Administration.

(D) Wherever possible, road surfaces which have been cleared of on-street parking shall be used for bike lanes.

(i) The MBTA shall provide bicycle parking facilities at each major MBTA station adequate to meet the needs of MBTA riders within the area designated in paragraph (b) of this section. Said parking facilities shall at a minimum be located at:

(A) All stations of the Riverside portion of the Green Line;

(B) Reasonably spaced stops on other portions of the Green Line;

(C) All stations of the Red, Orange, and Blue Lines; and shall have spaces for at least six bicycles per station, except for facilities at terminal stations which shall have spaces for at least 24 bicycles.

(iii) Advertisement of interim facilities required by this paragraph (f) to potential users by means of media advertisement, as well as the distribution and posting of bikeway maps, and bike safety information, as well as a program of bicycle safety education including the motor vehicle operators license examination and public service advertisement.

(2) Operators of commuter trains shall provide adequate bicycle parking facilities at major commuter train stations.

(g) *Compliance Schedule for Interim*

Bicycle Facilities. (1) Bikeway Network; 50 percent of the mileage completed by September 1, 1976; 100 percent completed by May 31, 1977.

(2) Other requirements completed by May 31, 1977.

(h) *Permanent Bicycle Facilities.* At the conclusion of the study required by paragraph (c) of this section and the Administrator's response thereto, the Commonwealth of Massachusetts shall, together with the other municipalities and authorities having jurisdiction over affected roadways and areas establish permanent bicycle facilities as indicated by the Administrator's response to the study.

14. A new § 52.1163 is added as follows:

§ 52.1163 Development of Additional Control Measures for East Boston.

On or before January 1, 1976, the Governor of the Commonwealth of Massachusetts, the Mayor of the City of Boston and the Massachusetts Port Authority shall each submit to the Regional Administrator a study of various alternative strategies by means of which the level of carbon monoxide in the vicinity of the Callahan and Sumner Tunnels could be reduced to and maintained at a level consistent with the national primary ambient air quality for carbon monoxide. Such studies may be combined into a joint document. Each study shall contain recommendations for control measures to be adopted by the Administrator for implementation prior to May 31, 1977. The alternative strategies should include all or some of the following measures, as necessary:

(a) Increased use of carpools and vanpools for employees commuting through the above tunnels;

(b) Alterations in traffic patterns;

(c) Use of exclusive lanes for buses, carpools and taxi travel during peak hours;

(d) Reduction of parking spaces;

(e) Construction of satellite terminal facilities; and

(f) Such other measures as shall be necessary to achieve the required reductions.

15. A new § 52.1164 is added as follows:

§ 52.1164 Localized High Concentrations—Carbon Monoxide.

(a) Not later than October 1, 1975, the Commonwealth of Massachusetts shall develop and implement a program to identify urban and suburban core/areas and roadway/intersection complexes within the Boston Intrastate Region which now violate the carbon monoxide air quality standards. Once such localized areas have been identified, the Commonwealth, in cooperation with the affected local municipalities shall develop and implement appropriate control strategies to insure that air quality standards will be achieved at such areas. Plans shall be developed to include provisions for the entire municipality in order to insure that the implemented strategies will not create carbon monox-

ide violations elsewhere in the vicinity after the measures have been applied.

(b) To accomplish the requirements of paragraph (a) of this section, the Commonwealth shall do the following:

(1) Identify areas of potentially high carbon monoxide concentrations by reviewing all available traffic data, physical site data and air quality and meteorological data for all major intersections and roadway complexes within the Region. The Administrator will provide general guidance on area designations to assist in the initial identification process.

(2) Areas identified under paragraph (b) (1) of this section shall be studied in further detail, including meteorological modeling, traffic flow monitoring, air quality monitoring and such other measures necessary to accurately quantify the extent and actual levels of carbon monoxide in the area. A report containing the results of these analyses and iden-

tifying such areas shall be submitted to the Administrator no later than March 1, 1976.

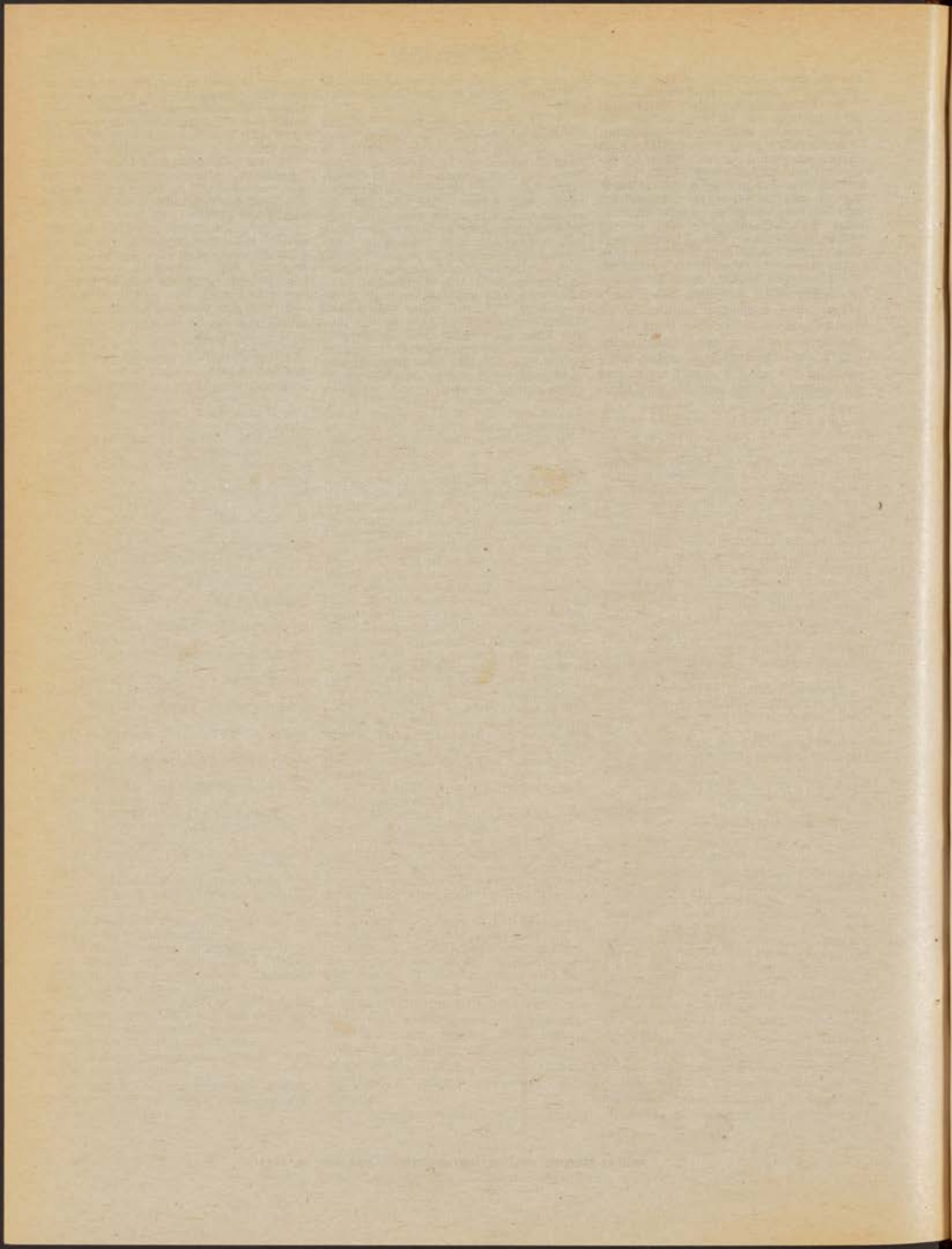
(3) If, after the completion of actions required by paragraph (b) (2) of this section, an area shows or is predicted to have violations of the carbon monoxide standard, the Commonwealth, in cooperation with the affected municipality, shall submit a plan to the Administrator setting forth a program to regulate traffic and parking so as to reduce carbon monoxide emissions to achieve air quality standards in the area. Such plan shall include: the name of the agency responsible for implementing the plan, all technical data and analyses supporting the conclusions of the plan, all control strategies adopted as part of the plan and other such information relating to the proposed program as may be required by the Administrator. The Administrator shall provide general guidance on applicable control strategies and reporting

formats to assist in plan development and submittal. Such a plan shall be submitted for each municipality which contains one or more identified areas no later than October 1, 1975 for Waltham and October 1, 1976 for other areas.

(4) All measures called for in the plan submitted under paragraph (b) (3) of this section shall be subject to the approval of the Administrator and shall be completed by May 31, 1977.

(c) The Commonwealth shall annually review the effectiveness of the control strategies developed pursuant to this section and modify them as necessary to insure that standards will be attained and maintained. The results of this review and any changes in the measures which the Commonwealth recommends as a result thereof shall be reported to the Administrator annually as required under § 52.1160.

[FR Doc.75-5177 Filed 2-27-75; 8:45 am]



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PART IV



DEPARTMENT OF TRANSPORTATION

Federal Aviation
Administration



OPERATIONS REVIEW PROGRAM

Invitation for Proposals

**DEPARTMENT OF
TRANSPORTATION****Federal Aviation Administration****OPERATIONS REVIEW PROGRAM****FAA Expands Biennial Regulatory Review
Policy**

On February 12, 1974, the Federal Aviation Administration issued a policy statement initiating the Biennial Airworthiness Review Program (see 39 FR 5813, February 15, 1974). Concurrently, the FAA issued Notice No. 74-5 inviting proposals for consideration during the First Biennial Airworthiness Review (see 39 FR 5785, February 15, 1974). The airworthiness review now is at the mid-point of its first two-year cycle. The FAA has received strongly favorable comment on this program from the general public and the aviation community both here and abroad.

The aviation industry in the United

States and abroad has grown substantially during the last 10 years. Paralleling its rapid growth and numerous technological advances are significant changes in the operating environment in which airmen, air agencies and aircraft operators function. The same systematic, comprehensive process being used to periodically review the airworthiness standards can be adapted to the rules which apply to other segments of aviation. This process should enable the FAA to become even more responsive to the needs of the general public and the aviation community in fulfilling the agency's aviation safety responsibilities.

Accordingly, the FAA is establishing the Operations Review Program. The program will be implemented through Biennial Operations Reviews which will be administered by Flight Standards Service. The operations reviews will be carried out with full opportunity for the participation of the interested public, in-

dustry, other Government agencies and foreign governments. All elements of the FAA will provide support to Flight Standards Service to ensure the timely completion of the periodic operations review process, as they now are doing for the periodic airworthiness reviews.

In furtherance of the policy announced in this notice, the Director of Flight Standards Service is issuing a notice regarding the First Biennial Operations Review (1975-1976). That notice sets forth detailed information concerning the schedule and invites submission of proposals for consideration during the First Biennial Operations Review. It is published concurrently with this notice.

Issued in Washington, D.C., on February 26, 1975.

ALEXANDER BUTTERFIELD,
Administrator.

[FR Doc.75-5420 Filed 2-27-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 43, 61, 63, 65, 91, 101, 105, 121, 123, 127, 129, 133, 135, 137, 141, 143, 145, 147, 148]

[Docket No. 14322; Notice No. 75-9]

OPERATIONS REVIEW PROGRAM

Invitation To Submit Proposals for Consideration During the First Biennial Operations Review (1975-1976)

The Federal Aviation Administration gives public notice of the First Biennial Operations Review Program (1975-1976). In general, the operations review program covers: (1) maintenance rules; (2) airmen certification rules; (3) selected air traffic and general operating rules; (4) rules for the certification and operations of air carriers, air travel clubs and operators for compensation or hire; and (5) rules for schools and other certificated agencies. The operations review program which is patterned on the airworthiness review program (now at the midpoint of its first two-year cycle), will be administered by an organizational component within Flight Standards Service. The First Biennial Operations Review (1975-1976) will proceed according to the schedule in Appendix A to this notice.

Proposals Invited. Interested persons, both foreign and domestic, are invited to submit any proposals to amend the rules identified below that they deem appropriate. All proposals should be submitted in duplicate as soon as possible to the Federal Aviation Administration, Flight Standards Service, Operations Review Program, AFS-78, 800 Independence Avenue, SW, Washington, D.C. 20591. To receive consideration, proposals must be within the scope of the operations review as set forth in the notice and must be received by FAA not later than 5 p.m., e.d.t., April 15, 1975. Proposals received after that time will be deferred for consideration during a future operations review.

Scope. The First Biennial Operations Review includes the following Parts of the Federal Aviation Regulations (FAR) contained in Title 14 of the Code of Federal Regulations (14 CFR):

Part:

- 43—Maintenance, preventive maintenance, rebuilding, and alteration.
- 63—Certification: flight crewmembers other than pilots.
- 65—Certification: airmen other than flight crewmembers.
- 91—General operating and flight rules.
- 101—Moored balloons, kites, unmanned rockets and unmanned free balloons.
- 105—Parachute jumping.
- 121—Certification and operations: domestic, flag, and supplemental air carriers and commercial operators of large aircraft.
- 123—Certification and operations: air travel clubs using large airplanes.
- 127—Certification and operations of scheduled air carriers with helicopters.
- 129—Operations of foreign air carriers.

Part:

- 133—Rotorcraft external-load operations.
- 135—Air Taxi operators and commercial operators of small aircraft.
- 137—Agricultural aircraft operations.
- 143—Ground instructors.
- 145—Repair stations.
- 147—Aviation maintenance technician schools.
- 149—Parachute lifts.

Because they were recently revised, two FAR Parts will not be considered during the First Biennial Operations Review cycle, unless a requirement is directly related to a proposed change in one of the other FAR Parts listed above. The two FAR Parts are: Part 61—Certification: pilots and flight instructors. Part 141—Pilot schools.

Pending Notices. Appendix B to this notice identifies a number of notices of proposed rulemaking which affect one or more of the FAR Parts within the scope of the First Biennial Operations Review. These notices will be pursued to a conclusion or withdrawn outside the Review and the substance of the rules proposed in those notices will not be considered during the Review.

Status of the Rules. Appendix C to this notice gives the status of the FAR Parts within the scope of this Review as of February 1, 1975, and lists petitions for rule making which affect one or more FAR Parts within the scope of the First Biennial Operations Review. Some of these petitions may be included for consideration in the Review. Those which are at an advanced stage of processing may be completed independently of the Review.

Required Format and Information. Based on experience gained during the First Biennial Airworthiness Review Program, the FAA has determined that use of a standard format and the inclusion of certain specific information for each proposal will greatly facilitate the processing, compilation and evaluation of the large number of proposals the FAA expects to receive. Appendix D to this notice contains a sample of the format that should be used. In addition, each proposal should include at least the following information:

1. The full name or title of the proponent or an acceptable acronym.
2. The FAR section affected.
3. A short title identifying the subject of the proposal (in 10 words or less).
4. The specific regulatory language being proposed to achieve the desired objective.
5. The language of the existing rule that the proposal would change.
6. An explanation and justification of the proposal, including:
 - a. What is the background?
 - b. Why is the change necessary?
 - c. How is aviation safety enhanced or the existing level of safety maintained?
 - d. What are the environmental and economic consequences, if any, of the proposal if adopted?
 - e. What other rules are affected (for example, parallel rules in other FAR Parts)?
 - f. What other proposals, if any, are directly related?
7. Additional data or references to publications.

When more than one proposal is submitted on an issue to achieve the desired result, the information required in item 6, above, should be stated in full in only one proposal and a cross-reference included in the other related proposals. Proponents may submit a precise statement of the objective sought instead of the information required under item 4, above. Interested persons are urged, however, to propose specific regulatory language if at all possible because experience during the airworthiness review showed that specific language yields more productive discussions.

Compilation of Proposals. The FAA will process and evaluate each proposal received no later than 5 p.m. e.d.t., April 15, 1975. The FAA then will prepare a Compilation of Proposals for consideration during the First Biennial Operations Review. In addition to proposals received from the public, the FAA will include in this compilation FAA proposals believed appropriate for consideration during the Review. The compilation will be distributed no later than May 30, 1975, to each person who submits a proposal or who expresses an interest in the Review. At that time, a Notice of Availability of the Compilation of Proposals and Invitation to Submit Comments will be issued and published in the FEDERAL REGISTER.

Agenda and Conference. All comments received on the Compilation of Proposals not later than 5 p.m. e.d.t., August 1, 1975, will be considered in preparing the agenda for the First Biennial Operations Review Conference. The Conference will be held from the morning of December 1, 1975, to December 5, 1975, in the Washington, D.C., area at a place to be announced. There will be no admission fee or other charge to be paid to attend and participate in the conference sessions and those sessions will be open to interested persons. If necessary to complete the agenda, conference sessions may be extended to evenings or additional days. Following the conference, the FAA will prepare and issue a summary of the conference proceedings. This will be distributed to conference participants and other interested persons. A Notice of Availability of Conference Summary also will be issued and published in the FEDERAL REGISTER.

Proposed and Final Rulemaking. The Conference Summary and other operations review documents will be used in developing notices of proposed rulemaking, the last of which will be issued and published in the FEDERAL REGISTER no later than May 30, 1976. These notices will provide interested persons the opportunity for further comment on specific proposed amendments to the Federal Aviation Regulations. The comment period will close on the last notice on September 1, 1976. Final rules adopted as a result of the First Biennial Operations Review will be issued after consideration of the comments received in response to these notices. The last set of amendments will be issued and published in the FEDERAL REGISTER no later than February 27, 1977.

Disposition of Proposals. Not all the proposals received in response to this notice will automatically be included in the Compilation of Proposals scheduled for distribution no later than May 30, 1975. Nor will all proposals included in that document automatically be included in the agenda for the First Biennial Operations Review Conference. As stated above, proposals must be received no later than 5 p.m. e.d.t., April 15, 1975. They must be within the scope of the Operations Review, follow the prescribed format and contain the essential information identified above. Among the proposals which meet these requirements, some may be straightforward, noncontroversial and adequately justified. Since no useful purpose would be served by discussing those proposals during the conference they will be held for inclusion in a notice of proposed rulemaking. On the other hand, FAA may identify proposals that are not adequately justified, that require further research or that could not result in fruitful discussion at the conference. They will be dropped or deferred for further study and possible consideration during future Operations Reviews. Other proposals may be eliminated from consideration because they deal with the substance of rules proposed in notices identified in Appendix B to this notice.

Issued in Washington, D.C., on February 26, 1975.

R. P. SKULLY,
Director,
Flight Standards Service.

APPENDIX A—SCHEDULE FOR FIRST BIENNIAL OPERATIONS REVIEW (1975-1976)

- February 26, 1975—Notice initiating First Biennial Operations Review (1975-1976) and inviting proposals to amend the Federal Aviation Regulations.
- April 15, 1975—Final date for delivering proposals to FAA.
- May 30, 1975—Distribute the compilation of proposals.
- August 1, 1975—Final date for delivering comments on proposals to FAA.
- October 15, 1975—Distribute agenda and related working documents for First Biennial Operations Review Conference.
- December 1 to 5, 1975—First Biennial Operations Review Conference.
- May 28, 1976—Issue last notice of proposed rule making.
- September 1, 1976—Final date for delivering comments on last notice of proposed rule making to FAA.
- February 27, 1977—Issue last amendments to the Federal Aviation Regulations.

APPENDIX B—PENDING NOTICES OF PROPOSED RULE MAKING EXCLUDED FROM THE FIRST BIENNIAL OPERATIONS REVIEW

FAA has issued a number of notices of proposed rule making proposing amendments to Parts of the Federal Aviation Regulations within the scope of the First Biennial Operations Review. These notices will be pursued to a conclusion outside the Review and the substance of the rules proposed will not be considered during the Review. They are identified below:

1. Notice 71-20, *Operations at Airports Without Control Towers*. This notice (36 FR 13275, July 17, 1971) proposed amending "Parts 1 and 91 of the Federal Aviation Regulations relating to the standardizing

of traffic pattern flight procedures at 'uncontrolled airports'—those airports at which an operative control tower is not available to provide air traffic control service." The notice affects §§ 1.1, 91.70, and 91.89. The comment period expired September 27, 1971.

2. Notice 71-22, *VFR Flight Beneath Clouds*. This notice (36 FR 14659, August 7, 1971) proposed amending "§ 91.105(c) by removing the ceiling as reported at the primary airport as the criterion for VFR flight in a control zone, and substituting the actual cloud condition prevailing at any given point in the control zone where VFR flight is being conducted." The comment period expired November 5, 1971.

3. Notice 72-17, *Landing Minimums*. This notice (37 FR 14406, July 20, 1972) proposed "amending Parts 91, 121, and 135 of the Federal Aviation Regulations to establish criteria for the commencement of instrument approaches and to update and clarify the requirements applicable to the instrument landing procedures and minimums prescribed therein. It is also proposed to amend Part 123 to delete the referenced weather reporting provision in Part 121 that would become obsolete as a result of this proposal and to include a reference to the new section in Part 121 that would be added." The notice affects §§ 91.6, 91.116, 91.117, 121.80, 121.93, 121.101, 121.119, 121.649, 121.651, 121.652, 121.653, 121.655, 123.27, 135.100 and 135.111. Notice 72-17A (37 FR 19821, September 22, 1972) extended the comment period on this notice to December 18, 1972.

4. Notice 72-33, *Portable Electronic Calculators—Proposal to Allow Operation on Aircraft*. This notice (37 FR 28522, December 27, 1972) proposed "amending Part 91 of the Federal Aviation Regulations to expressly permit the operation of portable electronic calculators on aircraft operated by an air carrier or commercial operator or on any other aircraft while it is operated under IFR." The notice affects § 91.19. The comment period expired March 27, 1973.

5. Notice 73-2, *Limited IFR Air Taxi Operations*. This notice (38 FR 2988, January 31, 1973) proposed "amending Part 135 of the Federal Aviation Regulations to make those sections dealing with limited IFR operations . . . consistent with each other, with Terminal Instrument Procedures (TERPS), and with safe operating practices." The notice affects §§ 135.75, 135.99 and 135.145. The comment period expired March 30, 1973.

6. Notice 73-4, *Inspection Authorization—Eligibility and Operational Requirements and Geographical Limitations*. This notice (38 FR 3410, February 6, 1973) proposed "amending Part 65 of the Federal Aviation Regulations to: (1) Clarify the eligibility requirements for the issue of an inspection authorization; (2) provide that each holder of an inspection authorization must hold a currently effective mechanic certificate with both an airframe and a powerplant rating whenever he exercises the privileges of an inspection authorization; (3) require each holder to keep a record of each inspection performed by him; (4) limit the area where the holder may exercise the privileges of the authorization to the area under the jurisdiction of the local FAA District Office in which the holder's fixed base of operation is located, unless he is otherwise authorized by that Office and the Office for the area in which he proposes to perform an inspection; and (5) require each holder who changes the location of, or terminates the inspection authorization activity at, his fixed base of operation, to surrender his authorization to the local FAA District Office, with the privilege of obtaining reissuance of the authorization without further written test, at a new

base established before the first day of April following the termination." The notice affects §§ 65.91, 65.92, 65.93, 65.94 and 65.95. The comment period expired May 7, 1973.

7. Notice 73-20, *Radio Equipment for Overwater Operations*. This notice (38 FR 17019, June 28, 1973) proposed "amending Subpart D of Part 91 of the Federal Aviation Regulations to permit persons subject to that subpart to operate an airplane in overwater operations with one HF transmitter and one HF receiver rather than dual HF communications equipment, under certain circumstances." The notice affects § 91.191. The comment period expired August 27, 1973.

8. Notice 74-1, *Flight Engineer Knowledge and Aeronautical Experience Requirements*. This notice (39 FR 1780, January 14, 1974) proposed "amending Part 63 of the Federal Aviation Regulations to permit an applicant for a flight engineer certificate and a class rating to meet the prescribed aeronautical experience requirements in an additional manner to those now specified in § 63.37 of the Federal Aviation Regulations." This notice affects §§ 63.35 and 63.37. The comment period expired March 15, 1974.

9. Notice 74-8, *Two-Way Radio Communications during IFR Operations*. This notice (39 FR 7431, February 26, 1974) proposed "amending § 91.127(c) (4) of the Federal Aviation Regulations to provide that, when holding instructions have been received, a pilot who has lost two-way communications under IFR must either leave the holding fix at the expect-further-clearance time received or, if an expect-approach-clearance time has been received, commence the approach at the expect-approach-clearance time received." The comment period expired April 29, 1974.

10. Notice 74-13, *Airports with Operating Control Towers—Operation of Aircraft*. This notice (39 FR 11301, March 27, 1974) proposes amending "§ 1.1 and § 91.87 of the Federal Aviation Regulations relating to the operation of aircraft at airports having operating control towers. The proposed amendments would add a definition of 'movement area' and more clearly describe when a clearance is required from Air Traffic Control before a pilot may taxi an aircraft." The comment period expired June 10, 1974.

11. Notice 74-21, *Replenishing and Maintenance of Oxygen Systems*. This notice (39 FR 20383, June 10, 1974) proposed "amending Part 91 of the Federal Aviation Regulations to prescribe safety requirements governing the presence of persons on board a civil aircraft of U.S. registry when certain work is being performed on the oxygen system of the aircraft." The notice affects § 91.168. The comment period expired September 9, 1974.

12. Notice 74-25, *Air Transportation of Handicapped Persons*. This notice (39 FR 24667, July 5, 1974) proposed "amending Parts 121 and 135 of the Federal Aviation Regulations to provide rules for the safe carriage by the holders of Part 121 and 135 certificates of persons who, because of a physical condition, may require the assistance of another person during an emergency evacuation." The notice affects §§ 121.311, 121.417, 121.571, 121.584, 121.589, 135.27, 135.81 and 135.139. The comment period expired October 7, 1974.

13. Notice 74-28, *Equipment and Other Requirements for Operation in Group II Terminal Control Areas—Automatic Pressure Altitude Reporting Equipment*. This notice (39 FR 27147, July 25, 1974) proposed "amending Part 91 of the Federal Aviation Regulations to modify the requirements for operation within Group II Terminal Control Areas (TCAs). The major proposal would rescind the requirement for automatic pressure altitude reporting equipment in those

TCA's." The notice affects §§ 91.24 and 91.90. The comment period expired on September 9, 1974.

14. *Notice 74-30, Airborne Vibration Monitors.* This notice (39 FR 31913, September 3, 1974) proposed "amending § 121.307 of the Federal Aviation Regulations to provide that no person may conduct an operation under Part 121 of the Federal Aviation Regulations in a Boeing Model B-747, Lockheed Model L-1011, or McDonnell Douglas Model DC-10 aircraft without having installed in the aircraft an indicator to indicate to the flight crew rotor system unbalance for each engine." The comment period expired November 4, 1974.

APPENDIX C—STATUS OF FEDERAL AVIATION REGULATIONS AND RELATED ACTIONS WITHIN THE SCOPE OF THE OPERATIONS REVIEW

Notices of proposed rule making that affect Federal Aviation Regulations within the scope of the Operations Review are listed in Appendix B, above. The status of each Part of the Federal Aviation Regulations included in the Review as of February 1, 1975 is stated below. In addition, each petition for rule making affecting those regulations is listed.

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

The last amendment to this Part is Amendment 43-18, "ATC Transponder Tests and Inspections," issued December 19, 1973, and effective December 31, 1973 (see 38 FR 35441, December 28, 1973). The following petition for rule making is pending:

Aviation Technician Education Council (Docket No. 12816) seeks to amend several sections in Parts 43, 65, 91, 121, and 147 to change the word "mechanic" to "technician."

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

The last amendment to this Part is Amendment 61-63, "Graduates of Certificated Flying Schools," issued May 29, 1974, and effective November 1, 1974 (see 39 FR 20056, June 6, 1974). *Note:* Amendment 61-60, "Pilot and Flight Instructor Certificates and Ratings and Check Requirements for Pilots-in-Command," issued January 23, 1973, and effective November 1, 1973 (see 38 FR 3156, February 1, 1973) revised Part 61, except for the Subpart dealing with airline transport pilot certificates. The following petitions for rule making are pending:

1. *The Goodyear Tire & Rubber Company* (Docket No. 8726) seeks to amend several sections of Part 61 dealing with pilots of lighter-than-air aircraft.

2. *Mr. Fred W. Kreig* (Docket No. 11735) seeks to amend Parts 61, 91, and 101 to regulate the operations of moored balloons and unmanned free balloons as manned free balloons are regulated.

3. *Mr. Richard C. Bartel* (Docket No. 12866) seeks to amend § 61.39 to prevent an applicant for an airline transport pilot certificate or added rating on that certificate to be eligible for a flight test without a written recommendation from a certificated flight instructor.

4. *Balloon Federation of America* (Docket No. 13236) seeks to amend § 61.1(b) to extend the effective date of revised requirements for a commercial pilot certificate with a free balloon rating.

5. *Mr. David M. Davis* (Docket No. 13673) seeks to amend § 61.157 to allow Military Air-lift Command aircraft commanders to qualify for an airline transport pilot certificate by passing a written examination only, without being required to take a flight test.

6. *American Bonanza Society* (Docket No. 14025) seeks to amend §§ 61.45 and 91.21 to allow use of aircraft with single throwover

control wheels for simulated instrument flight and flight tests under certain conditions.

7. *Air Transport Association of America* (Docket No. 14245) seeks to retain indefinitely in Appendix A, Part 61, and Appendix P, Part 121, the special maneuvers and procedures applicable to four-engine turbojet-powered airplanes.

8. *Flight Systems, Inc.* (Docket No. 12492) seeks to amend Part 61 to establish minimum experience requirements and a type rating for the pilot-in-command of high-performance surplus military aircraft.

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

The last amendment to this Part is Amendment 63-16, "Carriage of Narcotic Drugs, Marijuana, and Depressant or Stimulant Drugs or Substances," issued June 19, 1973, and effective August 1, 1973 (see 38 FR 17491, July 2, 1973). There are no petitions for rule making pending.

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

The last amendment to this Part is Amendment 65-21, "Carriage of Narcotic Drugs, Marijuana, and Depressant or Stimulant Drugs or Substances," issued June 19, 1973, and effective August 1, 1973 (see 38 FR 17491, July 2, 1973). The following petition for rule making is pending:

Aviation Technician Education Council (Docket No. 12816) seeks to amend several sections in Parts 43, 65, 91, 121, and 147 to change the word "mechanic" to "technician."

PART 91—GENERAL OPERATING AND FLIGHT RULES

The last amendment to this Part is Amendment 91-125, "Aircraft Speed Beneath Terminal Control Areas," issued July 16, 1974, and effective August 23, 1974 (see 39 FR 26888, July 24, 1974). The following petitions for rule making are pending:

1. *National Business Aircraft Association, Inc.* (Docket No. 5071) seeks to amend § 91.33 (e) to delete the word "approved" from the requirements for distance measuring equipment (DME).

2. *Mr. Fred W. Kreig* (Docket No. 11735) seeks to amend Parts 61, 91, and 101 to regulate the operation of moored balloons and unmanned free balloons as manned free balloons are regulated.

3. *Aviation Technician Education Council* (Docket No. 12816) seeks to amend several sections in Parts 43, 65, 91, 121, and 147 to change the word "mechanic" to "technician."

4. *Air Transport Association of America* (Docket No. 12861) seeks to amend Part 91 to facilitate a reduction of vertical separation from 2,000 to 1,000 feet for aircraft operating between 29,000 and 45,000 feet.

5. *Aircraft Owners and Pilots Association* (Docket No. 13336) seeks to amend § 91.177 to revise the requirements for a biennial test and inspection of ATC transponders.

6. *American Bonanza Society* (Docket No. 14025) seeks to amend §§ 61.45 and 91.21 to allow use of aircraft with single throwover control wheels for simulated instrument flight and flight tests under certain conditions.

7. *Air Transport Association of America* (Docket No. 14064) seeks to amend § 91.51 to allow an alternative means to comply with the present requirements for an approved altitude alerting system.

8. *Association of Flight Attendants* (Docket No. 14218) seeks to amend either Part 91 or Part 121 to require more comprehensive reporting regarding the use of emergency equipment and passenger or crewmember injuries.

PART 101—MOORED BALLOONS, KITES, UNMANNED ROCKETS AND UNMANNED FREE BALLOONS

The last amendment to this Part is Amendment 101-4, "Objects Dropped from Certain Balloons, Kites, and Rockets," issued June 13, 1974, and effective August 20, 1974 (see 39 FR 22352, June 21, 1974). The following petition for rule making is pending:

Mr. Fred W. Kreig (Docket No. 11735) seeks to amend Parts 61, 91, and 101 to regulate the operation of moored balloons and unmanned free balloons as manned free balloons are regulated.

PART 105—PARACHUTE JUMPING

The last amendment to this Part is Amendment 105-5, "Clearance from Clouds and Flight Visibility Requirements," issued May 3, 1971, and effective June 12, 1971 (see 36 FR 8775, May 13, 1971). The following petition for rule making is pending:

United States Parachute Association (Docket No. 13399) seeks to amend § 105.43 to extend the repack cycle for auxiliary parachutes from 60 to 120 days.

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

The last amendment to this Part is Amendment 121-115, "First-Aid Kits," issued December 26, 1974, and effective January 1, 1975 (see 40 FR 1039, January 6, 1975). The following petitions for rule making are pending:

1. *Air Transport Association of America* (Docket No. 9481) seeks to amend § 121.652 to clarify provisions dealing with landing minimums. Proposals contained in Notice 72-17 (see Appendix B, above) would dispose of this petition.

2. *Eastern Air Lines, Inc.* (Docket No. 10902) seeks to amend § 121.305(j) to allow use of an attitude indicating system which does not incorporate a third attitude indicator.

3. *The Helicopter Association of America* (Docket No. 10838) seeks to amend Parts 121 and 133 to allow helicopter operations with both internal loads and external loads.

4. *Aviation Consumer Action Project* (Docket No. 11796) seeks to amend §§ 121.405 and 121.427 to prohibit reductions in flight engineering programmed hours of training and to increase their programmed hours of ground training.

5. *Air Transport Association of America* (Docket No. 12039) seeks to amend § 121.343 to allow the unlimited erasure of recorded data to conduct functional tests and trouble shooting on the flight recorder system.

6. *Air Line Pilots Association* (Docket No. 12201) seeks to amend Part 121 to eliminate or reduce dual qualification on different types of aircraft.

7. *Washington Humane Society* (Docket No. 12313) seeks to amend Part 121 to establish standards for treatment and environmental conditions for animals during shipment by air.

8. *Aviation Technician Education Council* (Docket No. 12816) seeks to amend several sections in Parts 43, 65, 91, 121, and 147 to change the word "mechanic" to "technician."

9. *Association of Flight Attendants* (Docket No. 12962) seeks to amend § 121.391 to decrease the passenger to flight attendant ratio to 40 to 1 and to provide that only flight attendants may occupy designated flight attendant seats.

10. *Air Line Pilots Association* (Docket No. 13329) seeks reconsideration of FAA withdrawal of Notice 69-19, "Autopilots for Certain Turbojet Airplanes," which proposed an amendment to § 121.319.

11. *Air Transport Association of America* (Docket No. 13485) seeks to amend § 121.319 to eliminate or revise changes adopted in Amendment 121-105 (38 FR 21493, August 9, 1973), "Public Address and Interphone Communication Systems."

12. *Mr. William C. Heller* (Docket No. 13596) seeks to amend Part 121 to require the captain to make all landings and takeoffs from the left seat during Part 121 operations.

13. *Air Line Pilots Association* (Docket No. 13670) seeks to amend § 121.317 to require on each seat back a sign stating, "Please Fasten Seat Belts While Seated."

14. *Air Transport Association of America* (Docket No. 14245) seeks to retain indefinitely in Appendix A, Part 61, and Appendix F, Part 121, the special maneuvers and procedures applicable to four-engine turbojet-powered airplanes.

15. *Association of Flight Attendants* (Docket No. 14218) seeks to amend either Part 91 or Part 121 to require more comprehensive reporting regarding the use of emergency equipment and passenger or crewmember injuries.

16. *Air Transport Association of America* (Docket No. 14239) seeks to amend §§ 121.401 and 121.433(a) to extend and expand the applicability of the grace period for recurrent training of persons responsible for handling dangerous articles and magnetized materials.

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

The last amendment to this Part is Amendment 123-5, "Carriage of Oxygen for Medical Use—Storage, Use, and Restriction in Aircraft Passenger Compartment," issued November 27, 1974, and effective December 9, 1974 (see 39 FR 42674, December 6, 1974). There are no petitions for rule making pending.

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

The last amendment to this Part is Amendment 127-32, "Use of Certified Land Airports," issued August 12, 1974, and effective September 14, 1974 (see 39 FR 29341, August 15, 1974). There are no petitions for rule making pending.

PART 129—OPERATIONS OF FOREIGN AIR CARRIERS

The last amendment to this Part is Amendment 129-4, "Airborne Distance Measuring Equipment; Civil Aircraft (Including Foreign Civil Aircraft) Within Alaska and Hawaii," issued April 15, 1966, and effective July 1, 1966 (see 31 FR 6265, April 23, 1966). There are no petitions for rule making pending.

PART 133—ROTORCRAFT EXTERNAL-LOAD OPERATIONS

The last amendment to this Part is Amendment 133-4, "Carriage of Narcotic Drugs, Marihuana, and Depressant or Stimulant Drugs or Substances," issued June 19, 1973, and effective August 1, 1973 (see 38 FR 17491, July 2, 1973). The following petition for rule making is pending:

The Helicopter Association of America (Docket No. 10838) seeks to amend Parts 121 and 133 to allow helicopter operations with both internal loads and external loads.

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

The last amendment to this Part is Amendment 135-40, "Carriage of Oxygen for Medical Use—Storage, Use, and Restriction in Aircraft Passenger Compartments," issued November 27, 1974, and effective December 9, 1974 (see 39 FR 42674, December 6, 1974). The following petitions for rule making are pending:

1. *National Air Transportation Conferences, Inc., and Executive Air Fleet Corporation* (Docket No. 12768) seek to amend § 135.2(b) to rescind certain equipment requirements for operations of large aircraft under 27,000 pounds maximum certificated takeoff weight with passenger capacities of not more than 12 persons.

2. *The Helicopter Association of America* (Docket No. 14307) seeks to rescind § 135.89, "Helicopter operations: Emergency landing areas."

PART 137—AGRICULTURAL AIRCRAFT OPERATIONS

The last amendment to this Part is Amendment 137-4, "Carriage of Narcotic Drugs, Marihuana, and Depressant or Stimulant Drugs or Substances," issued June 19, 1973, and effective August 1, 1973 (see 38 FR 17491, July 2, 1973). The following petition for rule making is pending:

The Helicopter Association of America (Docket No. 13235) seeks to amend § 137.3 to exclude the dispensing of water on forest fires from the definition of "agricultural aircraft operation."

PART 141—PILOT SCHOOLS

The last amendment to this Part is Amendment 141-13, "Revision of Part," issued May 29, 1974, and effective November 1, 1974 (see 39 FR 20146, June 6, 1974). Note: This amendment revised the entire Part. There are no petitions for rule making pending.

PART 143—GROUND INSTRUCTORS

The last amendment to this Part is Amendment 143-4, "Airmen and Ground Instructors: Certain Additional Information in Application for Duplicate Certificates, and

Expiration Date for Telegraphic Certificate," issued February 5, 1971, and effective April 12, 1971 (see 36 FR 2864, February 11, 1971). There are no petitions for rule making pending.

PART 145—REPAIR STATIONS

The last amendment to this Part is Amendment 145-14, "Equipment Material Requirements for Radio Rated Repair Stations," issued December 11, 1970, and effective March 24, 1971 (see 35 FR 19349, December 22, 1970). There are no petitions for rule making pending.

PART 147—AVIATION MAINTENANCE TECHNICIAN SCHOOLS

The last amendment to this Part is Amendment 147-2, "Name, Operations, and Curriculum," issued March 27, 1970, and effective May 3, 1970 (see 35 FR 5331, April 3, 1970). The following petition for rule making is pending:

Aviation Technician Education Council (Docket No. 12816) seeks to amend several sections in Parts 43, 65, 91, 121, and 147 to change the word "mechanic" to "technician."

PART 149—PARACHUTE LOFTS

The last amendment to this Part is Amendment 149-1, "Cross Reference Corrections in FAR Parts 21, 33, 37, 43, 61, 63, 91, 127, 133, 141, 145, 149, and 183," issued June 28, 1966, and effective July 6, 1966 (see 31 FR 9211, July 6, 1966). There are no petitions for rule making pending.

APPENDIX D—FORMAT FOR OPERATIONS REVIEW PROPOSALS

The following format and clerical guidelines should be followed in developing proposals for consideration during the First Biennial Operations Review (1975-1976).

Clerical Guidelines. Each proposal should be submitted on a separate page. The text should be within margins not more than 6½" wide and 9" long, so that it can be printed on paper 8" by 10½".

SAMPLE FORMAT

Proposal: (Leave blank—for FAA use)
From: Ms. Jane Doe
Index: (Leave blank—for FAA use)

Proposal

Amend § 91.4 to read as follows: No person may operate an aircraft that is type certificated for more than 1 required pilot flight crewmember unless the pilot flight crew consists of a pilot in command who meets the requirements of § 61.58 of this chapter.

FAR: 91.4

SUBJ: Pilot-in-command of aircraft requiring more than 1 pilot.

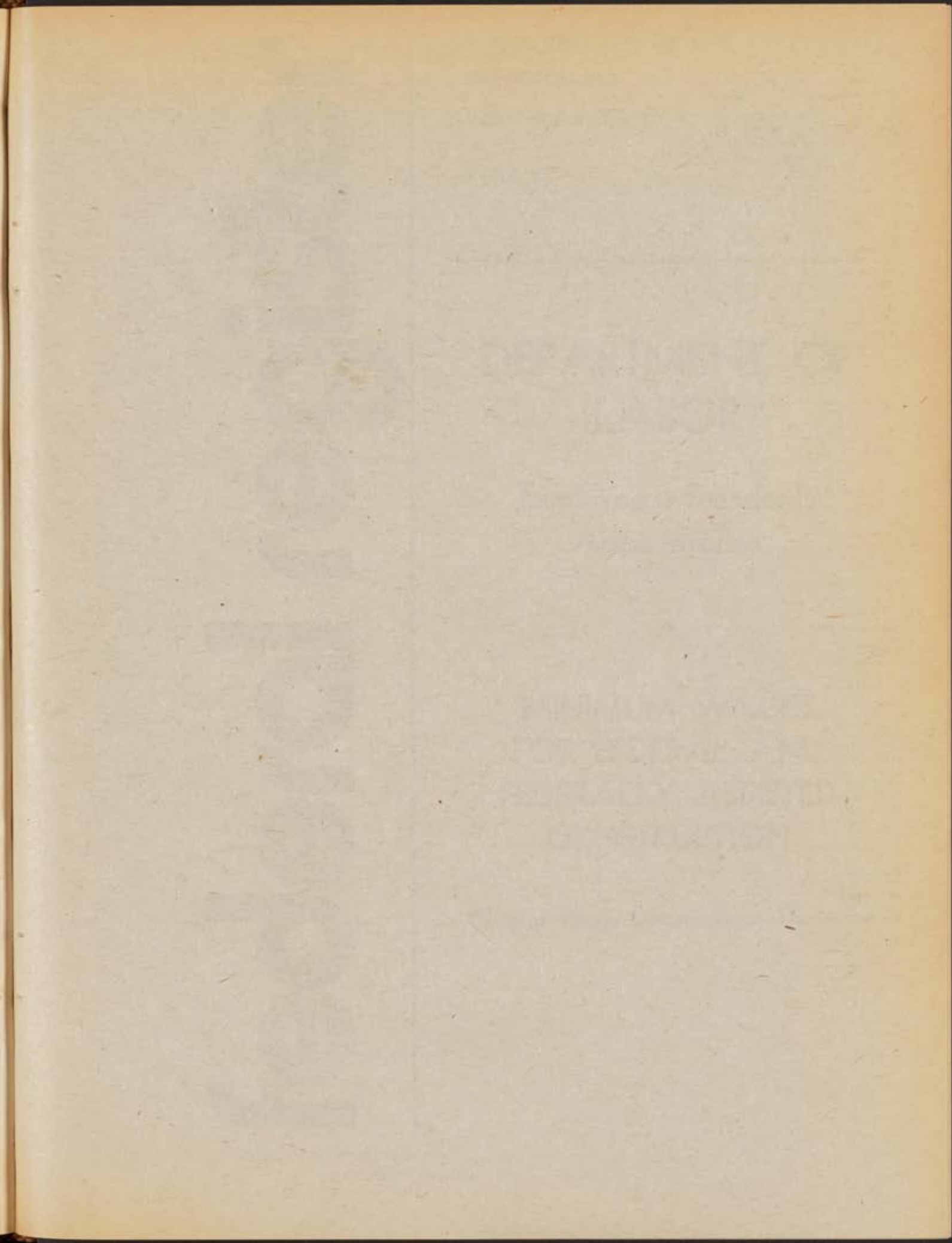
Current Rule

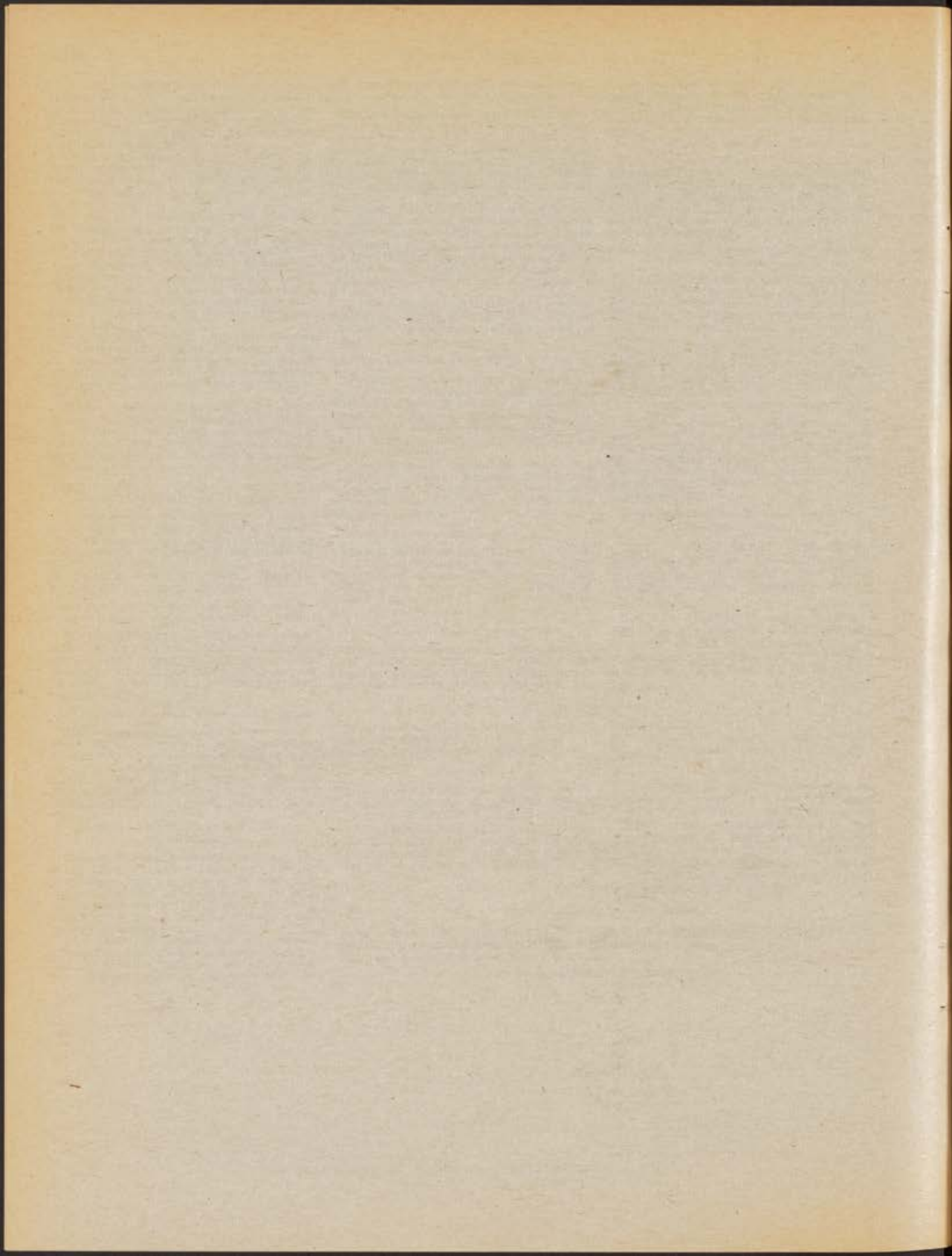
§ 91.4 Pilot in command of aircraft requiring more than one required pilot. After Nov. 1, 1974, no person may operate an aircraft that is type certificated for more than 1 required pilot flight crewmember unless the pilot flight crew consists of a pilot in command who meets the requirements of § 61.58 of this chapter.

EXPLANATION AND JUSTIFICATION

The words "After November 1, 1974," are unnecessary because that date has passed. The environmental and economic impacts are none.
(Attach additional data, if any.)

[FR Doc. 75-5470 Filed 2-27-75; 8:45 am]





Federal register

FRIDAY, FEBRUARY 28, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 41

PART V



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 of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Georgia GA75-1025
South Carolina SC75-1026

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 AL75-1022 Feb. 14, 1975
Alaska AK75-5001 Jan. 10, 1975

Florida:
AQ-4121 June 7, 1974
FL75-1011 Jan. 24, 1975
Illinois:
IL75-2035 Feb. 7, 1975
Louisiana:
LA75-4033 Jan. 24, 1975
Michigan:
AR-3177 Dec. 20, 1974
Montana:
MT75-5012; MT75-5017; MT75-5019 Feb. 7, 1975
Nebraska:
AR-94 Dec. 27, 1974
New Jersey:
AR-2042 Sept. 13, 1974
New Mexico:
NM75-4002 Jan. 10, 1975
New York:
AR-2017 Oct. 11, 1974
Pennsylvania:
PA75-3015 Feb. 14, 1975
Tennessee:
AR-4062 Dec. 6, 1974
Texas:
AR-82 Nov. 29, 1974
TX75-4007; TX75-4009; TX75-4012 Jan. 17, 1975
TX75-4020; TX75-4022; TX75-4023; TX75-4024; TX75-4025; TX75-4028; TX75-4029; TX75-4030; TX75-4031 Jan. 24, 1975
TX75-4047 Feb. 7, 1975
West Virginia:
WV75-3007 Do.

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-4033 (AL75-1027) Sept. 13, 1974
AR-4067 (AL75-1028) Dec. 20, 1974
Arkansas:
AR-33 (AK75-4058) Aug. 30, 1974
AR-4057 (AR75-5032) Nov. 22, 1974
California:
AR-1044 (CA75-5022); AR-1045 (CA75-5023) Nov. 8, 1974
Colorado:
CO75-5008 (CO75-5027) Jan. 31, 1975
CO75-5010 (CO75-5030) Jan. 24, 1975
Illinois:
AR-3074 (IL75-2034) Aug. 9, 1974
Iowa:
AR-75 (NE75-4054) Nov. 1, 1974
Kansas:
AQ-44 (MO75-4059) Nov. 16, 1973
Louisiana:
AR-4057 (AR75-5032) Nov. 22, 1974
Missouri:
AQ-44 (MO75-4059) Nov. 16, 1973
Mississippi:
AR-4057 (AR75-5032) Nov. 22, 1974
Nebraska:
AR-75 (NE75-4054) Nov. 1, 1974
AR-77 (NE75-4055) Nov. 15, 1974
North Dakota:
AR-1055 (ND75-5031) Dec. 20, 1974
Pennsylvania:
AQ-2099 (PA75-3019) Apr. 19, 1974
Tennessee:
AR-4057 (AR75-5032) Nov. 22, 1974
Texas:
TX75-4032 (TX75-4056) Jan. 24, 1975
Wisconsin:
AR-3146 (WI75-2047) Sept. 27, 1974

Signed at Washington, D.C., this 21st day of February 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NSM DECISION

STATE: Georgia
 COUNTY: Hall
 DECISION NUMBER: GAT-1025
 DATE: Date of Publication
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & W	Pension	Vacation	
Air conditioning mechanic	4.00			
Bricklayers	6.00			
Carpenters and Resilient Tile	5.18			
Cement masons	4.00			
Electricians	5.39			
Glaziers	7.25	.15	.24	.35
Ironworkers, structural & ornamental	5.00			.045
Laborers:				
Laborers	3.16			
Air tool op. (jackhammer, vibrator)	4.50			
Mason tenders	3.25			
Mortar mixers	4.15			
Painters, brush	4.00			
Plasterers	6.50			
Plumbers, & steamfitters	4.76			
Roofers	3.16			
Sheet metal workers	4.38			
Terrazzo workers	4.50			
Tile setters	4.50			
Truck drivers	3.16			
Welders - rate for craft.				
POWER EQUIPMENT OPERATORS:				
Air compressor	4.63			
Bulldozer	4.00			
Finishing machine	5.00			
Front end loader	5.83			
Tractors	4.90			

NEW DECISION

STATE: South Carolina
 COUNTY: Beaufort
 DECISION NUMBER: SC75-1026
 DATE: Date of Publication
 DESCRIPTION OF WORK: Building Construction (excluding single family homes
 and garden type apartments up to and including 4 stories).

Basic Hourly Rates	Fringe Benefits Payments				App. Fr.
	M & H	Provision	Vacation		
Air conditioning mechanic	\$8.20	.35	.40	.45	.02
Asbestos workers	8.24	.35	.40		
Bricklayers	6.00				
Carpenters	5.03				
Cement masons	4.63				
Electricians	5.00				
Ironworkers:	5.25				
Laborers	2.50				
Painters, brush	5.00				
Plasterers	6.00				
Plumbers	6.05				
Roofers	4.60				
Sheet metal workers	4.25				
Sprinkler fitters	7.92	.50	.70	.50	
Tile setters	4.75				
Truck drivers	2.50				
Welders - rate for craft.					
Power Equipment Operators:					
Cranes	3.25				
Distributor	3.50				
Oilers	2.25				
Pumps	3.70				
Roller op.	3.20				
Screed operator	3.20				
Spreader	3.30				

MODIFICATIONS P. 2

DECISION #A135-1022 - Mod. #1
(50 FR 5912 - February 18, 1975)
Colbert and Lauderdale Counties,
Alabama

Change:

Laborers:

Common:

Air tool operator (jackhammer,

vibrator)

Plasterers' tenders

Mason tenders

Mortar mixers

Pipelayers

Omit:

Power equipment operators'

schedule

Add:

Power equipment operators'

schedule

GROUP A

GROUP B

GROUP C

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 "Buck 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 jibs; all scraper operators - additional \$1.25 per hour

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Penalties	Vacation	
\$4.975	.15	.25		
5.175	.15	.25		
4.975	.15	.25		
4.975	.15	.25		
5.175	.15	.25		
5.175	.15	.25		

DECISION #A135-5001 - Mod. #2
(39 FR 2382 - January 10, 1975)
Statewide, Alaska

Change:

Asbestos workers

Sheet Metal Workers:

Areas II and III

Soft floor layers:

Area I

Zone 1 and 3

Zone 2

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Penalties	Vacation	
\$14.26	.51	.75		
13.39	.56	.75		.13
11.02	.75	1.00		.05
11.87	.75	1.00		.05

MODIFICATIONS P. 1

MODIFICATIONS P. 3

DECISION #10-111 - Mod. #2

(39 FR - 20300 - June 7, 1974)
 Broward and Volusia (Cape
 Kennedy, Kennedy Space Flight
 Center and Patrick Air Force
 Base only and including
 Melabar Radar Site), Florida

Change:

Carpenters, masonry drywall
 hangers and soft floor layers
 Millwrights
 Pile drivers and saw operators
 (radial)
 Laborers:
 Common laborers
 Rod carriers, kettlemen
 Mason tenders, mortar mixers
 Pipelayers (conc. & clay)
 Plasterers' tenders
 Nozzlemen (handling the
 nozzle of cement gun)
 Well point and dewatering
 Air tool op., (vibrator)
 Feederman
 Paving form setters
 Gurb & gutter form setters
 Sidewalk
 Concrete workers
 Plumbers and pipefitters
 Sheet metal workers

Basic Hourly Rates	Fringe Benefits Payments				App. To
	H & W	Pensions	Vacation		
\$7.31	.35	.25			.05
8.65	.45	.45			.06
7.56	.35	.25			.05
4.70	.20	.30			.01
4.85	.20	.30			.01
4.85	.20	.30			.01
4.85	.20	.30			.01
4.85	.20	.30			.01
5.52	.20	.30			.01
4.85	.20	.30			.01
4.85	.20	.30			.01
4.85	.20	.30			.01
4.85	.20	.30			.01
4.85	.20	.30			.01
4.85	.20	.30			.01
4.85	.20	.30			.01
8.55	.40	.45			.05
8.89	.40	.45			.06

DECISION #10-101 - Mod. #1

(40 FR-3885 - January 24, 1975)
 Broward County, Florida

Change:

Description of Work to Be:
 Building and Heavy Construction
 (excluding single family homes
 and garden type apartments up
 to and including 4 stories,
 and excluding Sewer and Water
 Line Construction)

MODIFICATIONS P. 4

DECISION #175-2035 - Mod. #1

(40 FR 5961 - February 7, 1975)
 Bureau, LaSalle, Livingston,
 Marshall, Putnam & Woodford
 Counties, Illinois

CHANGE:

Truck Drivers Schedule
 (Marshall Co; & the N.W.
 Corner of Woodford County)

TRUCK DRIVERS

MS-83-TD-1-2-3

Basic Hourly Rates	Fringe Benefits Payments				App. To
	H & W	Pensions	Vacation		
\$8.10	.45	all.00			
8.50	.45	all.00			
8.70	.45	all.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, warbousman, 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 8,000 lbs. capacity.

GROUP II

2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 ton; A-frame winch trucks, hydro lift trucks, or similar equipment when used for transportation purposes; Fork lifts over 8,000 lbs. 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.

MODIFICATIONS P. 5

MODIFICATIONS P. 6

DECISION NO. MT75-5012 - Mod. #1
(40 FR 6059-February 7, 1975)
Statewide, Montana

Change:
Bricklayers:
Beaverhead, Deer Lodge,
Granite, Jefferson (except
Northern Tip of County),
Madison, Powell and Silver
Bow Counties
Cascade, Chouteau, Glacier,
Pondera and Teton Counties
Flathead, Lake, Lincoln,
Mineral, Missoula, Ravalli,
and Sanders Counties
Carpenters:
Broadwater, Lewis and Clark,
and Jefferson Counties:
Carpenters
Piledrivers
Millwrights
Deer Lodge, Granite (all area
lying south of a line
running due east from the
N.W. corner of Granite Co.
to the N.E. corner of
Granite County) and Powell
(area lying south of the N.
E. corner of Granite County)
Counties:
Carpenters
Piledrivers
Millwrights
Granite (area lying north of
a line running due east f
from the N.W. corner of
Granite County to the N.E.
corner of Granite County)
Lake (Southern area, south
of and including the Town
of Ravalli), Mineral (area
southeast of southeast City
limits of the Town of
Superior), Missoula, Powell
(Area lying north of the N.
E. corner of Granite County),
Ravalli and Sanders (South-
eastern portion) Counties:

Basic Hourly Rates	Fringe Benefits Payments			App. T.
	H & W	Pension	Vacation	
DECISION #1475-4013 - Mod. #3 (40 FR 3898 - January 24, 1975) Statewide Louisiana				
Change: Boilermakers Glaziers: Zone 1 Roofers: Zone 5: Roofers Kettlemen Roofers' helpers	\$8.00 6.55 6.35 4.47 4.00	.50 .76 .20 .20 .10		.02 .02 .02 .02 .02
DECISION #48-3177 - Mod. #2 (39 FR 14161 - December 20, 1974) Alger, Baraga, Chippewa, Gogebic, Boughton, Keweenaw, Mackinac, Marquette, and Ontonagon Counties Michigan	\$ 8.13	.35	.30 1.00	.02
Change: Plumbers				

Basic Hourly Rates	Fringe Benefits Payments			App. T.
	H & W	Pension	Vacation	
\$8.50	.25			
8.25	.30	.30		
7.10	.30	.25		
6.90	.40	.55		.02
7.05	.40	.55		.02
7.15	.40	.55		.02
7.11	.40	.55		.02
7.36	.40	.55		.02
7.61	.40	.55		.02

DECISION NO. MT75-5011 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
Carpenters	\$7.02	.40	.55			.02
Millerwright; Piledriver	7.27	.40	.55			.02
Carter, Custer, Daniels, Dawson, Fallon, McCon, Phillips, Powder River, Prairie, Richland, Roosevelt, Sheridan, Valley and Wilboux Counties:						
Carpenters	6.65	.40	.55			.02
Piledrivermen	6.90	.40	.55			.02
Millerwrights	7.15	.40	.55			.02
Big Horn, Carbon, Garfield, Golden Valley, Musselshell, Petroleum, Rosebud, Stillwater, Treasure, Wheatland, and Yellowstone Counties:						
Carpenters	7.02	.40	.55			.02
Floor Sanders; Sawmen	7.17	.40	.55			.02
Piledrivermen	7.17	.40	.55			.02
Millerwrights	7.52	.40	.55			.02
Painters:						
Beaverhead, Jefferson (Southern area, south of the City of Boulder), Madison (west of a line running north-south through the west limits of Harrison and Silver Bow Counties:						
Brush	5.82	.25	.10			
Spray	8.60	.25	.10			

DECISION NO. MT75-5017 - Mod. #1
(40 FR 6081-February 7, 1975)
Statewide, Montana

Change:
Painters:
Beaverhead, Jefferson (southern area, south of the City of Boulder); Madison (west of a line running north-south through the west limits of Harrison and Silver Bow Counties
Brush
Spray

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
	\$5.82	.25	.10		
	8.60	.25	.10		
(40 FR 6051-February 7, 1975) Statewide, Montana					
Change: Painters: Beaverhead, Jefferson (southern area, south of the City of Boulder); Madison (west of a line running north-south through the west limits of Harrison and Silver Bow Counties Brush Spray					
DECISION NO. MT75-5019 - Mod. #1 (40 FR 6103-February 7, 1975) Deer Lodge, Gallatin and Silver Bow Counties, Montana					
Change: Bricklayers: Deer Lodge and Silver Bow Counties Carpenters: Deer Lodge County Carpenters	8.50	.25			
	7.11	.40	.55		.02

MODIFICATIONS P. 9

DECISION NO. AR-94 - Mod. #3
(39 FR 44918 - December 27, 1974)
Douglas and Jarry Counties,
Nebraska

Change:

IRONWORKERS; Structural, Rein-
forcement, Ornamental
LABORERS:
Bugymobile operators; mortar
mixers
Mason Tenders

Basic Hourly Rates	Fringe Benefits Payments				App. To
	H & W	Pensions	Vacation		
\$7.95	.35	.30	.50		
5.765	.25	.25			.02
5.765	.25	.25			.02
DECISION #AR-2042 - Mod. #5 (39 FR 33179 - September 13, 1974) Passaic County, New Jersey					
<u>Change:</u> Mod. #3 - 40 FR 5978 - February 7, 1975 to read: Mod. #4					
DECISION NO. NM75-4002 - Mod. #3 (40 FR 2391 - January 10, 1975) Statewide, New Mexico					
<u>Change:</u> Boilermakers Asbestos workers (Statewide, except Union, Harding, Lea, Roosvelt, Curry, and Quay Counties) Soft floor layers (Zone 2) ELECTRICIANS ZONE V Zone 3-A Zone 3-B CABLE SPlicERS ZONE IV Zone 4-A Zone 4-B					
\$8.25	.65	\$1.00	.50		.02
9.28	.50	.87a			.03
6.41	.30				.01
7.45	.25	11			1/21
8.20	.25	11			1/21
7.70	.25	11			1/21
8.45	.25	11			1/21

MODIFICATIONS P. 10

DECISION NO. AR-2017 - Mod. #3
(39 FR 36118 - October 11, 1974)
Broome County, New York

Change:

Carpenters, Building:
Carpenters & soft floor layers
Millwrights & piledrivermen
Ironworkers, structural, orna-
mental & reinforcing
Boilermakers

Basic Hourly Rates	Fringe Benefits Payments				App. To
	H & W	Pensions	Vacation		
\$8.11	.35	.50			
8.36	.35	.50			
9.00	.41	.43			.04
10.00	.60	10%			.01

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Posture	Vacation	
Decision #73-PA-3015 - Mod. #1 (40 FR 6947, February 14, 1975) Northampton County, Pennsylvania				
Change: Carpenters \$8.96	.30	.35		
Unskilled Laborers 6.25	.25	.25		
Operator of jackhammer, paving breaker and other pneumatic & mechanical tools, wagon drills, and men handling dynamite, handling and using, cutting & 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 & cofferdams (below 10 feet)				
Plasterer & 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, gunning of molder-O, and sand blasters helpers	.25	.25		
Marko Tamber Operator 6.55	.25	.25		
Millwrights 6.75	.25	.25		
9.36	.30	.35		
Decision #AR-4062 - Mod. #3 (39 FR 42828 - December 6, 1974) Hamilton County, Tennessee				
Change: Glaziers \$8.83				
Footnote: i. 4% of gross wages and 2 weeks' vacation				

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Posture	Vacation	
Decision # AR-82 - Mod. #2 (39 FR 41654 - November 29, 1974) Harrison County, Texas				
Change: Boilermakers \$8.00	.50	.76		.02
Decision #TX75-4007 - Mod. #1 (40 FR 3165 - January 17, 1975) Cameron, Hidalgo, Starr & Willacy Counties, Texas				
Change: Boilermakers 8.00	.50	.76		.02
Decision #TX75-4009 - Mod. #3 (40 FR 3168 - January 17, 1975) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties, Texas				
Change: Boilermakers 8.00	.50	.76		.02
Decision #TX75-4012 - Mod. #2 (40 FR 3175 - January 17, 1975) Jefferson & Orange Counties, Texas				
Change: Boilermakers 8.00	.50	.76		.02

MODIFICATIONS P. 13

MODIFICATIONS P. 14

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pensions	Unemployment	
DECISION #TX75-4020 - Mod. #2 (40 FR 3922 - January 24, 1975) Armstrong, Carson, Castro, Childress, Collingsworth, Dallas, Deaf Smith, Donley, Gray, Hamford, Hartley, Humphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Porter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas Change: Boilermakers	\$8.00	.50	.76	.02
DECISION #TX75-4022 - Mod. #1 (40 FR 3927 - January 24, 1975) Bell, Bosque, Coryell, Falls, Hill & McLennan Counties, Texas Change: Boilermakers	8.00	.50	.76	.02
DECISION #TX75-4023 - Mod. #1 (40 FR 3930 - January 24, 1975) Bowie County, Texas Change: Boilermakers	8.00	.50	.76	.02

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pensions	Unemployment	
DECISION #TX75-4024 - Mod. #2 (40 FR 3931 - January 24, 1975) El Paso County, Texas Change: Boilermakers	\$8.00	.50	.76	.02
DECISION #TX75-4025 - Mod. #3 (40 FR 3933 - January 24, 1975) Galveston & Harris Counties, Texas Change: Boilermakers	8.00	.50	.76	.02
DECISION #TX75-4028 - Mod. #1 (40 FR 3938 - January 24, 1975) Kleberg & Nueces Counties, Texas Change: Boilermakers	8.00	.50	.76	.02
DECISION #TX75-4029 - Mod. #1 (40 FR 3940 - January 24, 1975) Lubbock County, Texas Change: Boilermakers	8.00	.50	.76	.02
DECISION #TX75-4030 - Mod. #1 (40 FR 3941 - January 24, 1975) Taylor County, Texas Change: Boilermakers	8.00	.50	.76	.02

Basic Monthly Rates	Fringe Benefits Payments			
	H & W	Pension	Vacation	Age Tr.
DECISION #TX75-4031 - Mod. #1 (40 FR 3942 - January 24, 1975) Travis County, Texas Change: Boilermakers	\$8.00	.50	.76	.02
DECISION #TX75-4047 - Mod. #1 (40 FR 5969 - February 7, 1975) Brazos County, Texas Change: Boilermakers	8.00	.50	.76	.02
DECISION #TX75-2007 - Mod. #1 (40 FR 6136 - February 7, 1975) Barbour, Boone, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Putnam, Ritchie, Tyler, Upshur, Wayne, Wetsel, Wirt & Wood Counties, West Virginia Change: Area covered by Elevator Constructors Zones: Zone 3: To include Harrison County				

AL75-1027 P. 2

SUPERSEDES DECISION

STATE: Alabama
 DECISION NO.: AL75-1027
 Supersedes Decision No. AB-4033 dated September 13, 1974 in 39 FR 33143
 DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTIES: *See Below

DATE: Date of Publication

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation	App. Tr.	
*Lawrence, Limestone, & Morgan	.30	.30			.05
ASBESTOS WORKERS					
BRICKLAYERS:					
Bricklayers; Marble masons; Stonemasons; Pointers; Glaziers & Caulkers	8.50				
Cement masons	7.75				
Plasterers & Traveling machine operators	8.00				
Terrazzo workers & Tile setters	8.25				
CARPENTERS:					
Carpenters & Soft floor layers	8.60	.20			.03
Millwrights	7.16	.20			.03
Piledrivers	6.99	.20			.03
ELECTRICIANS:					
Electricians; Linemen	8.35	1%			.5%
Cable splicers	8.60	1%			.5%
Groundsman	7.30	1%			.5%
ELEVATOR CONSTRUCTORS:					
ELEVATOR CONSTRUCTORS' HELPERS	8.02	.29	31% to 36%		.02
ELEVATOR CONSTRUCTORS' HELPERS (PROP.)	70¢/hr	.29	31% to 36%		.02
IRONWORKERS:					
Ornamental; Reinforcing; Structural	50¢/hr				
LABORERS (Lawrence County):					
Laborers; Mason tenders; Plasterers' tenders	7.255	.40	.15		.03
Air tool operator (jackhammer, vibrator); Mortar mixers; Pipe layers	4.975	.15	.25		
LABORERS (Limestone & Morgan Counties):					
Laborers; Mason tenders	5.175	.15	.25		
Air tool operator (jackhammer, vibrator); Mortar mixers	4.38	.15	.25		
PIPEFITTERS; Pipefitters; Steamfitters:					
Lawrence Co. (Eastern portion of Co., north from intersection of State Rt. 33 & St. 20 to Wheeler Lake including Moulton & Wren, excluding Bankhead National Park), Limestone Co. & Morgan Co.	4.63	.15	.25		
	7.45	.30	.35		.10

PLUMBERS; Steamfitters:
 Lawrence Co. (Remaining portion)
 ROOFERS
 SHEET METAL WORKERS
 TRUCK DRIVERS:
 1/2 up to but not including 3 tons
 3 to 5 tons but including 5 tons
 5 tons and over including special equipment such as Euclids, Dumpster, Dumpsters, Winch trucks, Trailers, etc.
 Mechanic
 Warehouse & Yard, Material Handler
 Scale man and/or weigher
 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 the business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in the business less than 5 years

AL75-1027 P. 3

POWER EQUIPMENT OPERATORS

17-39-Alabama-PEO-m

	Basic Monthly Rates	Fringe Benefits Payments			
		H & W	Pension	Vacation	Adv. Tr.
GROUP A	\$8.43	.25	.25		
GROUP B	7.16	.25	.25		
GROUP C	6.48	.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, wall point & winch truck operators

GROUP B - Bituminous dist., central air comp., concrete mixer (port.) fireman floating equip., front end loader, rubber tire, $\frac{1}{2}$ cu. yd. & under, locomotive brakeman, locomotive flagman, locomotive switchman, oiler-driver (35 ton crane & over onboard motor boat (when used for towing), paving machine, portable hoist "Buck 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, onboard 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 jibs; all scraper operators - additional \$1.25 per hour

SUPERSEDES DECISION

STATE: Alabama
 COUNTY: Madison
 DECISION NO.: AL75-1028
 DATE: Date of Publication
 Supersedes Decision NO. AB-4067 dated December 20, 1974 in 39 FR 44151
 DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		M & V	Pensions	Vacation	App. Tx.
ASBESTOS WORKERS	\$7.71	.30	.30		.05
BOILERMAKERS	7.50	.40	.90		.02
BRICKLAYERS	8.20				
CARPENTERS	7.49				.03
CEMENT MASONS	6.75				
ELECTRICIANS; Linemen	8.35	.30	1%		.5%
GLAZIERS	6.00				
IRONWORKERS:					
Reinforcing	7.605	.40	.25		.03
Structural	7.605	.40	.25		.03
LABORERS:					
Laborers; Mason tenders	4.38	.15	.25		
Air tool op. (jackhammer, vibra- tor); Mortar mixers	4.63	.15	.25		
MILLWRIGHTS	7.88				.03
PAINTERS:					
Commercial	6.50		.20		.05
Industrial	7.25		.20		.05
PLUMBERS; Pipefitters	8.10	.40	.35		.10
ROOFERS	4.85				
SHEET METAL WORKERS	8.75	.40	.35		.05
TRUCK DRIVERS	3.67				
POWER EQUIPMENT OPERATORS:					
Backhoe; Crane; Front end loader	6.00				
Compressor	7.16	.25	.25		
Tractor	8.43	.25	.25		

SUPERSEDES DECISION

STATE: Arkansas
 COUNTY: Pulaski
 DECISION NO.: AR75-4058
 DATE: Date of Publication
 Supersedes Decision No. AR-33, dated August 30, 1974 in 38 FR 31764
 Description of Work: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

Page 2

DECISION NO. AR75-4058

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Vacation	Prevailing	
LATHERS	\$7.40			.02
LINE CONSTRUCTION:				
Linenmen	9.075	1%		1/4%
Cable splicers	9.20	1%		1/4%
Operator	9.075	1%		1/4%
Groundmen (advanced)	65.2JR	1%		1/4%
Groundmen (1st 6 months)	49.2JR	1%		1/4%
Misc equipment	73.2JR	1%		1/4%
PAINTERS:				
Painters, paperhangers and steam cleaners, sheet rock finishers and wall cover hangers	6.35	.30		
Spray gun operators and sand blasters	6.95	.30		
All skeleton steel and all work on steel, structural steel over 30 feet high	6.60	.30		.02
PLASTERERS	7.40			
PLUMBERS & FITTERS:				
Within 10 mile radius of Pulaski County Courthouse	8.00	.30		.02
Over 10 miles from Pulaski County Courthouse	8.30	.30		.02
POWER EQUIPMENT OPERATORS:				
Group I	7.64	.25		.02
Group II	6.89	.25		.02
Group III	6.56	.25		.02
Group IV	5.52	.25		.02
Group V	5.16	.25		.02

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I

Cranes, draglines, and shovels equipped with 100 foot boom including jib or over, or a lifting capacity of 100 tons or over, and/or attachments five (5) cubic yards or over, as rated by the manufacturer, and operators of all tower, climbing cranes, and derricks required to work 25 feet or over from the ground

GROUP II

Cranes, draglines, and shovels equipped with less than 100 foot of boom including jib, or a lifting capacity less than 100 tons, and/or attachments less than 5 cu. yds., as rated by the manufacturer, all backhoes capable of a 360 degree swing, all derricks, floating, tractor or truck types, all pile drivers, land or floating, all overhead & traveling cranes, all cable ways, cherry pickers or tractors with rotating boom attachments, whirley, paving mixers with boom, gradalls, scrapers or pulls in tandem, all above equipment irrespective of motive power, leaverman (engineer), hydraulic and bucket dredges, irrespective of size, mechanics and/or welders, blacksmith

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Prevailing	Vacation	
ASBESTOS WORKERS	98.45	.25	.30	.02
BOILERMAKERS	8.00	.50	.76	.02
BRICKLAYERS-STONEMAKERS	7.15	.30	.25	.02
CARPENTERS:				
Carpenters	6.80	.35	.25	.04
Millwrights & Pile drivers	7.05	.35	.25	.04
CEMENT MAKERS	6.91	.15		.03
ELECTRICIANS:				
Electricians	8.775	.30	1%	1/4%
Cable splicers	8.90	.30	1%	1/4%
ELEVATOR CONSTRUCTION:				
Journeymen	7.05	.445	.29	.02
Helpers	7.02	.445	.29	.02
GLAZIERS	5.02			
IRONWORKERS	6.65			
LABORERS:	7.53	.35	.25	.04
Group I	4.90	.15	.20	.04
Group II	5.15	.15	.20	.04
Group III	5.25	.15	.20	.04
Group IV	5.30	.15	.20	.04
Group V	5.40	.15	.20	.04
Group VI	5.55	.15	.20	.04

LABORERS CLASSIFICATION DEFINITIONS

Group I - Construction laborers, concrete laborers, wrecking laborers, mechanic laborers, excavating laborers

Group II - Semi-skilled laborers; pipelayers, concrete and clay and mechanical tool; cement mixer, wet or dry, finishers and plasterers, mason tender, mortar mixer, asphalt taker and shovelers, concrete wood handlers, and chuck tenders

Group III - Air jack operators, shovels, braces and cribbers (wood or steel) spademan, kemper and other pneumatic concrete placer operator

Group IV - Steel form setters, curb and gutters, grout and cement muckers

Group V - Swinging scaffold, wagon drill operator, burners

Group VI - Nozzlemans (Gonite Grout, Cement & Sandblaster)

DECISION NO. ARJ5-4058

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POWER EQUIPMENT OPERATOR'S CLASSIFICATION DEFINITIONS (CONT'D)GROUP III - Heavy Equipment Operators:

All bulldozers, all front end loaders, all sidebooms, all push tractors, all single unit pull scrapers, all motor graders, all hydraulic backhoes not capable of 360 degree swing, all trenching machines, wheel bucket, chain, or conveyor types regardless of size or motive power, all backfillers, all central mixing plants, mixers 105 & larger and concrete spreaders, all boiler firemen high or low pressure, all asphalt spreaders, rollers and finishing machines, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable, tool, core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power, first assistant engineer (dredge) boat and dredge tender operator

GROUP IV - Semi-Heavy Equipment Operators:

Other driver motor crane, single drum hoists, winches and air tugs, irrespective of motive power, winch or A-frame trucks, forklifts, skytracks, dirt rollers of all types and pull tractors, regardless of size, elevator op. inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Water, conveyor, batch plant, concrete mixers below 105, pumpcrete, spray machine and pressure grout machine, air compressors, regardless of size. All light equipment, in multiple units four or more, all dewatering pumps when used in connection with well point systems, second assistant and engineer (dredge)

GROUP V - Light Equipment Operators:

All welding machines, light plants, pumps, space heaters, in units less than four, irrespective of size, irrespective of motive power, equipment greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, chip spreader, form grader, and dump Euclid and like equipment, third assistant engineer (dredge), safety boat operator, oiler on dredge

	Basic Hourly Rate	Fringe Benefits Payments			App. Tr.
		M & W	Vacation	Unemployment	
ROOFERS	\$6.40	.05			
SHEET METAL WORKERS	7.80	.35	.30		c+.02
SPRINKLER FITTERS	8.35	.50	.70		.08

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

- a - 1st 6 mos. - none; 6 mos. to 5 years - 2%; over 5 years - 4% of basic hourly rate.
- b - Paid Holidays - A through F
- c - Apprenticeship Fund shall be \$0.50 per month per journeyman and apprentice employed.

PAID HOLIDAYS:

- A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
- E-Thanksgiving Day; F-Christmas Day

SUPERSEDES DECISION

STATES: Arkansas, Louisiana, Mississippi and Tennessee
 DECISION NUMBER: AS75-5032
 DATE: Date of Publication
 Supersedes Decision No. AS-4057, dated November 22, 1974 in 39 FR 4113
 DESCRIPTION OF WORK: For construction of all river, harbor and flood control work on the Mississippi River and tributaries (excluding the metropolitan areas of Vicksburg, Greenville and Natchez, Mississippi; Pine Bluff, Little Rock and Ft. Smith, Arkansas; Memphis, Tennessee and New Orleans, Baton Rouge, Alexandria, Monroe and Shreveport, Louisiana)

	Basic Hourly Rates	Fringe Benefits Payments			App. To
		H & V	Penalties	Vacation	
LABORERS:					
Unskilled	\$ 2.10				
Revetment and dikes	2.10				
Chain saw operator or filler	2.50				
Air tool operator	2.75				
Powderman	3.30				
POWER EQUIPMENT OPERATORS:					
Pile driver operator; Mechanic (heavy equipment); Cranes, derricks, draglines; Welder; Power shovels and backhoes; Mixer (concrete, 21 cu. ft. & over); Asphalt plant operator; Trenching machine (over 18")	4.75				.05
BULLDOZER (finisher, push cat & on barges); Motor patrol finisher; Scrapers and like equipment; Front end loader; Backhoe (tractor mounted); Asphalt finisher or spreading machine; Well point system operator; Self-propelled loader (conveyor type)	4.25				.05
FIREMAN (heavy construction); File driver leadman; Winchman	3.65				.05
ASPHALT PLANT DRYER OPERATOR: Asphalt distributor; Asphalt roller; Bulldozer (rough, including disc, plow or roller); Motor patrol (haul roads); Trenching machine (18" and under); Self-propelled roller (except asphalt); End dump equipment (off highway); Mixer (concrete up to 21 cu. ft.); Bottom dump euclids (and like equipment)	3.35				.05
OILER; Pump mechanic helper; Greaser; Welder helper; Tractor (farm type including disc, plow or roller)	2.70				.05
TRUCK DRIVERS: 1½ tons or less Over 1½ tons	2.25 2.35				

STATE: California

COUNTIES: Imperial, Inyo, Kern,
Los Angeles, Mono, Orange, Riverside,
San Bernardino, San Luis Obispo, Santa
Barbara and Ventura

DATE: Date of Publication

DATE: Date of Publication

DECISION NUMBER: CA75-502 DATE: Date of Publication
Supraides Decision No. AB-1044 dated November 8, 1974, in 39 FR 39677
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	W & M	Previous	Variation	Fringe Benefits Payments	
				App. T-	App. T+
\$ 10.17	.78	.72		.045	
8.50	.65	1.00	.50	.02	
9.00	.70	.90		.06	
9.30	.70	1.00		.07	
8.30	.65	.70		.07	
8.53	.65	.70		.07	
9.00	.70	.80		.07	
8.27	.80	.80	.65	.01	
8.79	.75	1.10		.01	
7.225	.75	1.50	.43		
8.35	.82	1.15	.70	.03	
8.43	.82	1.15	.70	.03	
8.45	.82	1.15	.70	.03	
8.48	.82	1.15	.70	.03	
8.55	.82	1.15	.70	.03	
8.58	.82	1.15	.70	.03	
8.60	.82	1.15	.70	.03	
8.85	.82	1.15	.70	.03	

Basic Hourly Rates	Fringe Benefits Payments	N & W	Penalties	Vacation	App. Tr.
CEMENT MASONS					
Cement masons		.92	1.25	.80	.08
Cement floating and troweling machine	8.11	.90	1.25	.80	.08
DRYWALL INSTALLERS	10.02	.81	1.15	.70	.07
ELECTRICIANS:					
Imperial County Electricians	8.80	.50	11 + .80		
Cable splicers	9.08	.50	11 + .80		
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)	11.35	.70	11 + 1.00		.10
Electricians, Technicians	12.485	.70	11 + 1.00		.10
Cable splicers					
Kern County (Remainder of County)	9.35	.70	11 + 1.00		.10
Electricians; Technicians	10.285	.70	11 + 1.00		.10
Cable splicers					
Los Angeles County	10.23	.71	11 + 1.25		.02
Electricians	10.53	.71	11 + 1.25		.02
Cable splicers					
Traffic Signal & Street Lighting:					
Electricians	10.23	.71	11 + 1.25		.02
Utility Technician No. 1	7.67	.71	11 + 1.25		.02
Utility Technician No. 2	7.16	.71	11 + 1.25		.02
Tunnel:					
Electricians	11.25	.71	11 + 1.25		.02
Cable splicers	11.55	.71	11 + 1.25		.02
Sound Technicians:					
Sound Technicians (on building construction)	10.17	.50	11		
Sound Technicians (on modification of existing buildings)					
Orange County	8.21	.50	11		
Electricians	10.15	.45	11 + .75		.02
Cable splicers	10.62	.45	11 + .75		.02
Riverside County					
Electricians	9.91	.60	11 + .40		.04
Cable splicers	10.21	.60	11 + .40		.04
Inyo, Mono and San Bernardino Cos.					
Electricians	9.36	.50	11 + 1.15		.04
Cable splicers	9.66	.50	11 + 1.15		.04
Tunnel:					
Electricians	9.32	.40	11 + .75		.02
Cable splicers	9.62	.40	11 + .75		.02

	Basic Hourly Rate	Fringe Benefits Payments			App. Tr.
		M & W	Pensions	Vacation	
ELECTRICIANS: (Cont'd)					
San Luis Obispo County					
Electricians	\$ 9.33	.70	11 + 1.05	.01	.01
Cable splicers	10.48	.70	11 + 1.05	.01	.01
Santa Barbara County (Vandenberg AFB)					
Electricians	10.25	.65	11 + .85	.05	.05
Cable splicers	11.25	.65	11 + .85	.05	.05
Remainder of County					
Electricians	9.00	.65	11 + .85	.05	.05
Cable splicers	10.00	.65	11 + .85	.05	.05
Ventura County					
Electricians	9.57	.60	11 + .45	.02	.02
Cable splicers	10.53	.60	11 + .45	.02	.02
ELEVATOR CONSTRUCTORS:					
Imperial, Inyo, Kern (South of Tehachapi Range), Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Cos.					
Elevator constructors	10.76	.445	.29	31 + a	.02
Elevator constructors' helpers	702JR	.445	.29	31 + a	.02
Elevator constructors' helpers (Prob.)	502JR				
Kern County (North of Tehachapi Range)					
Elevator constructors	10.70	.445	.29	31 + a	.02
Elevator constructors' helpers	702JR	.445	.29	31 + a	.02
Elevator constructors' helpers (Prob.)	502JR				
GLAZIERS:					
Imperial County	9.69	.55	.60		.05
Inyo, Kern, Mono Counties	7.68	.41	.55	.66	
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Ventura Cos.					
IRONWORKERS:					
Fence erectors	8.47	.60	.85		.04
Reinforcing	8.89	.88	1.375	1.03	.03
Ornamental; Structural	9.78	.88	1.375	1.03	.03
9.78	.88	1.375	1.03	1.03	.03
IRRIGATION AND LAWN SPRINKLERS:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	8.00	101	161	131	3/41

	Basic Hourly Rate	Fringe Benefits Payments			App. Tr.
		M & W	Pensions	Vacation	
LATHES:					
Imperial County	\$ 7.00	.24			.01
Inyo and Kern Counties	8.38	.60	1.20	.55	.05
Los Angeles County (except City of Lancaster)					
Metal turning	10.25	.60	.75		.03
Nail on (Area 1)*	6.985	.29	.35		.045
Nail on (Areas II, III, IV)**	7.12	.39	.50		.03
Orange County	8.29	.55	.65	.50	.03
Riverside County	7.375	.24	.105	.53	.01
San Bernardino County	8.61	.245	.60		.015
San Luis Obispo & Santa Barbara Cos.					
Cos.	8.47	.24	.35		.02
Ventura County	9.06	.60	1.10	1.00	
LINE CONSTRUCTION					
Imperial County					
Groundmen	7.04	.50	11 + .80		
Linemen	8.80	.50	11 + .80		
Cable splicers	9.08	.50	11 + .80		
Kern (China Lake Naval Ordnance Test Station and Edwards AFB)					
Groundmen	8.525	.70	11 + 1.00		.10
Linemen	11.35	.70	11 + 1.00		.10
Cable splicers	12.485	.70	11 + 1.00		.10
Kern County (Remainder of County)					
Groundmen	7.0125	.70	11 + 1.00		.10
Linemen	9.35	.70	11 + 1.00		.10
Cable splicers	10.285	.70	11 + 1.00		.10
Los Angeles County					
Groundmen	7.86		11		
Linemen	10.48		11		
Cable splicers	10.78		11		
Orange County					
Groundmen, 1st year	7.25	.25	11 + .45		
Groundmen, 2nd year	7.68	.25	11 + .45		
Linemen	8.90	.25	11 + .45		
Cable splicers	9.31	.25	11 + .45		
Riverside County					
Groundmen	7.45	.60	11 + .40		.04
Linemen; Line Equipment operators	9.93	.60	11 + .40		.04
Cable splicers	10.23	.60	11 + .40		.04

* See Page 10 for definition
 ** See Page 10 for definition

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LINE CONSTRUCTION: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		M & V	Pension	Vacation	
Inyo, Mono, San Bernardino Cos. Groundmen	\$ 6.36	.40	11 + .75		.02
Linenmen	8.48	.40	11 + .75		.02
Cable splicers	8.78	.40	11 + .75		.02
San Luis Obispo County Linemen	8.98	.60	11		.01
Cable splicers	9.88	.60	11		.01
Santa Barbara County (Vandenberg AFB)					
Groundmen	6.95	.35	11 + .45		.03
Linenmen	8.85	.35	11 + .45		.03
Cable splicers	9.10	.35	11 + .45		.03
Santa Barbara County (Remainder of County)					
Linenmen	7.60	.35	11 + .45		.03
Cable splicers	7.85	.35	11 + .45		.03
Ventura County Groundmen	9.24	.70	11 + .55		.02
Linenmen	10.42	.70	11 + .55		.02
Cable splicers	11.46	.70	11 + .55		.02
MARBLE SETTERS:					
Inyo and Mono Counties	9.26	.81	.51	1.03	
Imperial County	8.01	.55	.85	.60	
Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	8.16	.65	.55		
PAINTERS:					
Imperial, Orange, Riverside, Los Angeles (Fomona Area), San Bernardino (excluding Western Portion)					
Brush; Paint burners	8.77	.64	.80	.65	.07
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper	9.27	.64	.80	.65	.07
Brush (swing stage) Spray	9.02	.64	.80	.65	.07
Steeplejack	10.17	.64	.80	.65	.07

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PAINTERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		M & V	Pension	Vacation	
Inyo, Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), Mono, San Bernardino (West of a line North in Trono including China Lake Area, Johannesburg, Boron, South including the Wrightwood Area)	\$ 9.22	.355	.40	.40	.01
Brush	9.34	.355	.40	.40	.01
Structural steel and bridge; Paint burner	9.395	.355	.40	.40	.01
Tapers					
Brush swing stage (13 stories or less); Paperhangers; Sandblasters; Spray	9.47	.355	.40	.40	.01
Brush swing stage (over 13 stories)	9.59	.355	.40	.40	.01
Structural steel and bridge, swing	9.62	.355	.40	.40	.01
Spray sandblaster swing stage (13 stories or less); Paste machine; Special coating spray	9.72	.355	.40	.40	.01
Steeplejack	10.47	.355	.40	.40	.01
Kern County (Remainder of County)					
Brush	8.22	.45	.41		.01
Brush & roller (Swing stage)	8.37	.45	.41		.01
Tapers - Tapering joint sheet rock	8.42	.45	.41		.01
Paperhanger; Spray; Sandblaster	8.47	.45	.41		.01
San Luis Obispo, Santa Barbara and Ventura Counties					
Brush	9.56	.55	.40		.02
Iron and steel; Paperhangers; Paste machine operator; Sandblaster					
9.81	.55	.40			.03
Spraymen	10.06	.55	.40		.03
Steeplejack	10.56	.55	.40		.03
Tapers, sheet rock	9.51	.55	.40		.03

NOTICES

PAINTERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			App. To
		H & W	Pension	Vacation	
Painters: Parking Lot Striping Work and/or Highway Markers: Imperial and Mono Counties	\$ 7.92	.40	.20	b	
Striper	6.82	.40	.20	b	
Striper Helper					
Traffic Delineating Device Applicator; Traffic Surface Sandblaster	6.82	.40	.20	b	
Striper					
Device Applicator; Traffic Surface Sandblaster	6.32	.40	.20	b	
Remaining Counties					
Traffic Delineating Device Applicator	6.82	.40	.20	b	
Traffic Surface Protective Coating Applicator; Wheel Stop Installer; Traffic Surface Sandblaster; Striper Helper (Traffic Surface Pro- tective Coating Applicator, Wheel Stop Installer, Traffic Surface Sandblaster, Striper)	6.43	.40	.20	b	
PLASTERERS:					
Imperial County	5.43	.40	.20	b	
Imperial, Inyo, Mono, Riverside and San Bernardino Counties	8.71	.45	1.00	.85	.06
Imperial, Inyo, Mono, Riverside and San Bernardino Counties	7.77	.45	.60	.60	.06
Los Angeles and Orange Counties	8.945	.63	1.75	.55	.09
Riverside and San Bernardino Cos.	10.675				
San Luis Obispo County	10.55				
Santa Barbara County	8.69	.70	1.05		.01
Ventura County	8.625	.55	.50		.02
PLASTER TENDERS:					
Imperial, Inyo, Mono, Riverside and San Bernardino Counties	8.68	.75	1.50	.40	
Kern County	7.87	.75	1.50	.43	
Los Angeles and Orange Counties	8.275	.75	1.95	.68	
San Luis Obispo County	7.62	.75	1.50	.43	
Santa Barbara County (except Santa Maria)	7.70	.75	1.50	1.03	
Santa Barbara County (Santa Maria)	7.6125	.75	1.50	1.32	
Ventura County	8.13	.75	1.50	1.00	

PLUMBERS: Steamfitters: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	Basic Hourly Rates	Fringe Benefits Payments			App. To
		H & W	Pension	Vacation	
Inyo, Kern (except east of Los Angeles (Aqueduct) and Mono Cos. Kern County (East of Los Angeles Aqueduct)	\$ 10.24	1.01	1.61	1.31	.11
REFRIGERATION & AIR CONDITIONING Riverside and San Bernardino Cos.	10.03	.60	1.60	1.00	.17
ROOFERS:	12.28	.60	1.60	1.00	.17
Imperial County	7.85	.70	.50	.60	.03
Inyo, Kern and Mono Counties	7.14	.40	.25	1.00	
Riverside and San Bernardino Cos.	7.75	.50	.50		
Los Angeles, Orange and Ventura Counties	8.15	.55	.40	1.00	
San Luis Obispo and Santa Barbara Counties	9.74	.55	.75		.035
SHEET METAL WORKERS:	7.76	.36	.205		.0025
Imperial County	8.93	.74	1.20		
Inyo, Kern, Los Angeles (North of line between Gorman and Big Pines) and Mono Counties	8.52	.74	1.20		
Los Angeles County (Remaining Portion)	9.77	.74	1.30		.015
Orange County	9.52	.69	1.20		
Riverside and San Bernardino Cos.	8.25	.69	1.05		.05
San Luis Obispo, Santa Barbara and Ventura Counties	9.72	.69	1.05		
SOFT FLOOR LAYERS:					
Imperial County	8.33	.45	.90	.90	.06
Inyo (incl. Inyo-Kern Naval Reser- vation), Kern (East of the Los Angeles Aqueduct), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, Santa Barbara, San Bernardino, San Luis Obispo, and Ventura Counties	8.70	.55	.50	.50	.03
Kern County (remaining portion)	8.60	.50	.35	.50	.03
SPRINKLER FITTERS:					
Imperial, Inyo, Kern, Mono, Orange (except Santa Ana), River- side, San Bernardino (except On- tario, San Luis Obispo, Santa Barbara and Ventura (except Santa Paula, Point Nugu and Port Hueneme)	11.85	.50	.70		.08

SPRINKLER FITTERS: (Cont'd)
Los Angeles (Los Angeles City and
Area within 25 miles and Pomona),
Orange (Santa Ana), San
Bernardino (Ontario), and
Ventura (Santa Paula, Point
Mugu and Port Hueneme)

TERRAZZO WORKERS:

Imperial County
Inyo, Kern, Los Angeles, Orange,
Riverside, San Bernardino, San
Luis Obispo, Santa Barbara and
Ventura Counties

TILE SETTERS:

Imperial County
Inyo, Kern, and Mono Counties
Los Angeles, Orange and Ventura
Counties
Riverside and San Bernardino Cos.
San Luis Obispo and Santa
Barbara Counties

TILE SETTERS HELPFERS:

Imperial County
Los Angeles, Orange and Ventura
Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
	\$11.14	.54	.60		.09
	8.01	.55	.85	.60	
	7.02	.25	.40	.60	
	8.01	.55	.85	.60	
	7.95	.50	.45	.50	
	9.25	.495	.70		.06
	7.70	.70	.65		.025
	8.27	.80	.80	.65	.01
	6.89	.40	.65	.75	
	7.215	.52	.85	.75	.12

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service and
2% basic hourly rate for 6 months to 5 years' service as Vacation Pay
Credit. Six Paid Holidays: A through F.

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' but less
than 10 years' service, and \$.50 per hour after 10 years' service.

* Area I - That portion of Los Angeles County including the Cities of
Burbank, Castaic, Chatsworth, Cornell, Glendale, Hermosa
Beach, Hollywood, Los Angeles, Malibu Beach, Redondo Beach,
San Fernando, Santa Monica, Torrance, Van Nuys, Whittier,
Zuma Beach.

*w Area II; III; and IV:

Area II - That portion of Los Angeles County including the Cities of
Pomona, El Monte, Covina, Alhambra, Pasadena, South Pasadena,
La Canada, to line that intersects Acton, east of San Bernar-
dino County line, then south along the San Bernardino
County line.

Area III - Beginning at the edge of Reeves Field, north along Long Beach
City limits to 223rd Street, west to Avalon Boulevard, north
to Torrance Boulevard, west to Pacific Ocean, including
Catalina Island.

Area IV - Beginning at the edge of Reeves Field, north along Long Beach
City limits to 223rd Street, west to Avalon Boulevard, north
to Rosecrans Avenue, east to Atlantic Avenue, north to
Imperial Highway, east to the Orange County line, south along
County line to Western Avenue, south to Lincoln Avenue, east
to Highway 39 (Beach Boulevard), south to the Pacific Ocean
including San Clemente Island.

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CA75-5022 P. 12

LABORERS

LABORERS				
CLEANING AND HANDLING OF PANEL FORMS; Concrete screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of shoe-bolt holes; Fire watcher, limbers, brush loaders, pilers and debris handler; Gas and oil pipeline; Laborers, general or construction; Laborer, temporary water and air lines; Material hosenan (walls, slab, floors and decks); Mixer-truck chute man (Walls, Slab Decks, floors, foundations and footings); curb and gutter and sidewalks; Rigging and signalling; Slip form raisers; Window climber	Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Positions	Vacation	App. To
\$ 6.62	.75	1.50	.43	.10
CUTTING TORCH (Demolition); Scaler; Tarmen; Mortarman	6.67	.75	1.50	.43
6.80	.75	1.50	.43	.10
GUINIA CRASER				
ASPHALT SHOVELER; Fine grader, highway and street paving, air-ports, runways, and similar type heavy construction; Landscape gardener and nursery man	6.72	.75	1.50	.43
6.74	.75	1.50	.43	.10
PACKING ROD STEEL AND PANS; Tanks scaler and cleaner	6.75	.75	1.50	.43
6.77	.75	1.50	.43	.10
UNDERGROUND (INCL. CAISSON BELL-OWERS)	6.80	.75	1.50	.43
CHUCKLENDER; Septic tank digger and installer				
6.81	.75	1.50	.43	.10
CESSPOOL DIGGER AND INSTALLER				
CONCRETE CURER - IMPERVIOUS MEM-BRANE AND FURN OILER; Rip rap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)				
6.81	.75	1.50	.43	.10

LABORERS (Cont'd)

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			App. To
		H & W	Positions	Vacation	
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING, DIAPHRAGM & INCLUDING RUBBER GASKET JOINTS, POINTING & ALL OTHER SERVICES	\$ 6.91	.75	1.50	.43	.10
BUGGYMOBILE MAN; Cement dumper (on 1 yd.-or larger mixer and handling bulk cement); Gas and oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper and tiller; Tree climber, faller, chain saw operator, Pittsburgh chipper and similar type brush shredders; Trenching machine, hand propelled	6.83	.75	1.50	.43	.10
ASPHALT PAKER, LUTEMAN AND IRONER, Concrete core cutter, grinder or sander; concrete saw man, cutting, scoring old or new concrete, Pneumatic, gas, electric tools, vibrating machines and similar mechanical tools not separately classified herein; Tampers, barko wacker and similar type	6.93	.75	1.50	.43	.10
ROCK SLINGER	6.88	.75	1.50	.43	.10
DRILLER, JACKHAMMER - 2 1/2 ft. DRILL STEEL OR LONGER	7.01	.75	1.50	.43	.10
CONCRETE VIBRATOR OPERATOR, 70 lbs. and over	7.03	.75	1.50	.43	.10
PIPELAYER (NON-METALLIC INCL. SEWER, DRAIN AND UNDERGROUND TILE); Prefabricated manhole installer	7.13	.75	1.50	.43	.10
GAS AND OIL PIPELINE WRAPPER - (6" and over); Kettlemen, potmen and men applying asphalt, lay-hold, creosote, lime caustic and similar type materials	6.96	.75	1.50	.43	.10

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
CRIBBER, SHOBER, LAGGING, SHEETING, AND TRENCH BRACKING, HAND-GUIDED LAGGING HAMMER	\$ 7.13	.75	1.50	.43	.10
BLASTER POWDERMAN	7.27	.75	1.50	.43	.10
STEEL HEADERBOARD MAN AND GUIDELINE SETTER	7.04	.75	1.50	.43	.10
SANDBLASTER (Nozzlemen)	7.07	.75	1.50	.43	.10
DRILLER (Core-Diamond-Wagon)	7.27	.75	1.50	.43	.10
HEAD ROCK SILLING	7.14	.75	1.50	.43	.10
CONCRETE LABORERS:					
NOZZLEMEN AND ROOMMEN	8.14	.75	1.50	.40	
GUNMEN	7.64	.75	1.50	.40	
REBOOKINGMEN	6.68	.75	1.50	.40	

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LABORERS (Tunnel)	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
BATCH PLANT LABORERS: Bull gang, mucker, trackman; Concrete crew, incl. rodders and spreaders; Dump man; Dumpman (outside); Swamper (brakeman and switchman on tunnel work); Tunnel materials handling man; Tool man	\$ 8.00	.75	1.50	.43	
CABLE TENDER, Chucktender; Kipper; Steel form raiser and setter's helper; Vibratorman, Jackhammer, pneumatic tools (except driller)	8.12	.75	1.50	.43	
BLASTER, Driller, Powderman; Chemical grout jetman; Cherry pickerman; Groot gunman; Groot mixerman; Group pumpman; Jackleg miner; Jumbo man; Kemper and other pneumatic Concrete placer operator; Miner tunnel (hand or machine); Powderman (primer hose); Primer man; Shotcrete man; Steel form raiser and setter; Timberman; Bettiserman (wood or steel); Tunnel concrete finisher	8.28	.75	1.50	.43	
SHAFT, Raise miner; Diamond driller	8.56	.75	1.50	.43	

	Basic Hourly Rates	Fringe Benefits Payments			App. T.
		H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS (DREDGING)					
HYDRAULIC SECTION DREDGES					
LEVERMAN	\$ 9.53	.95	1.50	.30	.04
WATCH ENGINEER; Welder	9.01	.95	1.50	.30	.04
DECKMATE	8.59	.95	1.50	.30	.04
WINCH MAN (stern winch or dredge)	8.52	.95	1.50	.30	.04
BARGE MAN; Deckhand; Fireman; Oiler Leveehand	8.04	.95	1.50	.30	.04
(CLAY SHELL DREDGES)					
LEVERMAN	9.53	.95	1.50	.30	.04
WATCH ENGINEER	9.01	.95	1.50	.30	.04
DECKMATE	8.59	.95	1.50	.30	.04
BARGE MATE	8.52	.95	1.50	.30	.04
BARGE MAN; Deckhand; Fireman; Oiler	8.04	.95	1.50	.30	.04

	Basic Hourly Rates	Fringe Benefits Payments			App. T.
		H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS (Except Piledriving & Steel Erection)					
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:	9.31	.95	1.50	.30	.04
Group 9:	9.43	.95	1.50	.30	.04
TRUCK DRIVERS					
Group 1:	7.17	1.00	.65	1.00	.05
Group 2:	7.25	1.00	.65	1.00	.05
Group 3:	7.31	1.00	.65	1.00	.05
Group 4:	7.40	1.00	.65	1.00	.05
Group 5:	7.43	1.00	.65	1.00	.05
Group 6:	7.45	1.00	.65	1.00	.05
Group 7:	7.49	1.00	.65	1.00	.05
Group 8:	7.50	1.00	.65	1.00	.05
Group 9:	7.55	1.00	.65	1.00	.05
Group 10:	7.58	1.00	.65	1.00	.05
Group 11:	7.63	1.00	.65	1.00	.05
Group 12:	7.65	1.00	.65	1.00	.05
Group 13:	7.70	1.00	.65	1.00	.05
Group 14:	7.95	1.00	.65	1.00	.05
Group 15:	8.20	1.00	.65	1.00	.05
Group 16:	8.30	1.00	.65	1.00	.05

* See page 17 for definition

** See page 19 for definition

POWER EQUIPMENT OPERATORS (Except Pile-driving and Steel Erection)

*Group 1: Strakesman; Compressor operator; Deck hand; Engineer oiler; Generator operator; Heavy duty repairman helper; Pump operator; Signalman; Switchman

Group 2: Concrete mixer, skip type; Conveyor; Fireman; Generator, pump or compressor, (2-5 inclusive) portable units - over 5 units, 10¢ per hour for each additional unit up to nine units; Hydrostatic pump; Oilier crusher (asphalt or concrete plant); Plant operator, generator, pump or compressor; Skip loader - wheel type up to 3/4 yd. without attachment; Jar pot fireman; Temporary heating plant operator; Trenching machine oiler; Truck crane oiler

Group 3: A-Frams or wheel truck; Chairman; Elevator (inside); Equipment greaser (rack); Ford Ferguson (with dragtype attachments); Power concrete curing machine; Power concrete saw; Power-driven jumbo form setter; Ross carrier (job site); Stationary pipe wrapping and cleaning machine

Group 4: Asphalt plant fireman; Boring machine; Foreman or mixerman (asphalt or concrete); Chip spreading machine; Concrete pump (small portable); Bridge type unloader and turntable; Dinky locomotive or motorman (up to and including 10 tons); Equipment greaser (grease truck); Helicopter hoist operator; Highline cableway signman; Hydra-hammer-aero stamper; Power sweeper; Roller (compacting); Screed (asphalt or concrete); Rodman; Trenching machine (up to 6 ft.)

Group 5: Asphalt plant engineer; Concrete batch plant operator - (oiler or journeyman - trainee required); Backhoe (up to and including 3/4 yds.); Bit sharpener; Concrete joint machine operator (casal and similar type); Concrete placer; Derrickman (oilfield type); Deck engine operator; Drilling machine (including water wells); Forklift (under 5 ton capacity); Hydrographic seeder machine (straw, pulp or seed); Machine tool; Magnum Internal Full Slab Vibrator; Mechanical beam, curb or gutter (concrete or asphalt); Mechanical finisher operator (concrete Clary - Johnson-Bidwell or similar); Pavement breaker (truck mounted, oiler) road oil mixing machine; Roller operator (asphalt or finish); Rubber tired earth moving equipment, (single engine up to and including 25 yds. struck); Self-propelled tar pipelining machine operator; Slip form pump (power driven hydraulic lifting device for concrete forms); Tugger hoist (1 drum); Tunnel locomotive operator (over 10 and up to and including 30 tons); Stinger crane (Austin - Western or similar type); Skip loader operator (crawler and wheel type over 3/4 yd. and up to and including 1 1/2 yds.); Tractor operator, Bulldozer, Trencher, Scraper (single engine, up to 100 h.p. flywheel and similar types, up to and including D-5 and similar types)

POWER EQUIPMENT OPERATORS (Cont'd) (Except Pile-driving and Steel Erection)

Group 6: Asphalt or concrete spreader (tamping or finishing); Asphalt paving machine (Barber Green or similar type - 2 screedman required); BOLLIMA Road Factor, Wagner Factor or similar; Bridge crane operator; Cast in place pipe laying machine operator; Combination mixer and compressor (gunite work); Concrete pump (truck mounted) (oiler required); Concrete mixer operator - paving; Crane operator (up to and including 25 ton capacity); Crushing plant operator; Elevating grader; Forklift (over 5 tons); Grade checker; Gravel operator; Grouting machine; Heading shield; Heavy duty repairman; Hoist operator (Chicago boom and similar type); Kolman belt loader and similar type; Letourneau Blob compactor or similar type; Lift slab machine (Vagbord and similar types); Lift mobile operator; Loader operator (Atkey, Euclid, Sierra and similar type); Material hoist; Mocking machine (1/4 yd. - rubber-tired, rail or track type); Pneumatic concrete placing machine (Hackley-Preswell or similar type); Pneumatic heading shield (tunnel); Pumpcrete gun; Rotary drill (excluding calisson type); Rubber-tired earth moving equipment, (single engine-Caterpillar, Euclid, Atkey, Naccon, and similar types with any and all attachments over 25 yds. and up to and including 30 cu. yds. struck); Rubber-tired scraper (self-loading-paddle wheel type); Skip loader (crawler and wheel type over 15 yds., up to and including 65 yds.); Surface heaters and platers; Rubber-tired earth moving equipment, multiple engine, (up to and including 25 yds. struck); Trenching machine (over 6 ft. depth capacity, manufacturers rating); Tower crane; Tractor compressor drill combination; Tractor (any type larger than D-5-100 Fly-wheel h.p. and over or similar) (Bulldozer, tamper, scraper, and push tractor, single engine); Tractor (boom attachments); Traveling pipe wrapping, cleaning and bending machine; Tunnel locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yds. and up to 5 cu. yds. M.R.C.

Group 7: Crane - over 25 tons up to and including 100 tons; Derrick barge; Dual drum mixer; Monorail locomotive (Diesel, gas or electric); Motor patrol - blade (single engine); Multiple engine tractor (Euclid and similar type, except Quad 9 cat); Rubber-tired earth moving equipment, single engine over fifty (50) yds. struck; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. and up to 50 cu. yds. struck); Tractor loader (crawler and wheel type over 6 1/2 yds.); Tower crane repairman; Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds.; M.R.C.; Wood miser and similar pugmill equipment; Heavy duty repairman - welder combination

Group 8: Auto grader operator; Automatic slip form; Crane-over 100 tons; Hoist, Stiff legs, Gey derricks or similar types (cable of hoisting 100 tons or more); Mass excavator; Mechanical finishing machine; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar type over 20 cu. yds. struck); Rubber-tired scraper (push-pull) (.50¢ per hour additional to base rate); Tandem equipment operators (2 units only); Tandem tractor operator (Quad 9 or similar type); Tunnel mole boring machine operator

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Pile-driving and Steel Erection)

Group 9: Canal liner; Canal trimmer; Helicopter pilot; Highline cableway; Rubber-tired self-loading scraper (paddle wheel-Auger type self-loading-2 or more units); Wheel excavator (over 750 cu. yds.); Remote controlled earth moving equipment operator (\$1.00 per hour additional)

TRUCK DRIVERS

Group 1: Warehouseman and Teamster

Group 2: Driver of vehicle or combinations of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic Control Pilot Car, excluding moving heavy equipment permit load.

Group 3: Truck mounted Power Broom

Group 4: Drivers on vehicles or combination of vehicles of 3 axles

Group 5: Boorman; Cement distributor; Fuel truck; Road oil spreader truck; Water truck, 2 axle

Group 6: Dump, of less than 16 yds.

Group 7: Transit-mix, under 3 yds.; Dumpcrete, less than 6-1/2 yds.

Group 8: Truck repairman helper

Group 9: Water truck, 3 or more axles

Group 10: 7B and similar type truck when performing work within the Teamsters' jurisdiction; Pipeline and utility working truck including which, but limited to truck applicable to pipeline and utility work, where a composite crew is used; Slurry driver; Truck greaser and tireman (50c per hour additional for tireman)

Group 11: Transit-mix, 3 yds. or more; Dumpcrete, 6 1/2 yds. and over

Group 12: Driver of vehicle of combination of vehicles of 4 or more axles

Group 13: Dump, 16 yds. but less than 25 yds.

Group 14: A-Frame or Swedish Crane, or similar type of equipment driver; Fork lift driver; Ross Carrier, highway

Group 15: All off-highway equipment within Teamster jurisdiction (off highway combination of vehicles or equipment with multiple power sources, \$1.00 per hour additional); Dump, 25 yards or more; Truck repairman

Group 16: Truck repairman welder

STUDY SITE'S DECISION

COUNTIES: Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura

DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
CEMENT MASONS:					
Cement Masons	\$ 7.86	.90	1.25	.80	.08
Cement Floating and Troweling Machine	8.11	.90	1.25	.80	.08
DRYWALL INSTALLERS	10.02	.82	1.15	.70	.07
ELECTRICIANS:					
Imperial County Electricians	8.80	.50	15+.80		
Cable Splicers	9.08	.50	15+.80		
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)					
Electricians; Technicians	11.35	.70	15+1.00		.10
Cable Splicers	12.485	.70	15+1.00		.10
Kern County (Remainder of County)					
Electricians; Technicians	9.35	.70	15+1.00		.10
Cable Splicers	10.285	.70	15+1.00		.10
Los Angeles County					
Electricians	10.23	.71	15+1.25		.02
Cable Splicers	10.53	.71	15+1.25		.02
Orange County					
Electricians	10.15	.45	15+.75		.02
Cable Splicers	10.62	.45	15+.75		.02
Riverside County					
Electricians	9.91	.60	15+.40		.04
Cable Splicers	10.21	.60	15+.40		.04
San Bernardino County					
Electricians	9.36	.50	15+1.25		.04
Cable Splicers	9.66	.50	15+1.25		.04
San Luis Obispo County					
Electricians	9.53	.70	15+1.05		.01
Cable Splicers	10.48	.70	15+1.05		.01
Santa Barbara County (Vandenberg AFB)					
Electricians	10.25	.65	15+.85		.05
Cable Splicers	11.25	.65	15+.85		.05
Remainder of County					
Electricians	9.00	.65	15+.85		.05
Cable Splicers	10.00	.65	15+.85		.05
Ventura County					
Electricians	9.57	.60	15+.45		.02
Cable Splicers	10.55	.60	15+.45		.02

NOTICES

Basic Monthly Rates	Fringe Benefits Payments			App. Tr.
	M & B	Pensions	Yardmen	
ELEVATOR CONSTRUCTORS:				
Imperial, Kern (South of Tehachapi Range), Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Cos.				
Elevator Constructors	.445	.29	3748	.02
Elevator Constructors' Helpers	.445	.29	3748	.02
Elevator Constructors' Helpers (Prob.)				
Kern County (North of Tehachapi Range)				
Elevator Constructors	.445	.29	3748	.02
Elevator Constructors' Helpers	.445	.29	3748	.02
Elevator Constructors' Helpers (Prob.)				
GLAZIERS:				
Imperial County	.55	.60		.05
Kern County	.41	.55	.66	
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Ventura Cos.	.60	.85		.04
IRONWORKERS:				
Fence Erectors	.88	1.375	1.03	.03
Reinforcing	.88	1.375	1.03	.03
Ornamental; Structural	.88	1.375	1.03	.03
IRRIGATION AND LAWN SPRINKLERS:				
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	.107	.162	.171	.17
LATHERS:				
Imperial County	.24			.01
Kern County	.60	1.20	.55	.05
Los Angeles County (except City of Lancaster)				
Metal lurring	.60	.75		.03
Nail on (Areas I)*	.29	.35		.045
Nail on (Areas II, III, & IV)**	.39	.50		.03
Orange County	.45	.65	.50	.03

* See page 7 for definition
** See page 7 for definition

Basic Monthly Rates	Fringe Benefits Payments	M & W	Positions	Vacation	Age Tr.
LATHERS: (Cont'd)					
San Luis Obispo and Santa Barbara Counties		.24	.35		
Ventura County		9.06	1.10	1.00	.02
Riverside County		7.375	.24	.53	.01
San Bernardino County		8.61	.60		.015
PAINTERS:					
Imperial, Orange, Riverside, Los Angeles (Pomona Area) San Bernardino (excluding Western portion)		.64	.80	.65	.07
Brush; Paint burners					
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper		.64	.80	.65	.07
Brush (swing stage); Spray		9.02	.80	.65	.07
Steeplejack		10.17	.80	.65	.07
Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), San Bernardino (west of a line North in Trono including China Lake Area, Johnesburg, Boron, South including the Wrightwood Area)					
Brush		9.22	.355	.40	.01
Structural steel and bridge:					
Painter burner		9.34	.355	.40	.01
Tapers		9.395	.355	.40	.01
Brush swing stage (13 stories or less); Paperhangers; Sandblasters; Spray					
Brush swing stage (over 13 stories)		9.47	.355	.40	.01
Structural steel and bridge, swing		9.59	.355	.40	.01
Spray sandblaster swing stage (15 stories or less); Paste machine; Special coating spray		9.72	.355	.40	.01
Steeplejack		10.47	.355	.40	.01
Kern County (Remainder of County)					
Brush		8.22	.45	.41	.01
Swing stage (brush-roller)		8.37	.45	.41	.01
Taping joint sheet rock		8.42	.45	.41	.01
Paperhangers; Spray; Sandblasters		8.67	.45	.41	.01
Swing stage and sandblasters		8.62	.45	.41	.01

* See page 7 for definition

NOTICES

PAINTERS: (Cont'd) San Luis Obispo, Santa Barbara, and Ventura Counties	Fringe Benefits Payments				App. Tr.
	Basic Hourly Rates	H & W	Pension	Vacation	
Brush	\$9.56	.55	.40		.03
Iron and steel; Paperhangers; Paste machine operator; Sandblaster	9.81	.55	.40		.03
Sprayer	10.06	.55	.40		.03
Stepladder	10.56	.55	.40		.03
Tapers, sheetrock	9.51	.55	.40		.03
PLASTERERS:					
Imperial County	8.71	.45	1.00	.85	.06
Kern County	7.77	.45	.60	.60	.06
Los Angeles and Orange Counties	8.945	.63	1.75	.55	.09
Riverside and San Bernardino Cos.	10.675				
San Luis Obispo County	10.55				
Santa Barbara County	8.69	.70	1.05		.01
Ventura County	8.625	.55	.50	.50	.02
PLASTERERS' TENDERS:					
Imperial, Riverside and San Bernardino Counties	8.68	.75	1.50	.40	
Kern County	7.87	.75	1.50	.43	
Los Angeles and Orange Counties	8.275	.75	1.95	.68	
San Luis Obispo County	7.62	.75	1.50	.43	
Santa Barbara County (except Santa Maria)	7.70	.75	1.50	1.03	
Santa Barbara County (Santa Maria)	7.6125	.75	1.50	1.32	
Ventura County	8.13	.75	1.50	1.00	
PLUMBERS; Steamfitters:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	10.24	1.01	1.51	1.31	11
Kern, (except east of Los Angeles Aqueduct)	10.03	.60	1.60	1.00	.10
Kern County (East of Los Angeles Aqueduct)	12.28	.60	1.60	1.00	.10
REFRIGERATION & AIR CONDITIONING					
Riverside and San Bernardino Cos.	7.85	.70	.50	.60	.03
ROOFERS:					
Imperial County	7.14	.40	.25	1.00	
Kern County	7.75	.50	.50		
Los Angeles, Orange and Ventura Counties	9.74	.55	.75		.035
San Luis Obispo and Santa Barbara Counties	7.76	.36	.205		.0025
Riverside and San Bernardino Cos.	8.15	.55	.40	1.00	

ROOFERS: (Cont'd) Riverside and San Bernardino Counties	Fringe Benefits Payments				App. Tr.
	Basic Hourly Rates	H & W	Pension	Vacation	
SHEET METAL WORKERS:					
Imperial County	8.93	.74	1.20		
Kern, Los Angeles (North of line between Coman and Big Pines) and Los Angeles County (Remaining portion)	8.52	.74	1.20		
Orange County	9.77	.74	1.30		.015
Riverside and San Bernardino Counties	9.32	.69	1.20		
San Luis Obispo, Santa Barbara, and Ventura Counties	8.25	.69	1.05		.05
SOFT FLOOR LAYERS:					
Imperial County	9.72	.69	1.05		
(Kern Naval Reservation), Kern (East of the Los Angeles Aqueduct), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo and Ventura Counties	7.90	.45	.63	.60	.05
Kern County (Remaining portion)	8.70	.55	.50	.50	.03
SPRINKLER FITTERS:					
Imperial, Kern, Orange, (except Santa Ana), Riverside, San Bernardino (except Ontario), San Luis Obispo, Santa Barbara, and Ventura (except Santa Paula, Point Mugu and Port Hueneme)	8.60	.50	.35		.03
Los Angeles (Los Angeles City and Area within 25 miles, and Pomona), Orange (Santa Ana), San Bernardino (Ontario), and Ventura (Santa Paula, Point Mugu and Port Hueneme)	11.85	.50	.70		.08
TILE SETTERS:					
Imperial County	11.14	.54	.60		.09
Kern County	8.01	.55	.85	.60	
Los Angeles, Orange and Ventura Counties	7.95	.50	.45	.50	
Riverside and San Bernardino Cos.	9.25	.495	.70		.06
San Luis Obispo and Santa Barbara Counties	7.70	.70	.65		.025
	8.27	.80	.80	.65	.01

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

* AREA I - That portion of Los Angeles County including the Cities of Burbank, Castaic, Chatsworth, Cornell, Glendale, Hermosa Beach, Hollywood, Los Angeles, Malibu Beach, Rondo Beach, San Fernando, Santa Monica, Torrance, Van Nuys, Whittier, Toms Beach.

** AREAS II; III; and IV:

AREA II - That portion of Los Angeles County including the Cities of Pomona, El Monte, Covina, Alhambra, Pasadena, South Pasadena, La Canada, to line that intersects Acton, east to San Bernardino County line, then south along the San Bernardino County line.

AREA III - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Torrance Boulevard, west to Pacific Ocean, including Santa Catalina Island.

AREA IV - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Rosecrans Avenue, east to Atlantic Avenue, north to Imperial Highway, east to the Orange County line, south along County line to Western Avenue, south to Lincoln Avenue, east to Highway 39 (Beach Boulevard), south to the Pacific Ocean, including San Clemente Island.

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Penalties	Vacation	App. To	
LABORERS					
CLEANING AND HANDLING OF PANEL FORMS; Concrete screeding for rough strike off; Concrete, water curing; Demolition laborer; the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of shee-bolt holes; Fire watcher, limbers, brush loaders, pilers and debris handler; Gas and oil pipeline; Laborers, general or construction; Laborer-temporary water and air lines; Material hoistman (Walls, slabs, floors and decks); Mixer-truck chute man (Walls, slabs, deck floors, foundations and footing-curb and gutter and sidewalks); Rigging and signalling; Slip form raisers; Window cleaner	.75	1.50	.43	.10	
\$6.62					
CUTTING TORCH (Demolition); Scalder; Tarmen; Mortarman	.75	1.50	.43	.10	
6.67					
GUINEA CHASER	.75	1.50	.43	.10	
6.80					
ASPHALT SHOVELER; Fine grader, highway and street paving, airports, runways and similar type heavy construction; Landscape gardener and nursery man	.75	1.50	.43	.10	
6.72					
PACKING EGG STEEL AND PANS; Tanks scaler and cleaner	.75	1.50	.43	.10	
6.74					
UNDERGROUND (INCLUDING CAISSON BELLWORKS)	.75	1.50	.43	.10	
6.75					
CHUCKTENDER; Septic tank digger and installer	.75	1.50	.43	.10	
6.77					
CESSPOOL DIGGER AND INSTALLER	.75	1.50	.43	.10	
6.80					

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LABORERS (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments				App. To
	M & W	Pensions	Vacation		
CONCRETE CURB-IMPERVIOUS MEMBRANE AND FORM OILER; Riprap stone/ever placing stone or sacked concrete; Sandblaster (pot tender)	.75	1.50	.43		.10
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING, DIAPHRAGM INCLUDING RUBBER GASKET JOINTS, POINTING AND ANY AND ALL OTHER SERVICES	.75	1.50	.43		.10
BUGGYMOBILE MAN; Cement dipper (on 1 yd. or larger mixer and handling bulk cement); Gas and oil pipeline wrapper-pot tender; Power broom sweepers (small); Moto scraper and tiller; Tree climber, faller, chain saw operator, Pittsburgh chipper and similar type brush shredders; Trenching machine, hand propelled	.75	1.50	.43		.10
ASPHALT PAKER, LUTEMAN AND IRONER; Concrete core cutter, grinder or sander; Concrete saw man, cutting, scoring old or new concrete; Impact wrench, multiplate; Pneumatic, gas, electric tools, vibrating machines and similar mechanical tools not separately classified herein; Tampers, barko wacker and similar type	.75	1.50	.43		.10
ROCK SLINGER	.75	1.50	.43		.10
DRILLER, JACKHAMMER - 2½ ft. DRILL STEEL OR LONGER	.75	1.50	.43		.10
CONCRETE VIBRATOR OPERATOR, 70 lbs. and over	.75	1.50	.43		.10

LABORERS (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments				App. To
	M & W	Pensions	Vacation		
PIPELAYER (NON-METALLIC INCLUDING SEWER, DRAIN AND UNDERGROUND TILE); Prefabricated manhole installer	.75	1.50	.43		.10
GAS AND OIL PIPELINE WRAPPER - (6" and over); Kettlemen, potmen, and men applying asphalt, lay-kold, creosote, lime caustic and similar type materials	.75	1.50	.43		.10
CRISPER, SHORING, LAGGING, SHEETING AND TRENCH BRACING, HAND-GUIDED LAGGING HAMMER	.75	1.50	.43		.10
BLASTER POWDERMAN	.75	1.50	.43		.10
STEEL HEADERBOARD MAN AND GUIDE LINE SETTER	.75	1.50	.43		.10
SANDBLASTER (nozzlemen)	.75	1.50	.43		.10
DRILLER (Core-Diamond-Wagon)	.75	1.50	.43		.10
HEAD ROCK SLINGER	.75	1.50	.43		.10
GUNNITE LABORERS: NOZZLEMEN AND ROOMMEN	.75	1.50	.40		
GUNNEN	.75	1.50	.40		
RESOURCENEN	.75	1.50	.40		

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

*Group 1: Brakeman; Compressor operator; Deck hand; Engineer oiler; Generator operator; Heavy duty repairman helper; Pump operator; Signalman; Switchman

Group 2: Concrete mixer, skip type; Conveyor; Fireman; Generator, pump or compressor, (2-5 inclusive) portal units - over 5 units, 10¢ per hour for each additional unit up to nine units; Hydrostatic pump; Oilier crusher (asphalt or concrete plant); Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. without attachment; Tar pot fireman; Temporary heating plant operator; Trenching machine oiler; Truck crane oiler

Group 3: A-Frame or winch truck; Chainman; Elevator (inside); Equipment greaser (rack); Ford Ferguson (with dragtype attachments); Power concrete curing machine; Power concrete saw; Power-driven jumbo form setter; Ross carrier (job site); Stationary pipe wrapping and cleaning machine

Group 4: Asphalt plant fireman; Boring machine; Boxman or mixerman (asphalt or concrete); Chip spreading machine; Concrete pump (small portable); Bridge type unloader and turntable; Ditch locomotive or motorman (up to and including 10 tons); Equipment greaser (grease truck); Helicopter hoist operator; Highline cableway signalman; Hydraulic hammer-aero stopper; Power sweeper; Roller (compacting); Screenshot (asphalt or concrete); Rodman; Trenching machine (up to 6 ft.)

Group 5: Asphalt plant engineer; Concrete batch plant operator - (oiler or journeyman - trainee required); Sackboe (up to and including 3/4 yds.); Bit sharpener; Concrete joint machine operator (canal and similar type); Concrete planer; Derrickman (oilfield type); Deck engine operator; Drilling machine (including water wells); Forklift (under 5 ton capacity); Hydrographic seeder machine (straw, pulp or seed); Machine tool; Maginnis Internal Full Slab Vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher operator (concrete, clay, Johnson-Bidwell or similar); Pavement breaker (truck mounted, oiler road oil mixing machine; Roller operator (asphalt or finish); Rubber tired earth moving equipment, (single engine up to and including 25 yds. struck); Self-propelled tar pipelining machine operator; Slip form pump (power driven hydraulic lifting device for concrete forms); Tugger hoist (1 drum); Tunnel locomotive operator (over 10 and up to and including 30 tons); Stinger crane (Austin - Western or similar type); Skiploader operator (crawler and wheel type over 3/4 yd. and up to and including 1 1/2 yds.); Tractor operator, Bulldozer, Trencher, Scraper (single engine, up to 100 h.p. flywheel and similar types, up to and including D-5 and similar types)

	Basic Hourly Rates	Fringe Benefits Payments			App. Yr.
		M & W	Position	Vacation	
*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
TRUCK DRIVERS					
*Group 1:	7.17	1.00	.65	1.00	.05
Group 2:	7.25	1.00	.65	1.00	.05
Group 3:	7.31	1.00	.65	1.00	.05
Group 4:	7.40	1.00	.65	1.00	.05
Group 5:	7.43	1.00	.65	1.00	.05
Group 6:	7.45	1.00	.65	1.00	.05
Group 7:	7.49	1.00	.65	1.00	.05
Group 8:	7.50	1.00	.65	1.00	.05
Group 9:	7.55	1.00	.65	1.00	.05
Group 10:	7.58	1.00	.65	1.00	.05
Group 11:	7.63	1.00	.65	1.00	.05
Group 12:	7.65	1.00	.65	1.00	.05
Group 13:	7.70	1.00	.65	1.00	.05
Group 14:	7.95	1.00	.65	1.00	.05
Group 15:	8.20	1.00	.65	1.00	.05
Group 16:	8.30	1.00	.65	1.00	.05

* See Page 12 for definition

** See Page 14 for definition

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Pile-driving and Steel Erection)

Group 6: Asphalt or concrete spreader (tamping or finishing); Asphalt paving machine (Barber Green or similar type - 2 screedman required); Bull Limb Road Pactor, Wagner Pactor or similar; Bridge crane operator; Cast in place pipe laying machine operator; Combination mixer and compactor (gunite work); Concrete pump (truck mounted) (oilier required); Concrete mixer operator - paving; Crane operator (up to and including 25 ton capacity); Crushing plant operator; Elevating grader; Forklift (over 5 tons); Grade checker; Grapple operator; Grouting machine; Heading shield; Heavy duty repairman; Hoist operator (Chicago boom and similar type); Kolman belt loader and similar type; L'Alouneau blob compactor or similar type; Lift slab machine (Vagbord and similar types); Lift mobile operator, loader operator (Athy, Euclid, Sierra and similar type); Material hoist; Mucking machine (1/4 yd. - rubber-tired, rail or track type); Pneumatic concrete placing machine (Blackley-Presswell or similar type); Pneumatic heading shield (tunnel); Pumpcrete gun; Rotary drill (excluding caisson type); Rubber-tired earth moving equipment, (single engine-Caterpillar, Euclid, Athey, Wagon, and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds. truck); Rubber-tired scraper (self-loading-paddle wheel type); Skip-loader (crawler and wheel type over 1 1/2 yds., up to and including 5 1/2 yds.); Surface heaters and planer; Rubber-tired earth moving equipment, multiple engine, (up to and including 25 yds. truck); Trenching machine (over 6 ft. depth capacity, manufacturers rating); Tower crane; Tractor compressor drill combination; Tractor (any type larger than D-5-100 Ty-wheel h.p. and over or similar) (bulldozer, tamper, scraper, and push tractor, single engine); Tractor (boom attachments); Traveling pipe wrapping, cleaning and bending machine; Tunnel locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yds. and up to 5 cu. yds. M.R.C.

Group 7: Crane - over 25 tons up to and including 100 tons; Derrick barge; Dual drum mixer; Monorail locomotive (Diesel, gas or electric); Motor patrol - blade (single engine); Multiple engine tractor (Euclid and similar type, except Quad 9 cat); Rubber-tired earth moving equipment, single engine over fifty (50) yds. truck; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. and up to 50 cu. yds. truck); Tractor loader (crawler and wheel type over 6 1/2 yds.); Tower crane repairman; Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds.; M.R.C.; Wood mixer and similar pugmill equipment; Heavy duty repairman - welder combination

Group 8: Auto grader operator; Automatic slip form; Crane-over 100 tons; Hoist, Stiff legs, Guy derricks or similar types (cable of hoisting 100 tons or more); Mass excavator; Mechanical finishing machine; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. truck); Rubber-tired scraper (push-pull) (.50c per hour additional to base rate); Tandem equipment operators (2 units only); Tandem tractor operator (Quad 9 or similar type); Tunnel mole boring machine operator

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Pile-driving and Steel Erection)

Group 9: Canal liner; Canal trimmer; Helicopter pilot; Highline Cableway; Rubber-tired self-loading scraper (paddle wheel-Auger type self-loading-2 or more units); Wheel excavator (over 750 cu. yds.); Remote controlled earth moving equipment operator (\$1.00 per hour additional)

TRUCK DRIVERS

- **Group 1: Warehouseman and Teamster
- Group 2: Driver of vehicle or combinations of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic Control Pilot Car, excluding moving heavy equipment permit load.
- Group 3: Truck mounted Power Broom
- Group 4: Drivers on vehicles or combination of vehicles of 3 axles
- Group 5: Bootman; Cement distributor; Fuel truck; Road oil spreader truck; Water truck, 2 axle
- Group 6: Dump, of less than 16 yds.
- Group 7: Transit-mix, under 3 yds.; Dumpcrete, less than 6-1/2 yds.
- Group 8: Truck repairman helper
- Group 9: Water truck, 3 or more axles
- Group 10: PS and similar type truck when performing with within the Teamsters' jurisdiction; Pipeline and utility working truck including which, but limited to truck applicable to pipeline and utility work, where a composite crew is used; Slurry driver; Truck greaser and tireman (50c per hour additional for tireman)
- Group 11: Transit-mix, 3 yds. or more; Dumpcrete, 6 1/2 yds. and over
- Group 12: Driver of vehicle of combination of vehicles of 4 or more axles
- Group 13: Dump, 16 yds. but less than 25 yds.
- Group 14: A-Frame or Swedish Crane, or similar type of equipment driver; Fork lift driver; Ross Carrier, highway
- Group 15: All off-highway equipment with Teamsters' jurisdiction (off highway combination of vehicles or equipment with multiple power sources, \$1.00 per hour additional); Dump, 25 yards or more; Truck repairman
- Group 16: Truck repairman welder

C075-5027 P. 2

SUPERSEDES DECISION

STATE: Colorado

COUNTIES: Las Animas, Otero and Pueblo

DATE: Date of Publication

DECISION NUMBER: C075-5027
 SUPERSEDES DECISION No. C075-5008 dated January 31, 1975, in 40 FR 4799
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pension	Vacation	
ASBESTOS WORKERS	\$9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS	8.67	.30	.50		.04
CARPENTERS	7.54	.48	.60	.40	.05
CEMENT MASONS	6.65	.44	1.10	.60	.07
ELECTRICIANS:					
Zone I (0-12 miles from P. O.)	9.25	.42	15+.25		1/10%
Electricians	10.18	.42	15+.25		1/10%
Cable Splicers					
Zone II (12-20 miles from P. O.)	9.65	.42	15+.25		1/10%
Electricians	10.58	.42	15+.25		1/10%
Cable Splicers					
Zone III (20-40 miles from P. O.)	10.00	.42	15+.25		1/10%
Electricians	10.93	.42	15+.25		1/10%
Cable Splicers					
Zone IV (Over 40 miles from P. O.)	10.75	.42	15+.25		1/10%
Electricians	11.68	.42	15+.25		1/10%
Cable Splicers					
Electrical contracts less than \$5,000 in Zones III and IV	6.91	.42	15+.25		1/10%
ELEVATOR CONSTRUCTORS	8.12	.395	.25	25%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70/LJR	.395	.25	25%+a	
ELEVATOR CONSTRUCTORS' HELPERS (FSOS.)	50/LJR				
GLAZIERS	8.37				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	8.40	.55	.80		.06
MARBLE AND TILE SETTERS, Terrazzo Workers	7.60	.53	.40	.25	
MILLWRIGHTS	7.58	.48	.60	.40	.05
PAINTERS:					
Brush	5.53	.30			.02
Structural Steel; Spray	6.03	.30			.02
Spray Steel	6.53	.30			.02
PLASTERERS:	8.69				.01
PLUMBERS:					
Zone I (0-15 miles from P. O.)	9.40	.55	.65		.05
Zone II (15-20 miles from P. O.)	9.97	.55	.65		.05
Zone III (20-40 miles from P. O.)	10.15	.55	.65		.05
Zone IV (Over 40 miles from P. O.)	10.775	.55	.65		.05

Fringe Benefits Payments	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pension	Vacation	
ROOFERS	\$7.91	.42	.10		
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS (Las Animas Co.)	7.10	.35	.45	.30	.05
SOFT FLOOR LAYERS (Pueblo County)	6.40	.35	.55	.20	.05
SPRINKLER FITTERS	9.25	.50	.70		.08
FOOTNOTE:					
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays:					
PAID HOLIDAYS:					
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;					
E-Thanksgiving Day; F-Christmas Day;					
LINE CONSTRUCTION - COLORADO					
Cable Splicers	8.88	.35	1%		3/4%
Lineman Cableman	8.43	.35	1%		3/4%
Journeyman Lineman	8.37	.35	1%		3/4%
Line Equipment Operator	7.12	.35	1%		3/4%
Line Equipment Maintenance Man	7.12	.35	1%		3/4%
Groundmen	5.87	.35	1%		3/4%
LABORERS (Building Construction)					
Basic Hourly Rates					
ZONE 1	\$5.00				
ZONE 2	\$5.45				
ZONE 3	\$5.90				
Group 1		.42	.45		.07
Group 2		.42	.45		.07
Class A	5.00	.42	.45		.07
Class B	5.28	.42	.45		.07
Group 3	5.28	.42	.45		.07
Group 4	5.28	.42	.45		.07
Group 5	5.30	.42	.45		.07
Group 6	5.55	.42	.45		.07
Group 7	5.60	.42	.45		.07

0075-5027 P. 3

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following cities: Pueblo and Trinidad.

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in the above named cities.

ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in the above named cities.

LABORERS (Building Construction)

GROUP DESCRIPTION

Group 1: General Building Laborer

Group 2: Laborers underpinning and shoring...

Class A: 0' to 8' below working surface

Class B: 8' below working surface to any depth below working surface.

Group 3: Power Tool Operators of all mechanical, air gas, and electrical tools including self-propelled buggies; Cement Finisher Tenders; Gunnite Nozzlemen; Sand Blasters

Group 4: Pipe Layers

Group 5: Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of tiltup panels

Group 6: Jackhammer Operator underpinning and shoring over 12' below working surface; Bellers and Stemmers on Caisson Work

Group 7: Mason Tenders, brick and plaster

HEAVY CONSTRUCTION

CARPENTERS

UNDERGROUND CARPENTERS

Working on creosoted material.

High work 40' above ground or

floor on exposed scaffold or

posts/walms chair; Piledriving;

Sawmen continuously assigned to

1 1/2 HP saws at jobsite

CEMENT MASONS

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Pensions	Vacation	
\$6.99	.48	.60	.40	.05
7.14	.48	.60	.40	.05
7.29	.48	.60	.40	.05
6.22	.42	1.10	.30	.07

0075-5027 P. 4

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Pensions	Vacation	
\$4.80	.42	.45		.07
4.85	.42	.45		.07
4.93	.42	.45		.07
4.95	.42	.45		.07
4.97	.42	.45		.07
5.08	.42	.45		.07
5.18	.42	.45		.07
5.25	.42	.45		.07
5.38	.42	.45		.07
5.43	.42	.45		.07
LABORERS (Heavy Constr.)				
Group 1				
Group 2				
Group 3				
Group 4				
Group 5				
Group 6				
Group 7				
Group 8				
Group 9				
Group 10				
(Pipelines)				
All mainline sewers; Water mains; Gas, oil or any product pipe-line; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.				
Group 1	.42	.45		.07
Group 2	.42	.45		.07
Group 3	.42	.45		.07
Group 4	.42	.45		.07
Group 5	.42	.45		.07
Group 5-A	.42	.45		.07
Group 6	.42	.45		.07
LABORERS (Tunnels)				
Group 1	.42	.45		.07
Group 2	.42	.45		.07
Group 3	.42	.45		.07
Group 4	.42	.45		.07
Group 5	.42	.45		.07
Group 6	.42	.45		.07
(SWATS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)				
Group 1	.42	.45		.07
Group 2	.42	.45		.07
Group 3	.42	.45		.07
Group 4	.42	.45		.07
Group 5	.42	.45		.07
Group 6	.42	.45		.07

Q075-5017 P. 5

Laborers (heavy construction)

GROUP 1: Minimum laborer, including caissons to 8", carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dovel bars; Tie bars and chairs in concrete paving; Nursery man incl. seedling and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Temo mattresses

GROUP 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

GROUP 3: Hot asphalt laborer; Bakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

GROUP 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammer; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8" to 12"; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcher on post tension of prestressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dampers; Transverse concrete conveyor operator; mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machines; Jackhammer; Vibrators; Paving breakers; Frostproofing

GROUP 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

GROUP 6: Committing and shotcrete helpers; Caissons over 12"; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

GROUP 7: Powdermen and blasters; Gunnite mortlemen; Shotcrete operator

GROUP 8: Pipelayer on truck pipe lines in connection with highway work

GROUP 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12"; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

GROUP 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

Q075-5017 P. 6

LABORERS (Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

GROUP 1: Pipe plants and yards; Stringing of pipe or skids; Handlines and signaling on line work

GROUP 2: Potman (not mechanical); Pipewrapper; Dopers, Jeep Holiday Detector Men, Sandage makers, Powdermen helpers

GROUP 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yamers, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

GROUP 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamellers of pipe, inside and out

GROUP 5: (Relining Pipe) Relining Pipe

GROUP 5-A: Mixer man

GROUP 6: Pipelayer

LABORERS (TUNNELS):

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunnitting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timber men (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunnitting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timber men (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters, Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels,
Shafts and Raises)¹

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		M & W	Pensions	Vacation	
Group 1	\$6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

POWER EQUIPMENT OPERATORS **
(Other than for work in Tunnels, Shafts and Rafters)

- Group 1: Asphalt screed; Breakman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler
- Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugnill operator; Pugnill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system
- Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grouth machine; Grumite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 3 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over) (with or without attachments); Trenching machine; Welder; Winch op., on truck; Concrete batching plants
- Group 4: Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-welder (heavy duty); Mixer-mobility; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Glanshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1 1/2 cu. yds. and over; Special utility operator; Self-propelled hydrocrane, Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.
- Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over
- Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

NOTICES

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			App. To
		H & V	Pension	Vacation	
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	\$5.50	.35	.25	.10	
PUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers, if used	5.60	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.70	.35	.25	.10	
STANDARD TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.75	.35	.25	.10	
PORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Firemen	5.80	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.85	.35	.25	.10	
MULTI-PURPOSE TRUCK - Specialty and hoisting	5.90	.35	.25	.10	
HIGH BOY; Leuboy; Floats; Semi; Cab operated distributor-Semi; Liquid and bulk tankers, euclid, electric or similar; Dumpster; Youngbuckley, Jumbo and similar type equipment	5.95	.35	.25	.10	
MECHANICS	6.00	.35	.25	.10	

C075-5027 P. 11

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & B	Pension	Vacation	
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	\$6.05	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.10	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.20	.35	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	6.35	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.	6.40	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	6.60	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	6.80	.35	.25	.10	
DUMP TRUCKS, over 104 cu. yds.	7.00	.35	.25	.10	

0075-5010 P. 2

SUPERSEDES DECISION

STATE: Colorado

COUNTIES: Delta, Garfield, Gunnison, Mesa, Montrose, and Pitkin

DATE: Date of Publication

DECISION NUMBER: 0075-5030

Supersedes Decision No. 0075-5010 Date January 24, 1975, in 40 FR 3875
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

construction.

BUILDING CONSTRUCTION					
	Basic Hourly Rates	M & W	Pensions	Vacations	App. To
ASBESTOS WORKERS	\$9.01	.38	.72		.02
BOILERMAKERS	8.35	.60	1.00		
BRICKLAYERS; Stonemasons:					
Pitkin County	7.45	.45	.60	.25	.05
Remaining Counties	7.45	.45	.60	.25	.05
CARPENTERS:					
P. O. basing points in the Cities of Leadville, Fort Collins, Glenwood Springs, Grand Junction, Gunnison and Montrose					
Zone I (0-30 miles from nearest basing point)	7.54	.48	.60	.40	.05
Zone II (30-60 miles from nearest basing point)	7.79	.48	.60	.40	.05
Zone III (60 miles and over from nearest basing point)	8.04	.48	.60	.40	.05
CEMENT MASONS:					
Cement Masons Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	6.65	.44	1.10	.60	.07
ELECTRICIANS:					
Electricians	6.90	.44	1.10	.60	.07
Cable Splicers	8.90	.32	11		3/10%
ELEVATOR CONSTRUCTORS	9.15	.32	11		3/10%
ELEVATOR CONSTRUCTORS' HELPERS	8.12	.395	.26	2 1/2	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	7.01R	.395	.26	2 1/2	
GLAZIERS	5.01R				
IRONWORKERS:	8.37				
Structural; Ornamental and Reinforcing	8.40	.55	.80		.06
MILLWRIGHTS	7.58	.48	.60	.40	.05

	Basic Hourly Rates	Fringe Benefits Payments			App. To
		M & W	Pensions	Vacation	
PAINTERS:					
Brush and roller	\$8.51	.50	.45		.04
Drywall finisher; Paperhangers	8.71	.50	.45		.04
Spray; Swing stage	8.99	.50	.45		.04
PLUMBERS	7.55	.50	.45	1.00	.10
ROOFERS	7.91	.42	.10		
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS	7.10	.35	.45	.30	.05
SPRINKLER FITTERS	9.25	.50	.70		.08
FOOTNOTE:					
A. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.					
PAID HOLIDAYS:					
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					
LINE CONSTRUCTION - Colorado					
Cable Splicers	8.98	.35	11		3/42
Lineman Cableman	8.43	.35	11		3/42
Journeyman Lineman	8.37	.35	11		3/42
Line Equipment Operators	7.12	.35	11		3/42
Line Equipment Maintenance Man	7.12	.35	11		3/42
Groundmen	5.87	.35	11		3/42

0075-5020 P. 3

LABORERS
(Building
Construction)

Garfield and
Pitkin Counties

LABORERS (Building Construction)	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pension	Vacation	App. To.
	ZONE 1 *	ZONE 2 *	ZONE 3 *				
Group 1	\$5.80	\$5.25	\$5.70	.42	.45		.07
Group 2							
Class A	4.80	5.25	5.70	.42	.45		.07
Class B	5.08	5.53	5.98	.42	.45		.07
Group 3	4.95	5.40	5.85	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.00	5.45	5.90	.42	.45		.07
Group 6	5.12	5.57	6.02	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

*ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following cities: Aspen, Glenwood, Springs, and Rifle.

*ZONE 2: That area encompassed by 30 to 70 driving miles from the main springs, and mine.

*ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named cities.

	ZONE 1st	ZONE 2nd	ZONE 3rd
Delta, Gunnison, Mesa and Montrose Counties			
Group 1	5.00	5.45	5.90
Group 2			
Class A	5.00	5.45	5.90
Class B	5.28	5.73	6.18
Class C	5.28	5.73	6.18
Group 3			
Group 4	5.28	5.73	6.18
Group 5	5.30	5.75	6.20
Group 6	5.55	6.00	6.45
Group 7	5.60	6.05	6.50

***ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following cities: Grand Junction, Gunnison, Montrose, and Naturita.

W-2012: That area encompassed by 30 to 70 driving miles from the main Garrison, Montrose, and Satura. Post Office of above named Cities.

****ZONE 3:** That area encompassed by 70 driving miles and over from the Post Office of above named cities.
main Post Office of above named cities.

0075-5030 P. 4

LABORERS (Building Construction (Cont'd))

GROUP DESCRIPTION FOR ALL COUNTRIES

Group 1: General Building Laborer

Group 2: Laborers underpinning and shoring...

Class A: 0' to 8' below working surface

Class B: 6' below working surface to any depth below working surface.

Group 3: Power Tool Operators of all mechanical, air, gas, and electrical tools including self-propelled buggies; Cement finisher tenders; Gunnite Nozzle-man; Sand Blasters

Group 4: Pipe Layers

Group 3: Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of tiltup panels

Group 6: Jackhammer Operator underpinning and shoring over 12' below working surface; Pailers and Stemmers on Calisson Work

Group 7: Mason-Tenders, brick and plaster

Basic Monthly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Acc. Tr.
\$6.99	.48	.60	.40	.05
7.14	.48	.60	.40	.05
	.48	.60	.40	.05
	.42	1.10	.30	.07

NOTICES

TRUCK DRIVERS

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pensions	Vacation	
PLOWERS; Halpers; Scaleman; Checkers; Spotters; Dumpmen	.35	.25	.10	
DUMP TRUCKS, to and including 6 cu. yds.; Sweepers; Flatrack, single axle; Liquid and bulk tankers, single axle; Ware- houses; Washers; Greasemen; Servicemen; Ambulance drivers, if used	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiresmen	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds. to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	.35	.25	.10	
MULTI-PURPOSE TRUCK - specialty and hoisting	.35	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-Semi; Liquid and bulk tankers, euclid, electric or similar; Dumpter, Youngberg, Jumbo and similar type equipment	.35	.25	.10	
MECHANICS	.35	.25	.10	

TRUCK DRIVERS (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pensions	Vacation	
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	.35	.25	.10	
CEMENT MIXER, agitator over 15 cu. yds.	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	.35	.25	.10	
DUMP TRUCKS, over 104 cu. yds.	.35	.25	.10	

C075-5030 P. 7

C075-5030 P. 8

LABORERS (Heavy Construction)

Group 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man including seeding; Mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Teno mattresses

Group 2: Chuck tenders; Wippers, core and diamond drill helpers; Powderman helpers

Group 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Polesmen (not mechanical)

Group 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Streeter or stretcherman on post tension or prestressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sand-blaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator; Mechanical grouters; Toring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

Group 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, lift belt or block and tackle

Group 6: Gunmiting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or string-man on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Ball float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

Group 7: Powdermen and blasters; Gunmite nozzlemen; Shotcrete operator

Group 8: Pipelayer on truck pipe lines in connection with highway work

Group 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

Group 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, lift belt or block and tackle as a safety requirement

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		M & W	Pensions	Vacation	
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelining)					
All Mainline Sewers; Water Mains; Gas, Oil or any product pipeline; Penstocks; Siphons or Drainage lines; Pipe Plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILE SILOS and ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

LABORERS (Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

Group 1: Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

Group 2: Potman (not mechanical); Pipewriter, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

Group 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yammers, fine grinders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

Group 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamellers of pipe, inside and out

Group 5: (Relining Pipe)
Relining pipe

Group 5-A: Mixer Man

Group 6: Pipelayer

LABORERS (Tunnel)

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dump-man; Whirley pumps operators

Group 4: Helpers on shotcrete, gunnitting and sandblasting; Helpers, core and diamond drills; Pot tenders

Group 5: Cement finisher helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite workmen; Sandblaster; Pump concrete placement men

LABORERS

(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunnitting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzle; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'm chair, swinging stage, lift belt or block and tackle

POWER EQUIPMENT OPERATORS

(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper or heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Slaughter motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons and under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saw on concrete paving; Concrete mixer (less than 1 yard); Concrete placement pumps (under 8 inch); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher - with or without washer; Tire tamper, wheel mounted; Tractor (70 h.p. and over) (with or without attachments); Trenching machine; Welder; Winch operator, on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu.yds.; Mechanic-Welder (heavy duty); Mixer; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Calmsbell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 14 cu. yds. and over; Special utility operator; Self-propelled hydrocrane; Tractor with side boom, Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator -over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, calmsbells, and backhoes (over 5 cu. yds.); Quad mine and similar push unit; Scraper - all tandem bowls; Scraper - single bowl including pups 40 cu. yd. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Positions	Vacation	
\$6.05	.37	.55	.30	.03
6.40	.37	.55	.30	.03
6.75	.37	.55	.30	.03
6.90	.37	.55	.30	.03
7.05	.37	.55	.30	.03
7.20	.37	.55	.30	.03
6.20	.37	.55	.30	.03
6.55	.37	.55	.30	.03
6.65	.37	.55	.30	.03
6.90	.37	.55	.30	.03
7.05	.37	.55	.30	.03
7.45	.37	.55	.30	.03

POWER EQUIPMENT OPERATORS

(Other than for work in tunnels, shafts and raises) job

Group 1

Group 2

Group 3

Group 4

Group 5

Group 6

(For work in Tunnels, Shafts, and Raises)

Brakeman

Motorman

Compressor (900 CFM and over),

serving tunnels, shafts and

raises

Air tractors; Grout machine;

Gunnite machine; Jumbo form;

Mechanic; Welder

Concrete placement pumps 8" and

over discharge; Mechanic-welder

(heavy duty); Mocking machine

and front end loaders under-

ground; Slusher

Note

JEFFERSON & PERRY COUNTIES

DECISION NO. ILJS-2043

SHEET METAL WORKERS
SPRINKLER FITTERSWelders - receive rate prescribed
for craft performing operation to
which welding is incidental.PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas
Day.

FOOTNOTE:

a. Nine Paid Holidays: A through
F plus Washington's Birthday,
Good Friday & Mass Eve, pro-
viding employee has worked 45
full days during the 120 calen-
dar days prior to the holiday &
the regular schedule work days
immediately preceding & follow-
ing the Holiday.

Basic Monthly Salary	Fringe Benefits Payments			App. Tr.
	H & W	Pension	Vacation	
\$9.13	.25	.25	6%	.01
9.40	.50	.70		.08

POWER EQUIPMENT OPERATORS

Basic Monthly Salary	Fringe Benefits Payments			App. Tr.
	H & W	Pension	Vacation	
\$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
GROUP VI				
a.	.42	.90		.05
b.	.42	.90		.05
c.	.42	.90		.05
d.	.42	.90		.05

POWER EQUIPMENT OPERATORS

CLASSIFICATIONS

GROUP I: Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type hammers, 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 backhoes, ditching machines or backfillers (not requiring oilers) Cherry pickers, overhead cranes, roller (steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pump derrick-type drills, mixers (over 3 bags) and test ops., (25' & over), Motor graders or pushboats, scoops or towhoppers, Bulldozers, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines Drills (other than derrick type) 1-drum-hoists, mud jacks, mixers (2 or 3 bags), concrete ors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags), all tractors regardless of size (straight tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power sub-gr or ribbon machine, longitudinal floats, boats ops., (under 25' conveyors (1), distrib- tor ports, on trucks, siphons 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, monicans, large cranes, etc.

GROUP V: Oilers

GROUP VI:

- Engineers operating under air pressure
- Engineers operating in air over 10 lbs. pressure
- Oilers operating under air pressure
- Oilers operating in air over 10 lbs pressure

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	M & W	Perquisites	Vacation	App. To
CLASS 1	\$9.00	.40	.60		.035
CLASS 2	8.25	.40	.60		.035
CLASS 3	8.00	.40	.60		.035
CLASS 4	7.70	.40	.60		.035
CLASS 5	7.30	.40	.60		.035
CLASS 6	8.25	.40	.60		.035
CLASS 7	8.00	.40	.60		.035
CLASS 8	7.50	.40	.60		.035
CLASS 9	7.45	.40	.60		.035
CLASS 10	7.20	.40	.60		.035

RIVER WORK AND LEVEE WORK ON
MISSISSIPPI AND OHIO RIVERS

CLASS 11
CLASS 12

CLASSIFICATIONS

POWER EQUIPMENT OPERATORS

CLASS 1: Apasco or equal spreading machine; Backhoe; Backfiller; Boom or winch cat; Bituminous mix-place machine; Blacksmith; Bituminous surfacing machine; Bulldozer; Crane; Shovel; Dragline; Tracked; Piledriver; Concrete finishing machine or spreader machine; Concrete breaker; Concrete or pumpcrete pump; Dinky or standard locomotive; Drill well; Elevating grader; Forklifts; Rubber-tired; Flex-plant; Grading; Hi-lift, hand-lift, power; Hoists, tugger type; Hoist, (2 drums) or over end; Guy-derrick; Hydrant mechanic; Motor petrol; Mixer 21 cu. ft. or over; Push cat; Falls and scrapers; Pumps; 2 well points; P&H pulverizer or pulverizer equal to pugmill; Rubber-tired farm type tractor w/bulldozer or hi-lift (over 3 yd.), Rubber-tired tractor w/sugar; Skimmer scoops; Seaman tiller; Spreader, Jersey; Tract-air used w/drill or hi-lift; Trenching machine, or ditching machine; Wood chipper with tractor Self-propelled roller w/10 ft. blade; Concrete pumps; Equipment greaser

CLASS 2: Roller, self-propelled, power subgrader; Elevator operator

CLASS 3: Rubber-tired farm type tractor w/bull dozer or hi-lift (3 yd. or less) disc.

CLASS 4: Pump, one well point; All tract type tractors, pulling any type roller or Hydra-crane with 15 ton lifting capacity or more and cranes similar to Hydra-crane w/15 ton capacity and more

CLASS 5: Oiler; All wheel type tractors, Oiler on 30 HP ditches and over; Oiler, H capacity or over; Air compressor w/valve driving piling air compressors, 2(220 cu. ft. scales w/compressor or generator; Pipeline boring machine; Bulk cement plant w/separate compressor bulk float power operator; Concrete saws, (two); Hydra-lift (single motor); Straw mulcher blower w/spout

CLASS 7: Backed man on bituminous surfacing machine; Boom or winch truck; Cat wagon w/or w/out pump; Conveyors, two; Chip spreader, self-propelled concrete saw, on self-propelled; Form grader; Heaters, (motor driven); Hoist, 1 drum; Truck crane oiler; Vibrator, self-propelled.

NOTICES

POWER EQUIPMENT OPERATORS (Cont'd)

CLASS 8: Air track drill (one); Belt drag machine, Power boom, Mechanical; Plaster applicator; Tract-air

CLASS 9: Air compressor (220 cu. ft. capacity or over), one; Air compressor under (220 cu. ft.) two; Automatic bins, Bulk cement plant w/built in compressor, running of same motor or electric motor; Fireman or switchman; Form tamper, self-propelled; Light plants (two); Welding machine (two); Pumps (two); or combination or 2 pumps, Light plants, welding machines, air compressor (under 220 cu. ft.); Mud jacks or wood chipper; Mixers, less than 21 cu. ft., Motor mixer w/skip or pump; Pipeline track jack

CLASS 10: Air compressor, under 220 cu. ft. capacity (one); Conveyor (one); Conveyor operator on self-propelled chip spreader; Heater (one); Motor driven; Light plant (one) pump (one); Welding machine (one) Uimac or Equal spreader

RIVER WORK AND LEVEE WORK ON MISSISSIPPI AND OHIO RIVERS

CLASS 11: Crane, shovel, dragline 4 yards or more, scraper, 18 yards, struck or over, dredge, derrick and piledriver, push boat operator, mechanic or 4 yards machine or over, Engine man on dredge, Levee man on dredge

CLASS 12: Oiler on crane, dragline, shovel, 4 yard machine or over; Oiler on dredge

TRUCK DRIVERS

ILL-82-TD-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments		App. To
		M & W	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, hydro lift 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.

SUPPLEMENTAL DECISION

STATE: Iowa & Nebraska

COUNTIES: That portion of
Missouri River in
Nebraska & Iowa down
stream to the Kansas-
Missouri line

DECISION NO.: NE75-4054

Supersedes Decision No. AR-75 dated November 1, 1974 in 39 FR 38798
DESCRIPTION OF WORK: Channel stabilization and associated work.

DATE: Date of Publication

	Basic Hourly Rate	H & W	Fringe Benefits Payments		App. Tr.
			Fixed	Variable	
POWER EQUIPMENT OPERATORS:					
Derrick; dragline; clam bucket or orange peel or crane; side- boom, towboat operator	\$7.125	.35	.40		
Dredge operator or leverman; engineer on dredge (18" & over)	6.625	.35	.40		
Pile driver, (or engine man)	6.575	.35	.40		
Mechanic or welder; engineer on dredge (12" up to 18")	6.325	.35	.40		
Doser; front end loader or high lift; scoop or similar equipment	6.275	.35	.40		
Winch or boom truck; winch (power operated)	6.025	.35	.40		
Boiler (or fireman); oiler	5.925	.35	.40		
LABORERS:					
Piledriver deckhands and pile- driver leadman	5.80	.225	.40		
Laborers and deckhands unloading barge; piledriver; towboat deck- hand	5.60	.225	.40		

SUPERSEDES DECISION

STATE: Kansas & Missouri

COUNTIES: Cass, Clay, Jackson, Platte, & Ray Counties, Missouri; Johnson & Wyandotte Counties, Kansas

DATE: Date of Publication

DECISION NO: W075-4059

Supersedes Decision No. AQ-44, dated November 16, 1973 in 38 FR 31780.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and heavy and highway construction in Johnson and Wyandotte Counties, Kansas only.

DECISION NO. W075-4059

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Pension	Vacation	
\$8.675	.35	.27	.99	.01
8.90	.60	.80	1.00	.05
7.10	.45	.40		.10
7.155	.45	.40		.10
7.295	.45	.40		.10
7.39	.45	.40		.10
7.49	.45	.40		.10

CLASSIFICATION DEFINITIONS

LABORERS:

GROUP I - General labor; Wire mesh handlers or setters; Carpenter tender; Track men; Flagmen; Signalmen; Scaffolding tenders; Window cleaners; Floor cleaners; Landscape men; Sod layers; Wrecker (for alterations or entire projects)

GROUP II - Plumber laborers (conduit pipe, sewer work, drain tile and duck lines, digging and back filling); Power tool operators; Pier hole diggers (over 10 ft.); Vibrator, Jackhammer, and chipping hammer operators; Chain saw operators; Concrete saw operators; Brush feeders on Pulverizers; Rebar forcing steel handlers; Air tamp operators; Ditch Witch operators; Swinging scaffolds

GROUP III - Cutting torch or burner men; Georgia buggies (self-propelled); Fork lift; Hosemen; Insulation men

GROUP IV - Fork lift (masonry); Brick tender; Plasterer tender; Stonemasons tender (includes all hod carriers classifications previously shown as mortar men and scaffolding)

GROUP V - Barco, Jackson or similar tamp operators; Asphalt takers; Powder men; Mastic hot kettle men; Sandblasting and gumite nozzlemen; Wagon and Churn drill operators

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Pension	Vacation	
\$9.07	.35	.60		.02
8.90	.70	1.00		.02
9.075	.35	.35	.50	
8.62	.33	.30	.25	.05
8.275	.20	.25		
8.715	.20	.25		
9.155	.40	.50	.75	
9.22	.23	13+27	.80	.03
9.22	.23	13+27	.80	.03
8.67	.23	13+27	.80	.03
9.22	.23	13+27	.80	.03
8.06	.23	13+27	.80	.03
9.22	.23	13+27	.80	.03
8.84	.395	.26	25+25	.02
707JR	.395	.26	25+25	.02
507JR				

ASBESTOS WORKERS
BOILERMAKERS
BRICKLAYERS and STONEMASONS
CARPENTERS, MILLWRIGHTS and
FILEDRIVEN
CEMENT MASONS (Building Construction)
Cement Masons
Composition
CEMENT MASONS (Heavy and Highway Construction)
Zone I - Johnson and Wyandotte Counties, Kansas
ELECTRICIANS:
Zone I - Western half of Clay and Jackson Counties, Missouri not including Blue Springs; Northern half of Platte County, Missouri; Northwestern portion of Cass County, Missouri not including Pleasant Hill
Electricians
Zone 2 - Remainder of Clay, Jackson, Platte and Cass Counties, Missouri
Electricians (contracts over \$5,000)
Electricians (contracts \$5,000 and under)
Zone 3 - Ray County, Missouri: Electricians (contracts over \$5,000)
Electricians (contracts \$5,000 and under)
Zone 4 - Johnson and Wyandotte Counties, Kansas
ELEVATOR CONSTRUCTORS
ELEVATOR CONSTRUCTORS' HELPERS
ELEVATOR CONSTRUCTORS' HELPERS (1908.)
FOOTNOTES: a-let 6 mos. - none; 6 mos. to 5 years - 2%; Over 5 years - 4% of basic hourly rates; b-Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

DECISION NO. M075-4059

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Pensions	Vacation	
LABORERS: (Cont'd) Site preparation and Grading, Heavy and Highway Construction Zone 3 - Johnson and Wyandotte Counties, Kansas				
GROUP I	.50	.50	.65	.10
GROUP II	.50	.50	.65	.10
GROUP III	.50	.50	.65	.10
GROUP IV	.50	.50	.65	.10
GROUP V	.50	.50	.65	.10

CLASSIFICATION DEFINITIONSLABORERS

GROUP I - Carpenter tenders; Salamander tenders; Dump men and ticket takers on stock piles; Flagmen; Loading trucks under bins, hoppers and conveyors; Track men and all other general laborers

GROUP II - Air tool operators; Cement handler (bulk or sack); Chain or concrete saw; Deck hands; Dump men on earth fill; Grade checkers on cuts and fills; Georgia buggies men; Material batch hopper men; Scale men; Material mixer men (except on manholes, coffer dams, abutments and pier hole men working below ground); Riprap pavers rock, block or brick; Signalmen; Scaffolds over 10 ft. not self-supported from ground up; Skip-men on concrete paving; Vibrator men; Wire mesh setters on concrete paving; All work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; Power tool operators; All work in connection with hydraulic or general dredging operations; Form setter helpers; Puddlers (paving only)

GROUP III - Crusher feeder; Men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); Head pipe layer on sewer work; Topper of standing trees; Batter board men on pipe and ditch work; Feeder men on wood pulverizers; Board and willow mat weavers and cable tiers on river work; All laborers working on underground tunnels where compressed air is not used.

GROUP IV - Spreader or screed men on asphalt machine; Asphalt taker; Laser beam men; Barco tamper; Jackson or any other similar tamper; Wagon drillers; Churn drills; Air track drills and all other similar drills; Form setters; Cutting torch men; Liners and stringline men on concrete paving, curbs, gutters and etc.; Hot mastic kettlemen; Hot tar applicator; Hand blade operators; Manhole builders helpers and mortar men on brick or block manholes; Sandblasting and gunnite nozzle men; Rubbing concrete; Air tool operator in tunnels

GROUP V - Manhole builder (brick or block); Dynamite and powder men

DECISION NO. M075-4059

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Pensions	Vacation	
LABORERS (Cont'd): Building Construction Zone 2 - Ray County, Missouri				
GROUP I	.45	.40	.40	.10
GROUP II	.45	.40	.40	.10
GROUP III	.45	.40	.40	.10
GROUP IV	.45	.40	.40	.10
GROUP V	.45	.40	.40	.10

CLASSIFICATION DEFINITIONSLABORERS

GROUP I - General labor; Wire mesh handlers or setters; Carpenter tender; Track men; Flagmen; Signalmen; Salamander tenders; Window cleaners; Floor cleaners; Landscape men; Sod layers; Wrecker (for alterations or entire projects)

GROUP II - Plumber laborers (conduit pipe, sewer work, drain tile and duck lines, digging and backfilling), power tool operators; Pier hole diggers (over 10 ft.); Vibrator, jackhammer, and chipping hammer operators; Chain saw operators; Concrete saw operators; Brush feeders on pulverizers; Reinforcing steel handlers; Air tamp operators; Ditch witch operators; Swinging scaffolds

GROUP III - Cutting torch or burner men; Georgia buggies (self-propelled); Fork lift; Hosemen; Insulation men

GROUP IV - Fork lift (masonry); Brick tender; Plasterer tender; Stonemasons tender (includes all load carriers classifications previously shown as mortar men and scaffolding)

GROUP V - Barco, Jackson or similar tamp operators; Asphalt takers; Powder men; Mastic hot kettle men; Sandblasting and gunnite nozzlemen; Wagon and churn drill operators

DECISION NO. M075-4059

LATHERS
LINE CONSTRUCTION:
 Zone 1 - Cass, Clay, Jackson,
 Platte, and Ray Counties,
 Missouri; Wyandotte and
 remainder of Johnson
 Counties, Kansas

Linenmen
 Heavy equipment operator
 Groundman
 Groundman (1st year)
 Groundman Powderman
 Zone 2 - Western 3/4 of Johnson
 County, Kansas

Linenman
 Cable Splicers
 Groundman, over 1 year
 Groundman, 1st year
 Powderman
 Line truck and equipment
 operators:
 1st year
 2nd year
 Over 2 years' experience

MARBLE AND TILE SETTERS' HELPERS
PAINTERS:
 Brush and Tapers
 Spray

PLASTERERS
PIPEFITTERS
PLUMBERS

POWER EQUIPMENT OPERATORS:
 Building Construction
 GROUP I
 GROUP II
 GROUP III
 GROUP IV
 GROUP V
 GROUP VI
 GROUP VII
 GROUP VIII
 GROUP IX
 GROUP X
 GROUP XI

Basic Hourly Rates	Fringe Benefits Payments			App. Ti.
	M & B	Pensions	Vacation	
\$6.75	.20			
8.71	.35	13+.15		1/21
8.10	.35	12+.15		1/21
5.73	.35	12+.15		1/21
4.91	.35	12+.15		1/21
6.04	.35	12+.15		1/21
7.70	.35	11		1/21
8.085	.35	11		1/21
4.81	.35	11		1/21
3.67	.35	11		1/21
6.39	.35	11		1/21
4.93	.35	11		1/21
5.88	.35	11		1/21
6.39	.35	11		1/21
7.93	3.65%	3.25%		1/21
8.74	.30	.35		.06
9.74	.30	.35		.06
9.65	.30	.90		.06
9.37	.47			
9.64	.30			
9.25	.50	.75	.75	.10
9.00	.50	.75	.75	.10
8.00	.50	.75	.75	.10
8.75	.50	.75	.75	.10
8.50	.50	.75	.75	.10
8.50	.50	.75	.75	.10
9.50	.50	.75	.75	.10
9.75	.50	.75	.75	.10
9.25	.50	.75	.75	.10
10.25	.50	.75	.75	.10
9.75	.50	.75	.75	.10

DECISION NO. M075-4059

POWER EQUIPMENT OPERATORS: (Cont'd)
 Building Construction
 GROUP XII:

(a)
 (b)
 (c)
 (d)

Basic Hourly Rates	Fringe Benefits Payments			App. Ti.
	M & B	Pensions	Vacation	
\$9.00	.50	.75	.75	.10
8.75	.50	.75	.75	.10
8.75	.50	.75	.75	.10
8.25	.50	.75	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP I - Asphalt paver and spreader; Asphalt plant mixer operator; Asphalt plant operator; Back fillers; Backhoe, all types; Barber-Greene loader (similar type); Blade-power, all types; Boats-power; Boilers (2); Boring machines (all types); Cableways; Cherry Pickers (all types); Chip spreader; Clamshells; Combination concrete hoist and mixer such as mixer-vehicle (with tower, 50c per hour additional); Compressors (2) 150 ft. or over not more than 20' apart; Compressors tandem (any sizes); Compressors single, truck mounted; Concrete ready-mixed plant, portable (job site); Concrete mixer paver; Crane-overhead; Crusher, rock; Derricks and derrick cars (power operated); Ditching machines; Driers; Draglines; Bridges - any type power; Grade-all - similar type; Hoist, endless chain-power operated with power travel; loaders - all types; Locomotives all types; Mechanic and welder; Mucking machine; Orange peels; Pile drivers - all types; Pumps - material all types; Push cats; Scoops all types; Self-propelled rotary drill; Shovel, power; Side boom; Skimmer scoop; Testhole machine; Throttle man

GROUP II - A-Frame trucks; Boilers (1); Brooms - power operated (all types); Chip spreader (front man); Claf plane operator; Compressors (1) 150' or over; Concrete saws, self-propelled; Conveyor operator; Crab - power operated; Carb finishing machine; Firemen on rigs; Flex plane; Floating machine; Form grader; Fork lift - all types and sizes (except masonry); Greaser; Hoist; Hoist, endless chain - power operated; Hopper - power operated; Hydra hammer (all types); Lad-a-vator - similar type; Mixers with side loaders; Pumps (with well points); Pump; Rollers - all types; Siphons, jets, and jennies; Sub-grader; Tractors over 50 h.p.

GROUP III - Oiler

GROUP IV - Fork lift-masonry

GROUP V - Oiler driver all types

GROUP VI - Tractors (except when hauling material) less than 50 h.p.

GROUP VII - Clamshells, 80 ft. of boom or over (including jib); Crane or rigs, 80 ft. of boom or over (including jib); Draglines, 80 ft. of boom or over (including jib); Filledrivers, 80 ft. of boom or over (including jib)

POWER EQUIPMENT OPERATORS (Cont'd)

Building Construction

CLASSIFICATION DEFINITIONS (Cont'd)

GROUP VIII - Cranes or rigs, over 100 ft. of boom

GROUP IX - Hoists each additional drum over 1 drum

GROUP X - Master Mechanic

GROUP XI - Crane - tower or climbing

GROUP XII - Ready Mixed Concrete Plants:

- (a) Crane Operator
- (b) Loader Operator
- (c) Plant Man
- (d) Conveyor Operator

POWER EQUIPMENT OPERATORS (Cont'd)

Site Preparation and Grading,
Heavy and Highway Construction
Zone 1 - Johnson and Wyndotte
Counties, Kansas

	Basic Monthly Rates	H & W	Penalties	Yardage	App. T.
GROUP I	\$9.35	.50	.75	.75	.10
GROUP II	9.10	.50	.75	.75	.10
GROUP III	8.85	.50	.75	.75	.10
GROUP IV	8.10	.50	.75	.75	.10
GROUP V	8.60	.50	.75	.75	.10
GROUP VI	9.60	.50	.75	.75	.10
GROUP VII	9.85	.50	.75	.75	.10
GROUP VIII	9.35	.50	.75	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP I - Asphalt paver and spreader; Asphalt plant console operator; Auto grader; Backhoe; Blade operator, all types; Boilers - 2; Booster pump on dredge; Boring machine (truck or crane mounted); Bulldozer operator; Clamshell operator; Compressor maintenance operator - 2; Concrete plant operator, central mix; Concrete mixer paver; Crane operator; Derrick or derrick trucks; Ditching machine; Dragline operator; Dredge engine; Dredge operator; Drilling with compressor mounted on lat; Drilling or boring machine, rotary, self-propelled; High loader - fork lift; Hoisting engine - 2 active drums; Locomotive operator, standard gauge; Mechanics and welders, field or shop; Maintenance operator; Mucking machine; Pile driver operator; Pitman crane operator; Pump - 2; Quad-trac; Scoop operator - all types; Scoops in tandem; Self-propelled rotary drill (levoy or equal - not air trac); Shovel operator; Side discharge spreader; Siftboom cat; Skimmer scoop operator; Slip - form paver (CMI, REX, or equal); Throttle man; Truck crane; Welding machine maintenance operator - 2

POWER EQUIPMENT OPERATORS (Cont'd)

Site Preparation and Grading, Heavy and Highway Construction

CLASSIFICATION DEFINITIONS (Cont'd)

GROUP II - A-Frame truck; Asphalt hot mix silo; Asphalt plant fireman, drum or boiler; Asphalt plant mixer operator; Asphalt plant man; Asphalt roller operator; Backfiller operator; Chip spreader; Concrete batch plant, dry-power operator; Concrete mixer operator, skip loader; Concrete pump operator; Crusher operator; Elevating grader operator; Greaser; Hoisting engine - 1 drum; Latombeau router; Multiple compactor; Pavement breaker, self-propelled, of the hydra-hammer or similar type; Power shifter; Pug mill operator; Stump cutting machine; Towboat operator; Tractor operator over 50 h.p.

GROUP III - Boilers - 1; Chip spreader (front man); Churn drill operator; Compressor maintenance operator - 1; Concrete saws, self-propelled; Conveyor operator; Distributor operator; Finishing machine operator; Fireman, rig; Float operator; Form grader operator; Pump; Pump maintenance operator, other than dredge; Roller operator, other than high type asphalt; Screening and washing plant operator; Self-propelled street broom or sweeper; Siphons and jets; Sub-grading machine operator; Tank car heater operator - combination boiler and booster; Tractor, 50 h.p. or less, without attachments; Vibrating machine operator, not hand; Welding machine maintenance operator - 1

GROUP IV - Mechanic's helpers; Oilier

GROUP V - Oilier driver, all types

GROUP VI - Clamshells, 3 yds. capacity or over; Crane or rigs, 80 ft. of boom or over (including jib); Draglines, 3 yds. capacity or over; Piledrivers, 80 ft. of boom or over (including jib); Shovels, 3 yds. capacity or over

GROUP VII - Cranes or rigs, over 100 ft. of boom (including jib)

GROUP VIII - Hoists (each additional drum over 1 drum)

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft. or more in length or depth will be paid fifty cents (50c) per hour above the regular classification.

DECISION NO. W075-4059

ROOFERS:

Roofers:

Helpers:

1st 6 months

2nd 6 months

3rd 6 months

4th 6 months

5th 6 months

SHEET METAL WORKERS

SOFT FLOOR LAYERS

SPRINKLER FITTERS

TERRAZZO WORKERS

TERRAZZO WORKERS' HELPERS

TERRAZZO BASE MACHINE GRINDERS

TRUCK DRIVERS:

Building Construction:

GROUP I

GROUP II

GROUP III

GROUP IV

GROUP V

GROUP VI

GROUP VII

GROUP VIII

GROUP IX

GROUP X

GROUP XI

GROUP XII

GROUP XIII

GROUP XIV

GROUP XV

GROUP XVI

GROUP XVII

GROUP XVIII

GROUP XIX

GROUP XX

GROUP XXI

GROUP XXII

GROUP XXIII

GROUP XXIV

GROUP XXV

GROUP XXVI

GROUP XXVII

GROUP XXVIII

GROUP XXIX

GROUP XXX

GROUP XXXI

GROUP XXXII

GROUP XXXIII

GROUP XXXIV

GROUP XXXV

GROUP XXXVI

GROUP XXXVII

GROUP XXXVIII

GROUP XXXIX

GROUP XL

GROUP XLI

GROUP XLII

GROUP XLIII

GROUP XLIV

GROUP XLV

GROUP XLVI

GROUP XLVII

GROUP XLVIII

GROUP XLIX

GROUP L

GROUP LI

GROUP LII

GROUP LIII

GROUP LIV

GROUP LV

DECISION NO. W075-4059

TRUCK DRIVERS:

Site Preparation and Grading,

Heavy and Highway Construction

Zone I - Johnson and Wyandotte

Counties, Kansas

GROUP I

GROUP II

GROUP III

GROUP IV

GROUP V

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Variable	
\$8.09	.50	.50	.75	
8.29	.50	.50	.75	
8.60	.50	.50	.75	
8.75	.50	.50	.75	
7.865	.50	.50	.75	.75

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP I - One team; Station wagons; Pickup trucks; Material trucks, single axle; Tank wagon drivers, single axle

GROUP II - Material trucks, tandem; Two teams; Semi-trailers; Winch trucks - fork trucks; Distributor drivers and operators; Agitator and transit mix; Tank wagon drivers, single axle; Tank wagon drivers tandem or semi-trailers; Insley wagons; Dump trucks; excavators, 5 cu. yds. and over; Dumpsters; Half-tracks; Speedsters; Euclids and other similar excavating equipment

GROUP III - A-Frame, lowboy, and boom truck driver

GROUP IV - Mechanics and welders

GROUP V - Mechanics' helpers, oilers and greasers

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP I - Warehousemen and stock men

GROUP II - Flat beds; Pick-ups; Dump trucks, under 10 yds.

GROUP III - Dump trucks, 10 yds. and over; Steel trucks; Semi truck drivers

GROUP IV - Straddle trucks; Wheel tractors (when used for towing); Hydro lift trucks; Hydraulically operated serial lifts; Heavy hauling, a-frame winch and fork lifts; Heavy excavating (dumper, euclid, etc.); double bottom units (20 tons capacity and over)

GROUP V - Distributor truck drivers and operators; Oilers, greasers and Mechanics' helpers

GROUP VI - Mechanics

GROUP VII - Transit mix, 5 yds. and over

GROUP VIII - Transit mix, under 5 yds.

STATE: Nebraska
 DECISION NO.: NE75-4255
 COUNTY: Douglas and Sarpy
 DATE: Date of Publication
 SUPERSEDES DECISION NO. AR-77 dated November 15, 1974 in 39 EA 42465
 DESCRIPTION OF WORK: Commercial building construction (excluding single family homes and garden type apartments up to and including 4 stories).

DECISION NO. NE75-4055

	Basic Monthly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pension	Vacation	
PLASTERERS	\$8.35	.35	.30		
PLASTERERS TENDER	5.935	.25	.25		.02
PLUMBERS	9.76	.35	.55		.10
POWER EQUIPMENT OPERATORS:					
Group I	6.78	.35	.30		
Group II	6.98	.35	.30		
Group III	7.13	.35	.30		
Group IV	8.02	.35	.30		
Group V	8.12	.35	.30		
Group VI	8.37	.35	.30		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION

Group I
 Oilers; greasers; mechanics helper
 Group II
 Oilier drivers (motor truck crane)
 Group III
 Conveyors; heaters; tractors, 35 HP or under; air compressors; pump and welding machine operator
 Group IV
 Bulldozers; forklifts; concrete pumps; tractors over 35 HP; one drum hoists; straddle trucks; spread oiler
 Group V
 Blades; end loaders; self propelled scrapers
 Group VI
 Two drum hoists; trenching machines; pile drivers; dredges; heavy duty mechanics; shovels; draglines; clamshells; orange peels; cranes; derricks; backhoes; winch trucks and side booms or cat booms; locomotives; firmen used on high pressure boilers in construction work; automobile; electric hammers and extractors

	Basic Monthly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pension	Vacation	
ROOFERS:					
Composition	\$6.88	.15	.20	.20	.01
Slate; tile	7.18	.15	.20	.20	.01
SHEET METAL WORKERS	8.88	.35	.20		.02
SOFT FLOOR LAYERS	8.00	.40	.60	c	.07
SPRINKLER FITTING	8.85	.35	.55		.10
STEAMFITTERS	9.86	.35	.55		
TRUCK DRIVERS:					
Single axle	6.145	.25	.25		
Tandem axle	6.22	.25	.25		
Louboy; trailer	6.345	.25	.25		
Lumber carriers	6.52	.25	.25		

	Basic Monthly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pension	Vacation	
BUILDING CONSTRUCTION					
ASSISTANT WORKERS	\$10.00	.40	.51		.015
BOILERMAKERS	7.80	.30	.85		.02
BRICKLAYERS, STONE MASONRY	8.375	.35	.30	.60	
CARPENTERS:					
Carpenters	7.88	.35	.30	.40	.05
Miller/light	8.13	.35	.30	.40	.05
Piledriverman	8.005	.35	.30	.40	.05
CEMENT MASONS	8.34	.35	.30	.40	.05
DRYWALL:					
Tapers and finishers	7.34	.35	.50	.50	.01
Spray	7.59	.35	.50	.50	.01
ELECTRICIANS	10.08	.48	1 1/4	.50	1/4
ELEVATOR CONSTRUCTORS	9.18	.445	.29	3 1/4	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.01	.445	.29	3 1/4	.02
ELEVATOR CONSTRUCTORS' HELPERS (Probationary)	5.01				
GLAZIERS	8.45	.40	.35		
IRONWORKERS	7.95	.35	.30	.50	
LABORERS:					
Common laborers	5.62	.25	.25		.02
Baggy/mobile operators; mortar mixers	5.765	.25	.25		.02
Mason tenders	5.765	.25	.25		.02
LATERS	7.15	.25	.25	.40	
LINE CONSTRUCTION:					
Linemen	8.09	.35	1 1/2		1/2
Cable splicers	8.49	.25	1 1/2		1/2
Truck driver	5.86	.25	1 1/2		1/2
Equipment operators	7.61	.25	1 1/2		1/2
Groundmen:					
(Inexperienced) 1st 6 months	2.75	.35	1 1/2		1/2
(Inexperienced) 2nd 6 months	4.02	.35	1 1/2		1/2
Thereafter	5.31	.35	1 1/2		1/2
MARBLE SETTERS; Tile and Terrazzo workers	7.70	b	.25		
MARBLE, Tile and Terrazzo workers' helpers	5.20				
PAINTERS:					
Brush	7.65		.25		
Structural steel and paperhangers	7.90		.25		
Spray; siding stage; hazardous and sandblasting	8.15		.25		

DECISION NO. NE73-4055

Page 3

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; G-Christmas Eve; H-Day after Thanksgiving.

FOUNTAIN:

- a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Also 6 paid holidays - A through F.
- b. Employer agrees to provide one-half cost of a Health and Welfare Plan (one-half cost to be paid by employee) which will provide benefits at least equal to the Omaha Construction Industry Health and Welfare Plan shall pay \$0.30 per hour in cash.
- c. Eight paid Holidays, A thro H; also employees with one year's continuous service with the same employer but less than 4 years shall receive 1 week's paid vacation; after 4 year's continuous service with the same employer shall receive 2 weeks paid vacation.
- d. Paid Holidays - Memorial Day and Thanksgiving; Day - Also employees who are on the employer's payroll on the scheduled work day immediately preceding or following New Year's Day; Fourth of July; Labor Day and Christmas Day or days celebrated as such holidays, shall receive eight hours pay at straight time rate.

ND-75-5031 P. 2

SUPERSEDES DECISION

STATE: North Dakota
 COUNTIES: Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh and Ward

SECTION NUMBER: ND75-5031
 Supersedes Decision No. 43-1055 dated December 20, 1974, in 39 FR 64184
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

DATE: Date of Publication

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	M & V	Pensions	Vacation		
AKESING WORKERS (except Walsh County)	\$7.69	.35	.50		.005
ROLLMANNERS (except Walsh Co.)	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons; Burleigh and Morton Counties	7.78	.15	.15		
Grand Forks, Steele and Walsh Counties	8.60	.15	.15		
Cass and Richland Counties	8.25	.15	.30		.02
Ward County	7.23	.40	.15		.02
CHARTERS: Burleigh and Morton Counties	6.80				.02
Carpenters	6.925				.02
Piledrivers	7.15	.20			.02
Grand Forks, Steele (Northern area) and Walsh Counties	7.38	.30			.02
Carpenters	7.53	.20			.02
Piledrivers	7.21	.30			.02
Chas, Richland and Steele (Southern area) Counties	6.78				.02
Carpenters	7.01				.02
Ward County	7.26				.02
CEMENT MASONS: Grand Forks and Steele Counties	6.25	.15			
Cass, and Richland Counties	7.51				
Ward County	5.50				
ELECTRICIANS: Cass, Grand Forks, Richland and Steele Counties					
Zone mileage from main P. O. in the Cities of Grand Forks, Valley City, Fargo and West Fargo.					
Zone (A) Within 0-15 miles of each main P. O.					
Electricians	8.05	.20	.15	.62	15%
Cable Splicers	8.35	.30	.15	.62	15%

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	M & V	Pensions	Vacation		
ELECTRICIANS: (Cont'd) Zone (B) 15-30 miles of each main P. O.	\$8.67	.30	.15	.62	15%
Electricians	8.97	.30	.15	.62	15%
Cable Splicers					
Zone (C) Over 30 miles of each main P. O.	9.30	.30	.15	.62	15%
Electricians	9.60	.30	.15	.62	15%
Cable Splicers					
Burleigh, Morton, and Ward Counties					
Zone mileage from main P. O. in the Cities of Minot, Bismarck and Mandan					
Zone (A) Within 0-15 miles of each main P. O.	7.90	.30	.15	.62	15%
Electricians	8.30	.30	.15	.62	15%
Cable Splicers					
Zone (B) Over 15 miles from main P. O.	9.15	.30	.15	.62	15%
Electricians	9.55	.30	.15	.62	15%
Cable Splicers					
ELEVATOR CONSTRUCTORS (excluding Walsh County)	8.35	.395	.26	.25%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.01	.395	.26	.25%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50.18				
IRONWORKERS: Ornamental; Structural; Reinforcing	8.50	.40	.28		.05
PAINTERS: Cass, Grand Forks, Richland and Steele Counties					
Brush; Roller; Paperhangers	7.25				.01
Sandblasting; Structural Steel Spray	7.50				.01
8.00					
Drywall Tapers and Sanders	8.04				.01
Burleigh and Morton Counties					
Brush	5.55				
Spray	5.85				
Ward County					
Brush	5.20				
Spray	5.55				

NOTICES

BUILDING CONSTRUCTION

LABORERS

Grand Forks and Steele Counties

Group 1:
Laborers; Concrete bucket dumpman

Group 2:
All power tools (air, gas and electric); Operators of tools that come under the laborers' jurisdiction; Brick, plaster and finisher tender; Sandblaster and gunnite pot tender; Hose tender where under the laborers' jurisdiction

Group 3:
Hod Carriers; Non-metallic Pipe-layer; Gas line wrapping or taping; Sand Blaster and Gunnite Nozzleman where under laborers' jurisdiction; Cutting Torch for demolition

Burleigh and Morton Counties

Group 1:
Laborers; Concrete bucket man; Brick and Plasterer tender

Groups 2 & 3:
All Power tool operator of tools that come under the laborers' jurisdiction; Mortar Mixer; Hod Carriers; Non-metallic Pipe layer; Gas line wrapping or taping; Cutting Torch for demolition

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
PLASTERERS: Grand Forks and Steele Counties Ward County Cass and Richland Counties	\$6.80 6.50 8.30		.15		
PLUMBERS: Cass, Grand Forks, Richland, Steele, and Walsh Counties Burleigh and Morton Counties Ward County	8.50 7.85 8.05	.38 .35 .35	.20 .25 .25		.01 .02 .04
ROOFERS: Cass and Richland Counties	5.30				
SHEET METAL WORKERS: Burleigh, Grand Forks, Morton, Steele and Ward Counties Cass, and Richland Counties	8.00 7.25	.40	.10		.01
SOFT FLOOR LAYERS: Cass and Richland Counties	5.75	.20			
SPRINKLER FITTERS (except Walsh County)	8.00	.50	.70		.08
FOOTNOTES: a. Employer credits 1% basic hourly rate for employee with 6 months to 5 years' service; 4% basic hourly rate with over 5 years service as Vacation Credit Plan. Six Paid Holidays: A through F. PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					

Basic Hourly Rates

H & W

Pensions

Vacation

App. Tr.

.20

\$5.42

.20

5.57

.20

5.77

.20

4.80

.20

4.90

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pension	Vacation	App. Th.
Days and Richland Counties					
Group 1: Laborers; Concrete bucket dumpman; Bricktender	\$4.99	.20			
Group 2: All Power tool operators of tools that come under the laborers' jurisdiction; Plasterers tender; and Mortar Mixer	5.14	.20			
Group 3: Mod Carriers; Non-metallic Pipe layer; Gas line wrapping and taping (Distribution only); Cutting Torch for demolition	5.14	.20			
Ward County					
Group 1: Laborers; Concrete bucket dumpman	4.99	.20			
Group 2: All Power tool operators of all tools that come under the laborers' jurisdiction; Mortar Mixer; and Plasterer tender	5.09	.20			
Group 3: Non-metallic Pipe layer; Gas line wrapping or taping (Distribution only); Cutting Torch for demolition	5.24	.20			
Walsh County	2.75				

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pension	Vacation	App. Th.
GROUP 1 CRANES, tower and overhead; Cherry picker	\$7.15	.35	.25		
GROUP 2 BRAKEMEN; Any air compressed opera- tions over 300 wall points; Frontend loader over 1 1/2 cu. yds.; Power plant engine; Straddle Carrier; Oiler; Mechanic and welder; Batch plant drill rig; Tractor, over 75 HP; Concrete pumps, stationary and boom type; Forklift, over 3,000 lbs.; lifting capacity	6.55	.35	.25		
GROUP 3 HOIST; Greaser; Concrete mixer operator; Boom truck; Fireman; Tractor, 75 HP and under; Frontend loader, 1 1/2 cu. yds., and under; Air compressor, 300 and under; Forklift, 3,000 lbs. and under; lifting capacity; Self-propelled scissor jack	5.55	.35	.25		

Site Preparation Excavation and
Incidental Tearing (except Walsh
County)

S. J. L.

Group	1	2	3	4
Group 1				
Group 2				
Group 3				
Group 4				

Site Preparation Excavation and
Incidental Paving (except Haul
County)

SEVERAL EQUIPMENT OPERATORS

Group	1
Group	2
Group	3
Group	4
Group	5
Group	6
Group	7
Group	8
Group	9
Group	10

Site Preparation Decavation and
Incidental Paving (except Walsh
County)

TRUCK DRIVERS

Single Axle
Tandem
Agitator Dumpcrete
Off road heavy end dumps,
20 yds. and under; Tandem
Dump, Loady
Dumpid. over 20 yds.

Basic Hourly Rate	Group Bonus Payments			
	M & W	Females	Vacation	App. Tr.
\$3.20				
3.20				
3.40				
3.50				
7.20	.35	.25		
7.05	.35	.25		
6.90	.35	.25		
6.85	.35	.25		
6.60	.35	.25		
6.37	.35	.25		
5.44	.35	.25		
5.29	.35	.25		
5.19	.35	.25		
4.83	.35	.25		
4.77	.35	.15		
4.87	.35	.15		
5.12	.35	.15		
5.12	.35	.15		
5.75	.35	.15		

LABORERS

Group 1: General Construction Laborer (Chip Spreader Levernman, Fine Grader, Form Grader, Landscape Worker, Pump Operator (presenter), Tunnel Worker, Sign Erector); Reinforced Steel Setter; Sack Shaker (cement and mineral filler); Pipe Handler; Drill Runner Helper; Salamander Heater and Blower Tender

Group 2: Sand Skilled Laborer (Slate Filler Machine Operator, Chip Spreader Operator); Bulk Cement Handler; Conduit Layer, Telephones or Electrical; Form Setter (Pavement); Gas, Electric or Pneumatic Tool Operator (Shipping Hammer, Grinders and paving breaker, Tamper (dirt), Concrete Vibrator Operator); Chain Saw Operator; Concrete Curing Man (not water); Bituminous Worker (Shovelers, Dumper, Baker and Floater); Earthman (Bituminous or lead); Concrete Bucket Signalman; Power Buggy Operator; Brick and Mason Tender; Multiplane Pipe Layer; Culvert Pipe Layer.

Group 3: Caisson Work; Bottom Man, (sanitary sewer, storm sewer, water, and gas lines); Concrete Mixer Operator (one bag capacity); Mortar Mixer

Group 4: Pipe Layers (sanitary sewer, storm sewer, water, and gas lines); Drill Runner (including Wagon Churn or Air Track); Powderman, Gunite and Sandblast, Nozzlemen

POWER EQUIPMENT OPERATORS

Group 1: Cableway Operator; Crane Operator with over 135' boom; Derrick (Guy and Stiff leg), (power), (skids and stationary); Front End Loader over 10 cu. yds.; Gantry Crane Operator; Mole Operator, including power supply or tunnel marking machine; Power Shovel and/or other equipment with shovel type controls 3 cu. yds.

POWER EQUIPMENT OPERATORS (Cont'd)

Group 2: Concrete Mixer Stationary Plant Operator over 34.5; Dredge Operator or Engineer; Dredge Operator (power) and Engineer; Elevator Grader Operator; Locomotive, Crane Operator; Master Mechanic; Driver (paving) Concrete Paving Operator, road; Power Shovel and/or other equipment with shovels and/or other equipment with shovel type controls up to 3½ cu. yds.; Scraper Tandem; Tandem Pusher Quad 9 or similar; Tractor Operator (pipeline); Slide Boom; Truck Crane Operator; Hydraulic Operator, 15 ton and over

Group 3: Dope Machine Operator (pipeline); Drill Rigs, Heavy Duty Rotary or Churn or Cable Drill; Front End Loader Operator, 6 cu. yds. and over; Locomotive, all types; Pipeline Wrapping, Cleaning and Bending Machine Operator; Power actuated Horizontal Boring Machine over 6" Operator (pipeline); Pumpcrete Operator; Refrigeration Plant Engineer; Slip Form Operator (power driven) (paving); Tandem Scraper-twin engine, 50 cu. yds. struck and over

Group 4: Asphalt Paving Machine Operator; Asphalt Plant Operator and Console Board Operator; CMI Grading Operator; Crushing Plant Operator (gravel and stone or gravel washing crushing and screening plant operator); Front End Loader Operator, 1 cu. yd. up to 5 cu. yds.; Grader or Motor Patrol, finishing earth work and bituminous; Mechanic or welder (heavy duty); Rubber Tired Industrial Tractor with Backhoe attachment (water main sanitary sewer and storm sewer, trunk line construction); Scraper Operator; Tractor type Borer D-6 and over; Trenching Machine Operator, sewer and water, (except Ditch Witch or similar use oiler rates); Turnapull Operator, (or similar type)

Group 5: Bituminous Spreader and Bituminous Finishing Operator (power); Concrete Distributor and Spreader Operator, Finishing Machine Longitudinal Plant Operator, Ft. Machine Operator and Spray Operator; Concrete Mixer Operator on job site 163 or over; Paving Breaker or Tamping Machine Operator, including machine with power shovel attachments (power driven); Power actuated Augers and Boring Machine Operator; Power actuated Jacks Operator; Power plant engineer, 100 K.V.A. and over; Push Tractor; Self-propelled Traveling Soil Stabilizer; Soil Cement Stabilizer; Truck Mechanic

Group 6: Concrete Saw Operator (multiple blade) (power operated); Fine Grade Operator; Roller, steel and self-propelled rubber, on hot mix Asphalt Paving; Tractor Type power under 4-6 H.P.; Distributor Operator

POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: Brakeman or Switchman; Concrete Batch Plant Operator (cement, rock, and sand) Electronic; Concrete Mixer Operator on job site under 163; Crane Truck Oiler; Grader Operator (Motor Patrol) (haul road); Gravel Screening Plant Operator (portable not crushing or washing); Grasser (truck or tractor); Gunnite Operator (small); Hoist Engineer (power); Launchman (Tankerman or Pilot License); Pick-up Sweeper, 1 yd. and over hopper capacity; Shouldering Machine Operator (power) (Agco or similar type) including Self-propelled Sand Chip Spreader Fishery or similar; Sheepfoot Roller or Compactor (self-propelled)

Group 8: Crawler Type Tractor Paving Compaction or Aestling Equipment; Farm type Rubber Tired Tractor with Backhoe attachment; Self-propelled Vibrating Packer Operator Pad type (35 hp and over); Off road self-propelled watering equipment; Boom Truck Operator; Roller, steel and self-propelled rubber, on other than hot mix

Group 9: Bituminous Spreader and Bituminous Finishing Machine Operator (helper) (power); Concrete Batch Operator (cement, rock and sand) (manual); Form Trench Digger (power); Front End Loader Operator up to 1 cu. yd.; Hyster Carrier or Forklift; Leverman; Mechanics' Helper or Grasser Helper; Oiler (power shovel, crane dragline); Pugnall Operator; Pump Operator (well points); Self-propelled Broom

Group 10: Conveyor Operator; Curb Machine Operator (manual); Dredge Deck Hand; Farm Tractors, Rubber Tired for Compacting and Aestling; Front End Loader Operator (farm type rubber tired tractor); Stump Chipper Operator; Tie Tamper and Ballast Machine Operator

ND 15-5031 P. 11

NORTE DAKOTA - LINE CONSTRUCTION

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			App. To
		M & W	Pension	Vacation	
GROUP I Cable Splicer; Lineman; Tractor dozer operator (D-4 and larger) all rigs erecting steel tower and "W" fixtures, also tension- pulling machines	\$ 8.30	.35	1X		1/2X
GROUP II Groundman - operating special equipment hole digging ma- chines; Aerial baskets on energized circuits; Tractors (D-4) and larger; Transmission line pole hauling; all Fifth wheel trucks and other setting and assembly equipment exclud- ing steel tower and "W" fix- tures erection	\$ 6.69	.35	1X		1/2X
GROUP III Groundman-Truck or tractor driv- er (with winch); Operators of trucks up to and including 2 1/2 tons; Tractor including D-2 and smaller; Including wheel tractors and crawler tractors	5.58	.35	1X		1/2X
GROUP IV Groundman-Truck or tractor driv- er (without winch); Operators of trucks up to and including 2 1/2 tons; D-2 and smaller; including wheel tractors and crawler tractors; Groundman	5.13	.35	1X		1/2X

SUPERSEDES DECISION

STATE: Pennsylvania
 COUNTY: Lehigh
 DATE: Date of Publication
 DECISION NO.: 75-PA-3019
 SUPERSEDES Decision No. 40-2699, dated April 19, 1974, in 34 FR 14175.
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories).

75-PA-3019 P. 2

39-PA-1-B

2-2

39-2A-1- B 1-2										
BUILDING CONSTRUCTION	Fringe Benefits Payments					Other				
	Basic Hourly Rates	H & W	Vacation	App. Tr.	Other					
Asbestos workers	\$ 8.61	.42	.30	.01						
Boilermakers	10.20	.65	1.00	.01						
Bricklayers	8.90	.35	.80							
Carpenters	8.96	.30	.35							
Cement masons	7.62	.35	.25							
Electricians	9.70	.30	.15	.01						
Elevator constructors	9.47	.30	.29	.02						
Elevator constructors' helpers	6.63	.45	.29	.02						
Elevator constructors' helpers (prob.)	4.735									
Glaziers	8.14	.35	.10	.01						
Ironworkers, structural	10.10	.64	1.06							
Ironworkers, ornamental	10.10	.64	1.06							
Ironworkers, reinforcing	10.10	.64	1.06							
Laborers, building:										
Unskilled laborers	6.25	.25	.25							
Operator of jackhammer paving break-										
ing & other pneumatic & mechanical										
tools, wagon drills, & men handling										
dynamite, handling & using, cutting										
& burning torches in the wrecking										
of buildings, laying of all clay,										
terra cotta, ironstone, vitrified										
concrete or non-metallic pipe & the										
making of joints for same & coffer-										
dams (below 10 feet)	6.50	.25	.25							
Plaster & mason tenders, scaffold										
builders, & handling of all materials										
to be used by plasterers & masons,										
brick & blocks loaded on pallets,										
cement finishers tenders, gunning										
and molder-B, & sand blasters help-										
ers	6.55	.25	.25							
Barbo tamper operator	6.75	.25	.25							
Lathers	8.71	.40	.25	.01						
Lead burners	9.25	.35	.25	.01						
Line Construction:										
Linenmen & cable splicers	9.60	.25	.15	3/4 of 15						
Groundmen	5.76	.25	.15	3/4 of 15						
Winch truck operator	6.72	.25	.15	3/4 of 15						
Marble setters	7.64	.35	.80							
Marble setters helpers	6.65	.60	.25							
Millwrights	9.35	.30	.35							

BUILDING CONSTRUCTION										
Monthly Rates	H & W	Vacation	App. Tr.	Other						
\$ 7.80	.43	.40	.25							
8.55	.43	.40	.25							
7.80	.43	.40	.25							
8.30	.43	.40	.25	.01						
8.07	.30	.41		.08						
10.02	.57	.92								
8.725	.375	.10	.4							
9.05	.40	.25								
5.33	.40	.25								
9.18	.52	.50		.01						
9.60	.50	.70		.08						
9.92	1.28	.90		.07						
10.02	.57	.92		.08						
8.90	.35	.80								
7.89	.35	.80								
7.64	.35	.80								

Painters:
Brush
Structural steel
Paperhanger & Tapers
Spray
Plasterers
Plumbers
Roofers:
Albany, Mastamy and Windsor Compo-
sition, damp, waterproofing, slate &
tile
Remainder of County:
Composition & slate
Composition & slate helpers
Sheet metal workers
Sprinkler fitters
Piledrivers
Steamfitters
Stone masons
Terrazzo workers
Tile setters
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 4% basic hourly rate for 5 years or more of service or 2% of
basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
b. Six paid holidays: A through F.
c. Eight paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Ev-
ening. The employee has worked 40 full days for the same employer during the 120
calendar days prior to the holiday, & is available for work the days preceding &
following the holiday.
d. Paid Holiday: Election Day and Labor Day.
e. Paid Holiday: Good Friday; Memorial Day; Labor Day; Presidential Election Day.
f. Veterans' Day and Thanksgiving Day.

PAID HOLIDAYS:
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day;
 F-Christmas Day.

Footnotes:

- Employer contributes 4% basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- Six paid holidays: A through F.
- Eight paid holidays: A through F. Washington's Birthday, Good Friday, and Christmas Eve providing the employee has worked 43 full days for the same employer during the 120 calendar days prior to the holiday, & is available for work the days preceding & following the holiday.
- Paid Holiday: Election Day and Labor Day.
- Paid Holidays: Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans' Day and Thanksgiving Day.

POWER EQUIPMENT OPERATIONS

BUILDING CONSTRUCTION

	Basic Hourly Rate	Range Benefits Payments				Apr. 75
		H & W	Pension	Vacation	Apr. 75	
GROUP 1	\$10.19	4.6%	9.5%	a	1.2%	
GROUP 2	9.90	4.6%	9.5%	a	1.2%	
GROUP 3	9.02	4.6%	9.5%	a	1.2%	
GROUP 4	8.25	4.6%	9.5%	a	1.2%	
GROUP 5	7.77	4.6%	9.5%	a	1.2%	
GROUP 6	6.85	4.6%	9.5%	a	1.2%	
GROUP 7	10.44	4.6%	9.5%	a	1.2%	
GROUP 7-A	10.69	4.6%	9.5%	a	1.2%	
GROUP 7-B	10.94	4.6%	9.5%	a	1.2%	

GROUP 1: Machines doing back work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of hoists, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, jacks 245 and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-4 c.y. and over, tandem scrapers, pipin 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 toumaphalls, 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 3-4 cu. yds., mechanic-welders, motor patrols, drill balper-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, seaman pulverizing mixer, power broom, seeding spreader, fireman (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-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTE:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

DECISION NO. TX75-4056

STATE: Texas
 COUNTY: Wichita
 DATE: Date of Publication
 SUPERSEDES Decision No. TX75-4032, dated January 24, 1975, in 40 FR 3944.
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination TX75-4031 for Paving & Utilities Incidental to Building Construction).

SUPERSEDES DECISION

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$7.98	.30	.51		.025
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS & STONEMASONS	8.55		.30		.05
CARPENTERS:					
Carpenters	7.60	.30	.30		.07
Millwrights	8.09	.30	.30		.07
CEMENT MASONS	6.80				
ELECTRICIANS:					
Electricians	7.325	.20	.11		1/42
Cable splicers	7.575	.20	.11		1/42
ELEVATOR CONSTRUCTORS	7.89	.445	.29	3%+b	.02
ELEVATOR CONSTRUCTORS' HELPER	7.012	.445	.29	3%+b	.02
ELEVATOR CONSTRUCTORS' HELPER					
(FEB. 75)	50.12				
FOOTNOTES: a-1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate. b-Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.					
GLAZIERS	4.97				
IRONWORKERS:					
Structural; Ornamental; Reinforcing	7.03	.55	.60		.10
Ironworkers on jobs 30 miles or more from the city of Wichita	7.155	.55	.60		.10
FALLS	4.125	.275	.20		
LABORERS:					
GROUP 1 - General laborers					
GROUP 2 - Pipelayer (concrete & clay); Power buggy operator; Gunite mixer; Cement work mixer; Power tool operator; Bell hole man (piers)	4.25	.275	.20		.01
GROUP 3 - Mason tender; Mason mortar mixer; Plasterer tender; Rod carrier; Plasterer mortar mixer	4.375	.275	.20		
GROUP 4 - Gunite over 1 1/2" thick; Hoistman & machine operator	4.375	.275	.20		
GROUP 5 - Powderman, blaster	4.625	.275	.20		
LATHERS	7.65				

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
LIME CONSTRUCTION:					
Lineman; Lineman operator	\$9.21		.11		1/22
Cable splicer	10.13		.11		1/22
Groundman, 1st 6 months	5.53		.11		1/22
Groundman, 2nd 6 months	5.99		.11		1/22
Groundman, 1 year & over	6.45		.11		1/22
MARBLE SETTERS	8.61				
PAINTERS:					
Brush	5.00				.01
Spray	6.50				
PLASTERERS	7.65				
PUMBERS-PIPEFITTERS:					
ZONE 1 - Within 25 miles of Wichita Falls City limits	7.05	.25	.35		.02
ZONE 2 - Between 25 and 40 miles of Wichita Falls City limits	7.30	.25	.35		.02
ZONE 3 - Between 40 and 70 miles of Wichita Falls City limits	7.45	.25	.35		.02
ZONE 4 - Between 70 and 100 miles of Wichita Falls City limits	7.60	.25	.35		.02
ZONE 5 - Over 100 miles of Wichita Falls City limits	7.75	.25	.35		.02
POWER EQUIPMENT OPERATORS:					
GROUP 1	5.60	.30	.50		.10
GROUP 2	6.50	.30	.50		.10
GROUP 3	6.90	.30	.50		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oilier-Fireman
 GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants; Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and power on rear; Mixers less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; Ford tractor or like with any attachment (except blade and power on rear); All other equipment of similar nature coming under the Light Equipment Class, when power operated
 GROUP 3 - Drilling Machines (all types); Scoopmobiles; Hoists, two drums or more; Forklifts (over 25 ft.); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixmobile; Locomotives; Mixers, 14 cubic feet or over; Blade graders, self-propelled; Cableways; Cranes - Power operated (to 100 feet of boom); Derrick, power operated (all types); Grapple; Hy-Ho; Hop-To; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Sull-loaders, Tractors; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air compressors, Pumps, Welding Machines and Light Plants; Air Compressor & Air Tagger; Boilers, two or more fired by one man; Heavy Duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

DECISION NO. W75-4056

ROOFERS
SHEET METAL WORKERS
SOFT FLOOR LAYERS
TERRAZZO WORKERS
TILE SETTERS
TRUCK DRIVERS

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	
\$5.42				.01
7.19				
5.50				
7.50				
6.50				
2.55				

DECISION NO. WI75-2047

Basic Monthly Rates	Fringe Benefits Payments			
	SS & H	Unemploy	Vacation	Adv. Tr.
ZONE 3 - BROWN, CALUMET, DOOR, FOX DO LAC, GREEN LAKE, KENAUOC, MANITOWOC, MARINETTE, MARQUETTE, MENOMINEE, OCOUOT, OTTAWA, SELAHAW, WAUPACA & WAUSHAU Counties	7.63 7.88	.25 .25	.25 .25	.02 .02
ZONE 4 - GREEN, JEFFERSON & ROCK Counties	8.93 9.08	.30 .30	.15 .15	.02 .02
ZONE 5 - KNOXSHAW County	9.16 9.22	.40 .40	.50 .50	.03 .03
ZONE 6 - JACKSON, LA CROSSE, MONROE, TRENTON & VERNON Counties	7.60 7.95	.30 .30	.25 .25	.01 .01
ZONE 7 - ADAMS, COLUMBIA, GRAY- POPE, LAKE, LOGG, GRANT, IOWA, JUNEAU, LA FAVORITE, RICHARD & SAUK Counties	8.10 8.35	.25 .25	.15 .15	.01 .01
ZONE 8 - FLORENCE & IRON Counties	8.29 8.49	.50 .50	.40 .40	.03 .03
ZONE 9 - MILWAUKEE, OZaukee, WASHINGTON & WAUSHAU Counties	8.50 8.80	.60 .60	.51 .51	.03 .03
ZONE 10 - RACINE County	8.41 8.47	.40 .40	.50 .50	.03 .03
ZONE 11 - SEBASTIAN County	8.00 8.69	.40 .40	.30 .30	.03 .03
ZONE 12 - BAYFIELD & DOUGLAS Counties	7.60 7.60	.25 .25	.35 .35	.03 .03

DECISION NO. WTS-2047

CEMENT MIXERS (CONT'D)

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & V	Pension	Vacation	
\$ 7.12	.40	.50		
7.57	.40	.50		
7.26	.40	.50		
8.40	.40	.50		
9.15	.38			
9.10	.46			
8.97	.38			
8.33	.40			
9.80	.34			
9.37	.31			
8.96	.33			
8.86	.34			
7.96	.51			
8.65	.46			
8.27	.29			
8.62	.34			
7.96	.51			
8.96	.33			
9.16	.38			
9.43	.51			
8.13	.38			
8.76	.38			

ELECTRICIANS:

ZONE 1 - CALUMET, OTTAWA, WAUPACA, WAUNESHA & WINNEBAGO Counties
 ZONE 2 - BARREN, BUFFALO, CHIPPewa, CLARK, IRON, RAIN CLAIRES, FRYN, FIERCE, POLK, PRICE, RUSK, & ST. CROIX Counties
 ZONE 3 - BROWN, DODGE, ALPHEUS, & SHAWANO Counties
 ZONE 4 - FLORENCE & FOREST Counties
 ZONE 5 - KENOSHA County
 ZONE 6 - CRAWFORD, GRANT, JACKSON, JUNEAU, LA CROSSE, MORGAN, RICH- LAND, THOMPSON & VERMILION Counties
 ZONE 7 - WALWORTH County
 ZONE 8 - COLUMBIA, DANE, DOOR, GREEN LAKE, IOWA, MARQUETTE, & SAUK Counties
 ZONE 9 - SEBASTIAN County
 ZONE 10 - ASHLAND, BAYFIELD, BER- NETT, DOUGLAS, IRON, SAWYER, & WASHBURN Counties
 ZONE 11 - LANGDALE, LINCOLN, MARATHON, NEUMUNSTER, ORGIDA & VILLAS Counties
 ZONE 12 - ADAMS, FORTAGE & WOOD Counties
 ZONE 13 - FOND DU LAC County
 ZONE 14 - GREEN, JEFFERSON, LAFAYETTE & ROCK Counties
 ZONE 15 - RACINE County
 ZONE 16 - MILWAUKEE, OZAWISSE, WASHINGTON & WAUKESHA Counties
 ZONE 17 - MARINETTE & OCONTO Counties
 ZONE 18 - MANITOWOC County

DECISION NO. WTS-2047

CARPENTERS & PILEDRIVERS (CONT'D)

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & V	Pension	Vacation	
\$ 8.37	.30	.25	.40	.03
8.72	.30	.25	.40	.03
7.30	.25	.40	.18	.02
7.80	.25	.40	.18	.02
7.70	.25	.20		
7.58	.25	.20	.50	.03
7.10	.30	.25		
8.03			.50	
6.63	.30	.25	.40	
7.38	.25	.25		
6.63	.30	.25	.40	
7.35	.40	.35		
6.63	.30	.25	.40	
7.80	.25	.25	.30	
8.30	.25	.30		
8.22	.60	.60	.51	
8.20	.25	.40		

CEMENT MIXERS:

ZONE 1 - ASHLAND, BAYFIELD, DOUGLAS, & IRON Counties
 ZONE 2 - BARREN, BROWN, CHIPPewa, CLARK, IRON, RAIN CLAIRES, FRYN, FIERCE, POLK, PRICE, RUSK, & ST. CROIX Counties
 ZONE 3 - BROWN, DODGE, ALPHEUS, & SHAWANO Counties
 ZONE 4 - FLORENCE & FOREST Counties
 ZONE 5 - KENOSHA County
 ZONE 6 - CRAWFORD, GRANT, JACKSON, JUNEAU, LA CROSSE, MORGAN, RICH- LAND, THOMPSON & VERMILION Counties
 ZONE 7 - WALWORTH County
 ZONE 8 - COLUMBIA, DANE, DOOR, GREEN LAKE, IOWA, MARQUETTE, & SAUK Counties
 ZONE 9 - SEBASTIAN County
 ZONE 10 - ASHLAND, BAYFIELD, BER- NETT, DOUGLAS, IRON, SAWYER, & WASHBURN Counties
 ZONE 11 - LANGDALE, LINCOLN, MARATHON, NEUMUNSTER, ORGIDA & VILLAS Counties
 ZONE 12 - ADAMS, FORTAGE & WOOD Counties
 ZONE 13 - FOND DU LAC County
 ZONE 14 - GREEN, JEFFERSON, LAFAYETTE & ROCK Counties
 ZONE 15 - RACINE County
 ZONE 16 - MILWAUKEE, OZAWISSE, WASHINGTON & WAUKESHA Counties
 ZONE 17 - MARINETTE & OCONTO Counties
 ZONE 18 - MANITOWOC County

DECISION NO. WITS-2047

PAINTERS (CONT'D)

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & V	Pension	Vacation	
6.75 7.25 7.00			.56 .56 .56	
7.33 7.33	.30 .30			
5.90 6.10		.10 .10		
7.35 7.55 8.15	.10 .10 .10	.20 .20 .20		
6.63 6.90 7.32		.25 .25 .25		
6.85 7.35	.15 .15	.15 .15	.10 .10	
7.59 8.34	.10 .10	.30 .30	.30 .30	.01 .01
7.05 7.05				
5.90 6.10			.10 .10	

ZONE 2 - BARRON, BUFFALO, BURTON, CHIFFEWA, DONN, EAU CLAIRE, FERTIL, PIERCE, POLK, ROCK, ST. CROIX, SAWYER, THOMPSON, & WASHINGTON Counties

Brush
Spray
Steel

ZONE 3 - BROWN, DOOR, KENOSHA, & COONTO Counties

Brush
Spray

ZONE 4 - FLORENCE County

Brush
Spray

ZONE 5 - KENOSHA County

Brush
Steel

ZONE 6 - ADAMS, CLARK, CREAMFORD, JACKSON, JUDITH, LA CROSSE, MONROE, PORTAGE, VERMILION, & WOOD Counties

Brush
Steel

ZONE 7 - VALPHER County

Brush & Steel
Spray

ZONE 8 - COLLINGHAM, DANE, DODGE, GRANT, GREEN, IOWA, LAFAVETTE, RICHMOND, ROCK & SAUK Counties

Brush
Spray

ZONE 9 - CALUMET & MANITOWOC Counties

Brush
Spray

ZONE 10 - MARINETTES County

Brush
Spray

DECISION NO. WITS-2047

IRONWORKERS:

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & V	Pension	Vacation	
\$ 8.90	.50	.50		.02
9.05	.25	.50	.10	
8.92	.10	.25		.03
9.01 10.15	.50 .10	.50 .375	.80	.11 .05
6.94 7.58 5.77	.25 .25 .25	.75 .75 .75	.75 .75 .75	.05 .05 .05
4.80 4.59 4.38 3.79	.25 .25 .25 .25	.75 .75 .75 .75	.75 .75 .75 .75	.05 .05 .05 .05

ZONE 1 - BARRON, BUFFALO, CHIFFEWA, CLARK, DONN, EAU CLAIRE, FERTIL, PIERCE, POLK, ST. CROIX & THOMPSON Counties

Brush
Spray
Steel

ZONE 2 - ASHLAND, BAYFIELD, BURTON, DOUGLAS, FOREST, IRON, LINCOLN, OREGON, PRICE, RUSK, SAWYER, TAYLOR & WASHINGTON Counties

Brush
Spray

ZONE 3 - ADAMS, CLARK, CREAMFORD, DANE, DODGE, GRANT, GREEN, IOWA, JACKSON, JEFFERSON, JUDITH, LA CROSSE, LAFAVETTE, LANGRISH, MARQUETTE, MARINETTES, MONROE, PORTAGE, RICE, SAUK, SEWAGO & WATKINS Counties

Brush
Steel

ZONE 4 - BROWN, CALUMET, DOOR, FLORENCE, FOND DU LAC, KENOSHA, KENOSHA, MANITOWOC, MARINETTES, MILWAUKEE, COONTO, OTTAWA, COAST, RAVINE, SEBASTIAN, WALNORTH, WASHINGTON & WATKINS Counties

Brush
Steel

ZONE 5 - ROCK County

Brush
Steel

LINE CONSTRUCTION:

Linsmen
Cable Splicer
Equipment Operator
Truck Drivers with Boom or
Blower Tractor or 5th wheel
Truck Drivers
Groundman
Groundman 1st 6 months

PAINTERS:

ZONE 1 - FOREST, LAKEWADE, LINCOLN, MARINETTES, MARINETTES, OREGON, PRICE & TAYLOR Counties

Brush
Spray

DECISION NO. WITS-2047

Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates
	H & W	Pensions	Vacation	App. Tr.
LABORERS:				
ZONE 1 - MILWAUKEE, GRANGE, WASHINGTON & WAUKESHA Counties				
GROUP 1 - Bituminous worker (shovel, loader, utility man), demolition & wrecking laborer, guard rail builder, reinforcing steel setter (pavement), stone handler, tree trimmer, land-scaper, multiple culvert assembler, conduit layer, unskilled laborer	.55	.60	.25	.02
GROUP 2 - Bituminous worker (dumper, ironer, smoother, tapper), batch truck driver, cement handler, concrete handler	.55	.60	.25	.02
GROUP 3 - Chain saw op., demolition burning torch lab., joint sawer & filler (pavement), vibrator or tapper op. (mechanical, hand operated)	.55	.60	.25	.02
GROUP 4 - Air tool operator (hand operated)	.55	.60	.25	.02
GROUP 5 - Formsetter (curb, walk, and pavement), strikes off man	.55	.60	.25	.02
GROUP 6 - Bituminous worker (raker & luteam)	.55	.60	.25	.02
GROUP 7 - Powderman, blaster	.55	.60	.25	.02
ZONE 2 - RACINE County				
GROUP 1 - Bituminous worker (shovel, loader, utility man), demolition & wrecking laborer, guard rail builder, reinforcing steel setter (pavement), stone handler, tree trimmer, land-scaper, multiple culvert assembler, conduit layer, unskilled laborer	.40	.40	.20	.02
GROUP 2 - Bituminous worker (dumper, ironer, smoother, & tapper), batch truck driver, cement handler, concrete handler	.40	.40	.20	.02

DECISION NO. WITS-2047

DECISION NO. 8112-0001

PAINTERS (CONT'D)

ZONE 11 - JEFFERSON, MILWAUKEE,
CLARK, WASHINGTON & WAUKESHA
Counties

Brush

Steel & Spray

ZONE 12 - FOND DU LAC, GREEN LAKE,
MARQUETTE, OUTAGAMIE, SEAWAN,
WAUKESHA, WAUPACA & WINNEBAGO
Counties

Brush & Steel

Spray

ZONE 13 - RACINE County

Brush

Steel

Spray

ZONE 14 - SPOKESMANS County

Brush & Steel

Spray

ZONE 15 - ASHLAND, BAYFIELD,
DOUGLAS, LEWIS, & VILLAS Counties

Brush

Spray & Steel

Fringe Benefits Payments

Basic
Hourly
Rates

H & W

Pensions

Vacation

App. Tr.

\$ 8.01

8.36

.45

.45

.60

.60

.50

.50

.03

.03

6.85

7.35

.30

.30

.10

.10

.20

.20

.03

.03

7.52

7.67

.40

.40

.20

.20

.20

.20

.20

.20

6.25

6.65

.20

.20

.30

.30

.20

.20

.05

.05

8.31

8.56

.25

.25

.20

.20

.05

.05

DECISION NO. WITS-2047
LABORERS (CONT'D)

DECISION NO. 12-0041
LABORERS (CONT'D)

ZONE 2 CONT'D

GROUP 3 - Chain saw op., demolition burning torch lab., joint sewer & filler (pavement), vibrator or tamper op. (mechanical, hand operated)
 GROUP 4 - Air tool op. (hand op.)
 GROUP 5 - Formsetter (curb, walk, & pavement), strike off man
 GROUP 6 - Bituminous worker-raker
 GROUP 7 - Powderman, blaster

ZONE 3 - KENOSHA County
 GROUP 1 - Bituminous worker (Shoveler, loader, utility man), demolition & wrecking laborer, guard rail builder, reinforcing steel setter (pavement), stone handler, tree trimmer, landscaper, multiple culvert assembler, conduit layer, unskilled laborer

GROUP 2 - Bituminous worker (tamper, ironer, smoother, and tamper), batch truck driver, cement handler, concrete handler
 GROUP 3 - Chain saw op., demolition burning torch lab., joint sewer & filler (pavement), vibrator or tamper op. (mechanical hand operated)

GROUP 4 - Air tool op. (hand op.)
 GROUP 5 - Formsetter (curb, walk, & pavement), strike off man
 GROUP 6 - Bituminous worker-raker
 GROUP 7 - Powderman, blaster

ZONE 4 - DANE County

GROUP 1 - Bituminous worker (Dumper, ironer, smoother, tamper, shoveler, loader, utility man), strike off man, joint sewer & filler (pavement), concrete handler, demolition & wrecking lab.,

Basic Hourly Rates	H & W	Pensions	Vacation	App. To
\$ 7.26	.40	.40	.20	.02
7.31	.40	.40	.20	.02
7.36	.40	.40	.20	.02
7.41	.40	.40	.20	.02
7.46	.40	.40	.20	.02
7.11	.40	.40	.25	.02
7.21	.40	.40	.25	.02
7.26	.40	.40	.25	.02
7.31	.40	.40	.25	.02
7.36	.40	.40	.25	.02
7.41	.40	.40	.25	.02
7.46	.40	.40	.25	.02

DECISION NO. WITS-2047

LABORERS (CONT'D)

DECISION NO. _____	Basic Hourly Rates	Fringe Benefits Payments			App. To
		H & W	Pensions	Vacation	
LABORERS (CONT'D)					
ZONE 4 (CONT'D)					
<u>GROUP 1 (CONT'D)</u> guard rail builder, reinforcing steel setter (pavement), stone handler, landscaper, multiple culvert assembler, conduit layer, unskilled laborer	6.81	.30	.25		.02
<u>GROUP 2</u> - Formsetter (curb, walk & pavement), tree trimmer	6.86	.30	.25		.02
<u>GROUP 3</u> - Air tool op., vibrator or tamper, batch truck driver, cement handler	6.91	.30	.25		.02
<u>GROUP 4</u> - Bituminous worker (raker, luteam), chain saw op., demolition burning torch lab.,	6.96	.30	.25		.02
<u>GROUP 5</u> - Powderman, blaster	7.01	.30	.25		.02
ZONE 5 - REMAINDER OF STATE					
<u>GROUP 1</u> - Bituminous worker (dumper, ironer, smoother, tamper, shoveler, loader, utility man), strike off man, joint sewer or filler (pavement), concrete handler, demolition & wrecking lab., guard rail builder, reinforcing steel setter (pavement), stone handler, landscaper, multiple culvert assembler, conduit layer, unskilled laborer	6.53	.30	.25		.02
<u>GROUP 2</u> - Formsetter (curb, walk & pavement), tree trimmer	6.58	.30	.25		.02
<u>GROUP 3</u> - Air tool op., vibrator or tamper op., batch truck driver, cement handler	6.63	.30	.25		.02
<u>GROUP 4</u> - Bituminous worker (raker, luteam), chain saw op., demolition burning torch lab.,	6.68	.30	.25		.02
<u>GROUP 5</u> - Powderman, blaster	6.73	.30	.25		.02

DECISION NO. WTS-2067

POWER EQUIPMENT OPERATORS
HIGHWAY CONSTRUCTION

GROUP 1
GROUP 2
GROUP 3
GROUP 4
GROUP 5
GROUP 6
GROUP 7
GROUP 8

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pension	Vacation	
\$ 8.77	.55	.55	.05	.05
8.51	.55	.55	.05	.05
8.42	.55	.55	.05	.05
8.34	.55	.55	.05	.05
8.26	.55	.55	.05	.05
8.22	.55	.55	.05	.05
8.13	.55	.55	.05	.05
8.01	.55	.55	.05	.05

CLASSIFICATIONS

GROUP 1 - Bituminous paver or plant, concrete breaker (truck mounted, heavy), crane, derrick, dredge, pallsdriven, power shovel, material hoist, mixer or paver 21 cu. ft. or over, roller over 5 ft., self propelled stabilizing mixer, trenching machine, tractor (side boom, heavy) concrete PVI, spreader (heavy duty, rubber tires, hydraulic back hoe, asphalt plane engine; automatic slipform concrete paver, automatic concrete subgrader, batch mixer portable, caisson rig, central mixer concrete, dredge engine, concrete batch plant engine, central mix plant concrete, percussion or rotary drill machine, grader or motor patrol, loading machine (conveyor), mechanic or welder (heavy duty equipment), tractor (scraper, dozer, pusher, loader), tagger, end loader, asphalt heater & planer, boatman, bump cutter & grooving machine, shoulder widener, winches & A frames, tube finisher.

GROUP 2 - Concrete mixer less than 21 cu. ft., concrete pump, steel roller 5 tons or less.

GROUP 3 - Screed (bituminous paver), shouldering machine, self-propelled chip spreader.

GROUP 4 - Concrete breaker & tamper (light), concrete spreader, finishing machine, mechanical float, curing machine, power subgrader, joint sawer (multiple blade), launch, roller (pneumatic tired) self propelled, tractor (mounted or towed compactors & light equipment), light rubber tired tractor-end loader, fork-lift, belting machine, burial machine, deep digger, mulcher, texturing machine.

GROUP 5 - Pileman, Environmental burner.

GROUP 6 - Air compressor, drilling or boring machine (mechanical heavy), greaser, (heavy equipment) lead-man, tank car heaters, stump chigger, curb machine, concrete proportioning plant, generators, mud jacks.

GROUP 7 - Crusher or screening plant, automatic belt conveyor & surge bin, pneumatic tired roller farm tractor towed, pug mill.

GROUP 8 - Oiler, pump over 3", surge bin, drilling machine helper.

DECISION NO. WTS-2067

TRUCK DRIVERS

ZONE 1
GROUP 1
ZONE 2
GROUP 2
ZONE 3
GROUP 3
ZONE 4
GROUP 4

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pension	Vacation	
\$ 7.13	a19.50	a19.00	.35	
7.28	a19.50	a19.00	.35	
7.13	a19.50	a82.30	.35	
7.28	a19.50	a82.30	.35	
7.08	a19.50	a82.30	.35	
7.23	a19.50	a82.30	.35	

FOOTNOTES:

- a. Per week per employee on payroll 30 days or longer.
b. Per Month per employee on payroll 30 days or longer.

ZONE IDENTIFICATION

ZONE 1 - MILWAUKEE, OCAWKE, WASHINGTON & WATKINS Counties.
ZONE 2 - KENOSHA & RACINE Counties.
ZONE 3 - Remainder of State.

CLASSIFICATION IDENTIFICATION

GROUP 1 - Truck drivers, 2 axle - Mechanics helper, truck
GROUP 2 - Truck drivers, 3 or more axle trucks - Euclid or dumpster type
hauling units - Mechanic, truck

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