

# federal register

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## PART I

### HIGHLIGHTS OF THIS ISSUE

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

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The following bill was vetoed by the President:

H.R. 1767, oil imports, Presidential authority to impose fees, ninety-day suspension; increase of public debt limit. Message dated March 4, 1975; Weekly Compilation of Presidential Documents, Vol. 11, No. 10

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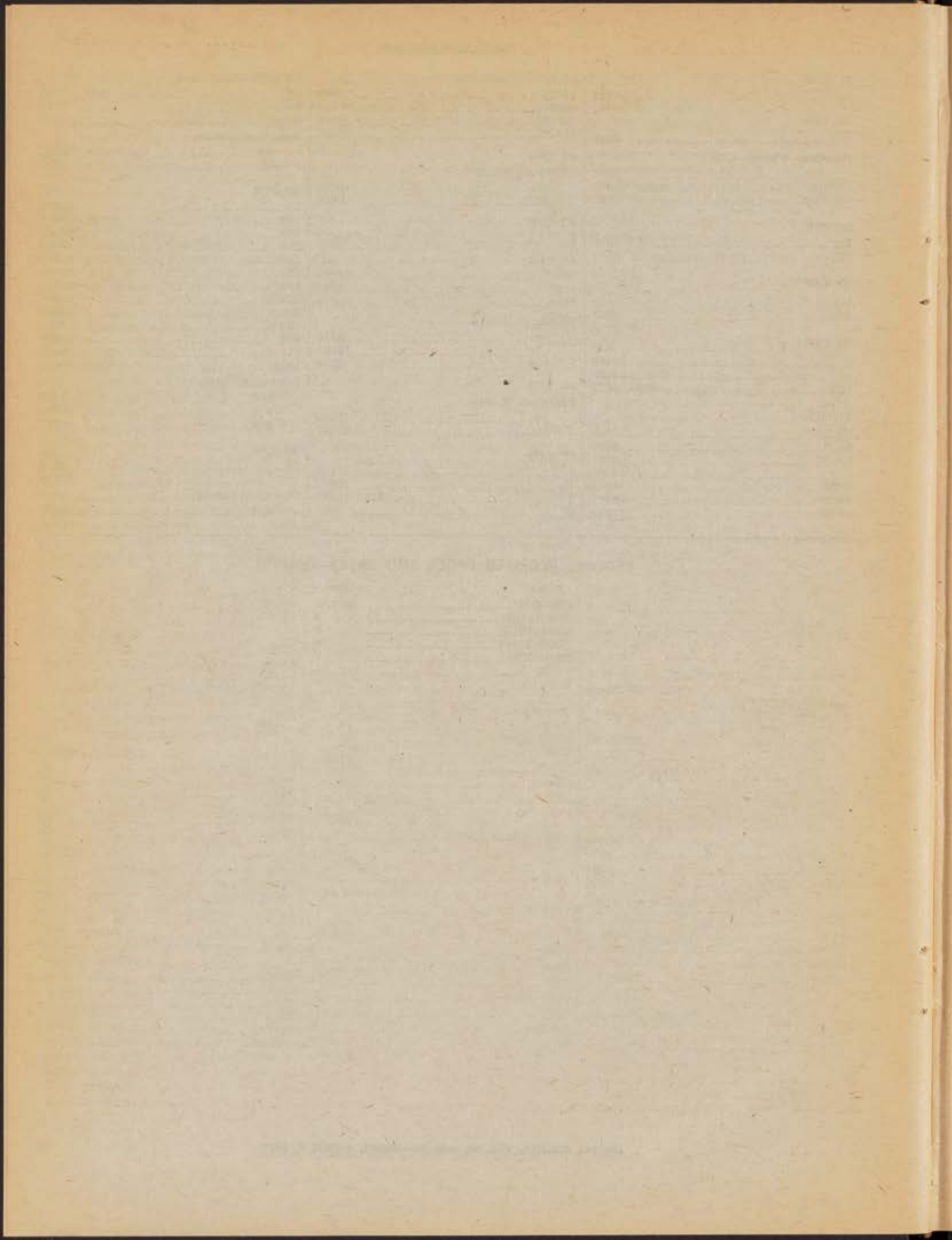
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# rules and regulations

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

## Title 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION PART 213—EXCEPTED SERVICE U.S. International Trade Commission

Section 213.3339 is amended to show a change in the headnote to reflect the change in the title of the U.S. Tariff Commission to the U.S. International Trade Commission. This section is further amended to show that one position of Staff Assistant to each of two Commissioners is excepted under Schedule C.

Effective on March 7, 1975, § 213.3339 headnote is changed and (f) is added as set out below.

### § 213.3339 U.S. International Trade Commission.

(f) One Staff Assistant to each of two Commissioners.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 75-6051 Filed 3-6-75; 8:45 am]

## Title 7—Agriculture CHAPTER IX—AGRICULTURAL MARKET- ING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Regulation 682]

### 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 9-15, 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.

#### § 910.982 Lemon Regulation 682.

(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 on all, except for the small sizes of fruit. Average f.o.b. price was \$4.99 per carton the week ended March 1, 1975 compared to \$5.08 per carton the previous week. Track and rolling supplies at 155 cars were up 7 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 section; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the

provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereof which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 4, 1975.

(b) Order. (1) The quantity of lemons grown in California and Arizona which may be handled during the period March 9, 1975, through March 15, 1975, is hereby fixed at 235,000 cartons.

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

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

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

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## Title 10—Energy CHAPTER II—FEDERAL ENERGY ADMINISTRATION

[Ruling 1975-2]

### CLASS OF PURCHASER

#### Application of Term Under Petroleum Price Regulations

In Rulings 1974-17 and 1974-18 (39 FR 21042, June 18, 1974), the Federal Energy Administration set forth guidelines with respect to the meaning of the terms "class of purchaser" and "customary price differential" as defined in 10 CFR 212.31 and used in FEA's pricing regulations, 10 CFR, Chapter II, Part 212. While those rulings helped to clarify the application of the "class of purchaser" concept, it has subsequently come to FEA's attention that those rulings did not resolve all outstanding questions and that to some extent the rulings themselves have been misconstrued. This ruling is intended, therefore, to clarify further the application of the class of purchaser concept by supplementing Rulings 1974-17 and 1974-18. To the extent that there is any inconsistency between this ruling and those earlier rulings, this ruling will be controlling. Because of the complexity of this issue, this

ruling will first discuss the general principles involved, and then illustrate some of those principles with factual examples.

#### DISCUSSION

**A. Background.** FEA price regulations provide generally that sellers may charge prices for covered products that reflect their May 15, 1973 lawful selling prices and a dollar-for-dollar pass-through of the amount by which their product costs have increased since that time. Thus, each selling price determined under FEA price regulations has at least two components: that portion which represents a May 15, 1973 lawful selling price and that portion which represents a pass-through of increased product costs. In addition, a further increment to some selling prices is permitted, subject to certain conditions, to reflect increased non-product costs.

The portion of the selling price that represents a May 15, 1973 selling price is, with respect to each product sold to each buyer " \* \* \* the weighted average price at which the item was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973 \* \* \* " (§ 212.82(b); § 212.93(a)).

In making the computation of this "weighted average price \* \* \* in transactions with the class of purchaser concerned on May 15, 1973," a firm " \* \* \* may not exclude any temporary special sale, deal or allowance in effect on May 15, 1973." (§ 212.82(b); § 212.93(b)).

Since increased product costs are generally required to be applied equally among classes of purchasers of a particular covered product, differences in weighted average, May 15, 1973, selling prices among classes of purchaser are generally reflected in like differences in current lawful selling prices for that product among those classes of purchaser, and a principal function of the class of purchaser concept is to preserve the price distinctions among purchasers that customarily existed under free market conditions. To achieve the objective of making covered products available at equitable prices, FEA regulations require sellers to group together customers that are similarly situated and to compute a weighted average of their May 15, 1973 selling prices in sales to those customers. Sellers are thus required to maintain a single lawful price for a product to all customers that fall into a particular class, rather than having to establish individual maximum lawful prices to individual customers.

As noted above, sellers must compute for each product a single weighted average May 15, 1973 price for each class of purchaser of that product. From the standpoint of the seller, the number of different classes of purchaser for which it computes separate weighted average May 15, 1973 prices will in most cases have no direct bearing on the amount of cost recovery or profits realized. The principal function of the doctrine is to maintain the price differentials that existed on May 15, 1973 between groups of purchasers which were not similarly

situated then and are not now similarly situated.

That the maintenance or elimination of separate classes of purchaser will ordinarily have no bearing on the cost recovery or profits of the seller can be shown in a simplified example, as follows: A firm sold gasoline on May 15, 1973, with 50 percent of its sales at retail, at a weighted average retail price of 25 cents per gallon, and 50 percent of its sales at wholesale, at a weighted average wholesale price of 17 cents per gallon. That firm, if it were to disregard the distinctions between its classes of wholesale and retail purchasers entirely, would calculate a single weighted average May 15, 1973 selling price of 21 cents per gallon for all of its gasoline sales, as to which it would then apply its increased product costs. In such a case, the firm would not recoup any greater amount of increased product costs or realize any greater profits than if it had treated its retail and wholesale customers as separate classes of purchaser, with separate weighted average May 15, 1973 selling prices, assuming that its ratio between wholesale and retail sales remained at 50-50. Only if the ratio between its total wholesale and retail sales changed would the firm's revenues (and, potentially, its profits) be affected by whether or not separate classes of purchaser had been established for wholesale and retail sales.

The significance of the application of the class of purchaser concept is, therefore, principally to be found in its impact on the relative prices among buyers from a particular seller, rather than in any impact on the increased product cost recovery or profits of a seller.

**B. Guidelines for determining classes of purchaser.** This ruling is intended to provide further guidance to sellers in making price distinctions between different purchasers, by reviewing some of the pertinent factors which must be considered in making class of purchaser determinations. This ruling also is to provide guidance concerning certain specific kinds of circumstances which involve Robinson-Patman Act considerations, and which are known to be the source of particular difficulty with respect to this issue.

The basic guidelines for class of purchaser determinations are set forth in § 212.31, where the term "class of purchaser" is defined as:

Purchasers or lessees to whom a person has charged a comparable price for a comparable property or service pursuant to customary price differentials between those purchasers or lessees and other purchasers or lessees.

The term "customary price differential" is defined in the same section as including:

A price distinction based on a discount, allowance, add-on, premium, and an extra based on a difference in volume, grade, quality, or location or type of purchaser, or a term or condition of sale or delivery.

Both of these definitions were carried over virtually verbatim from the Economic Stabilization Regulations; 6 CFR 150.31, 38 FR 21592 (1973) (and 6 CFR

150.352, 38 FR 22536) which were applicable generally to all sellers of goods and services, including petroleum products.

In order to clarify the application of these definitions, FEA issued, on June 12, 1974, Rulings 1974-17 and 1974-18. Ruling 1974-17 stated that it was unlawful currently to charge different prices to individual purchasers which were members of the same class, even though those individual purchasers paid different prices on May 15, 1973. In that ruling, FEA made it clear that:

A class of purchaser is \* \* \* the smallest unit for which a uniform selling price may be computed because, by definition, no customary price differentials exist within a class of purchaser. It should be noted, however, that a class of purchaser may consist of only a single customer, if that particular customer alone was charged a comparable price for a comparable property or service pursuant to a customary price differential between the customer and all other customers.

Thus, Ruling 1974-17 dealt only with a single class of purchaser, and described the proper means of determining a single weighted average May 15, 1973 price to that class of purchaser.

Ruling 1974-18 dealt principally with the issue of whether certain discounts constitute a "customary price differential" for purposes of determining whether separate classes of purchaser exist. In that ruling, FEA stated that a discount off the published dealer tank-wagon price for gasoline given on January 1, 1973 to "Company A," a "high volume retail outlet in a favorable location," as a "competitive inducement" of indefinite duration for it to continue to purchase gasoline from the supplier, and in effect on May 15, 1973, was "customary," but that a discount in effect on May 15, 1973, given to Company B on April 15, 1973 as "a form of subsidy" to be effective only so long as a "price war" situation lasted, was not "customary." Thus, Ruling 1974-18 stated that, with respect to the described types of discounts, FEA would look to whether the parties intended the discount to be temporary or customary. In order to assist in making that determination, Ruling 1974-18 created the following presumption:

[FEA] will generally regard any discount that was in effect on May 15, 1973, and that had either been in effect or had been granted for a period of six months or more, to be a customary discount. This presumption may be rebutted in particular situations by appropriate factual showing.

Ruling 1974-18 also made it clear that even though the supplier was not required to maintain a separate class of purchaser with respect to its temporary discount sales, it nevertheless had to take that lower price into account in computing its May 15, 1973 weighted average lawful selling price with respect to all customers in the class of purchaser concerned. As noted above, §§ 212.82(b) and 212.93(d) require that in determining that weighted average May 15, 1973 price, all temporary special sales, deals or allowances have to be taken into account.

Thus, Rulings 1974-17 and 1974-18 serve to make clear that, as to any particular class of purchaser, only a single price can be charged and that, for purposes of distinguishing between "customary" price differentials and "temporary" price differentials, there would be a presumption that discounts that had been in effect for at least six months on May 15, 1973, or which were in effect on May 15, 1973 and had been granted for a period of at least six months, represented customary price differentials.

The existence of a discount on May 15, 1973, is, however, only one of several key elements which must be considered with respect to making class of purchaser determinations. The purpose of this ruling is to set out more explicitly the other key elements that must be taken into account in determining the existence of separate and distinct classes of purchaser.

The determination of what constitutes a "comparable price" charged pursuant to a "customary price differential" should begin with the § 212.31 definition of "customary price differential," which, as indicated above, lists illustrative factors to be taken into account, to include:

A price distinction based on a discount, allowance, add-on, premium, and an extra based on a difference in volume, grade, quality, or location or type of purchaser, or a term or condition of sale or delivery.

The principal significance of the first portion of this definition, which refers to "a discount, allowance, add-on, premium, and an extra," is to indicate that a "price distinction" may exist not only because of different selling prices for a product, but may, in fact, exist even though selling prices are equal. Thus, although two purchasers may have purchased the same product at the same price on May 15, 1973, one price may have reflected a particular type of "allowance," whereas the other price may not have, so that the two purchasers could not appropriately be placed in the same class of purchaser.

The second portion of the definition, which adverts to the illustrative factors which may account for price distinctions, however they are expressed, is of particular significance in determining the classes of purchaser of each seller. For purposes of this ruling, the important factors aside from grade or quality, which do not require extended discussion herein, are differences in:

- (1) Location;
- (2) Type of purchaser;
- (3) Volume; and
- (4) Term or condition of sale or delivery.

These factors, in the order listed above, provide a logical sequence for making class of purchaser determinations.

Although price differentials may reflect differences in location both of the seller's outlet or distribution point and of the buyer's place of business, location should be considered first as it relates to the seller. To the extent that a seller has multiple locations from which it distrib-

utes products, it should make its class of purchaser determinations on a location-by-location basis. Only to the extent that it can ultimately be determined that no customary price differentials were reflected between a seller's prices at two or more locations would it be possible for a seller to treat sales from such locations as being to the same class of purchaser.

In evaluating its sales from a particular location, a seller should next look to the types of customers it had, on May 15, 1973, for purposes of making price determinations. There are certain readily apparent distinctions to be made in this regard, such as those relating to recognized levels of distribution (e.g., wholesale retail, end-user, etc.), those relating to methods of sale (e.g., branded, non-branded), and those relating to types of use (e.g., re-sale, industrial, commercial, residential, etc.). It should be noted in this regard that although certain industry-wide practices have existed in regard to certain "customer types," as to which customary price differentials existed, other practices as to price distinctions based on customer types may have varied from seller to seller, depending on circumstances.

Having determined those types of customers which were treated differently from other types of customers for pricing purposes on May 15, 1973, a firm must next determine, as to each such type of customer, the extent to which prices of product were differentiated according to volumes purchased (e.g., sales in cargo lots, barge sales, pipeline sales, tank-wagon sales, sales made pursuant to a sliding volumetric discount scale, etc.).

Finally, a firm must determine, as to sales to each group of purchasers identified under the foregoing criteria (those purchasers which bought at a price reflecting the seller's location, the type of purchaser involved, and the volume of product involved), the extent to which customary price differentials reflected differences in terms or conditions of sale or delivery on May 15, 1973. Such differences in terms or conditions may, of course, simply reflect purchaser delineations already made under other criteria, such as, for example, those respecting sales to branded and to non-branded dealers. Differing terms or conditions of sale or delivery may, however, also serve to delineate still further classes of purchaser which are not distinguishable under the other criteria.

A firm may, for example, make its product available to some customers on a delivered basis and to others at its terminal. Such a difference in the terms of sale to otherwise indistinguishable purchasers would serve as the basis for a customary price differential between groups of purchasers, and thereby establish separate classes of purchaser.

It is in this area of differing terms and conditions of sale, and particularly where such terms and conditions, including price terms, were established by written contract on May 15, 1973, that class of purchaser determinations become most difficult.

In some instances, the fact that sales were made pursuant to contractual terms and conditions may serve to distinguish those purchasers from purchasers that did not buy under contract, and in others it may not. For example, if a seller sold a product to both contract and non-contract purchasers on identical terms and conditions, there would be no basis for establishing separate classes of purchaser. If, however, a firm's contract purchasers were generally those purchasers that bought all of their requirements from the firm over a given time period, whereas the firm's non-contract purchasers bought from the firm only on an occasional and unpredictable basis, and if this difference in methods of purchaser were reflected in a customary price differential, it would not be proper for the selling firm to place its contract and non-contract purchasers in the same class.

In cases where all of the foregoing analysis has been made, and a firm's purchasers have been grouped into appropriate categories, there may nevertheless exist differences in prices charged to purchasers within those groups. Such differences might simply reflect the varying competitive situations at the various times when contractual prices were agreed to, or they may, upon closer examination, represent customary price differentials that have resulted from factors which may not even have been consciously adverted to at the time, but which nevertheless can be objectively verified.

It is in this area, where purchasers are ostensibly similarly situated, that price distinctions become potentially at odds with the policies intended to be furthered by the Robinson-Patman Act.

Pricing structures in the petroleum industry, and particularly discount practices, reflect the requirements of the Robinson-Patman Act amendments to the Clayton Act, 15 U.S.C. 13, and the numerous Federal Trade Commission and federal court decisions which have applied that Act to the petroleum industry. Section 2(a) of the Clayton Act, as amended by the Robinson-Patman Act, provides in pertinent part:

It shall be unlawful for any person engaged in commerce \* \* \* to discriminate in price between different purchasers of commodities of like grade and quality \* \* \* where the effect of such discrimination may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them \* \* \* 15 U.S.C. 13(a).

Thus, a seller is prohibited from discriminating in price between two of its customers if the effect of such discrimination may be substantially to lessen competition or to injure, destroy or prevent competition with any person who either (i) grants the discrimination (so-called primary line injury); (ii) knowingly receives the benefit of the discrimination (secondary line injury); or (iii) is a customer of the person receiving the

benefit of the discrimination (tertiary line injury).

The Robinson-Patman Act recognizes two principal types of exceptions to the general policy against discrimination between two customers. The first, commonly referred to as the "cost justification" defense, is:

That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered \* \* \* Id.

A second, and much narrower, exception, referred to as the "meeting competition" defense, provides:

Upon proof being made \* \* \* that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima-facie case thus made by showing justification shall be upon the person charged with a violation of this section. \* \* \* Provided, however, that nothing herein contained shall prevent a seller rebutting the prima-facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor. Clayton Act, § 2(b), 15 U.S.C. 13(b).

Thus, despite common use of the term "competitive discount" to include discounts such as volume discounts, a true "competitive" or "meeting competition" discount within the meaning of the Robinson-Patman Act is only (a) one which is extended in good faith to meet an actual lower offer made to the purchaser by the supplier's competitor in an individual competitive situation, *FTC v. A. E. Staley Mfg. Co.*, 324 U.S. 746, 753 (1945); cf. *Callaway Mills Co. v. FTC*, 362 F. 2d 435 (5th Cir. 1966), or (b) one by which the supplier subsidizes a dealer in order that the dealer can compete effectively in a local price war situation, provided that the dealer's competitors are also being subsidized by their suppliers. See *FTC v. Sun Oil Co.*, 371 U.S. 505, 512 n. 7 (1963). Since the burden of proving the competitive discount justification under section 2(b) is on the defendant, many sellers, including many oil companies, have historically provided such a discount only where the customer executed an affidavit to the effect that it had received an offer of an equally low price from its supplier's competitor. A seller which extends a competitive discount is under an obligation to determine from time to time whether the competitive situation which created the justification for the discount continues to exist, especially where intervening economic conditions should put the seller on notice that there has been a restructuring of competitive conditions in the marketplace. See *re Beatrice Foods Co.*, 68 F.T.C. 283, 359-51 (1985).

Thus, price differentials between different purchasers which tend substantially to lessen competition are consistent with the Robinson-Patman Act if they (1) are cost justified; or (2) are necessary in good faith to meet competition.

For purposes of applying its pricing regulations, FEA will assume that all discounts and price differentials in effect on May 15, 1973, were permissible under the Robinson-Patman Act.

FEA's class of purchaser requirements are intended to be and should be construed as being consistent with requirements of the Robinson-Patman Act. Thus, in determining whether a price differential in effect on May 15, 1973, was a customary differential which shall be maintained with respect to a class of purchaser, FEA will take into account whether the differential in question falls into one of the categories of differentials justified under the Robinson-Patman Act.

If a price differential was justified under that Act because it reflected cost savings to the supplier and that differential is otherwise determined pursuant to FEA regulations to represent a "customary" price differential, FEA will generally require that a class of purchaser be established to reflect that differential, since presumably the justifications under the Robinson-Patman Act are as valid currently as they were on May 15, 1973.

If, however, a price differential can be justified only as a competitive discount under section 2(b) (i.e., made in good faith to meet an actual lower bona fide offer or to offset a price war subsidy of a competitor), FEA will not require that a separate class of purchaser be established to reflect that differential. This is so because such dramatic changes in the pricing and competitive structure of the petroleum industry took place during the summer and fall of 1973 that it is unlikely, at least in the absence of FEA price controls, that a supplier could, at any time after September 1, 1973, justify in a Robinson-Patman Act suit a competitive discount if it existed exclusively on the basis that it was necessary to meet a lower offer made by a competitor on or before May 15, 1973. Moreover, a true competitive discount does not fall within any of the factors listed in § 212.31 to be taken into account in determining a customary price differential.

The foregoing policy of allowing suppliers to eliminate price differentials originally given in response to local competitive conditions is consistent with the general policy of the class of purchaser doctrine to require sellers to give similar prices to purchasers which are similarly situated, and not to require that random price differentials be maintained. This policy will be followed both at the reseller-retailer level, where potential conflict with the Robinson-Patman Act is readily apparent, and at the end-user level, where there is less likely to be actual competition between purchasers and therefore less possibility of conflict with the Robinson-Patman Act. Even though there is less likelihood of conflict with the Robinson-Patman Act at the end-user level, maintenance of price differentials at the end-user level might still, in particular circumstances, result in a lessening of competition, particularly at the primary line level, as well as frustrate the general policy of allowing

random price differentials to be eliminated.

It is important to point out, however, that certain discounts may have been "competitive discounts" in form, having ostensibly been granted to meet a lower offer and with an affidavit having been executed by the buyer to that effect, but may nevertheless also be cost justified under the Robinson-Patman Act. For example, a retail gasoline dealer that owns its retail facility may have been able to obtain a discount from its supplier that was made in good faith to meet a lower bona fide offer. But the willingness of sellers on May 15, 1973, to afford such discounts also reflected cost savings to such sellers, by virtue of the fact that other sales by such sellers were to customers that operated retail facilities owned by and leased from the sellers, and the rental for the facilities was reflected, in part, in the purchase price of gasoline. Similarly, "competitive" discounts on May 15, 1973, may have reflected cost savings attributable volumes purchased or to the fact that the sales were to non-branded rather than branded buyers, since in sales to non-branded customers sellers ordinarily do not incur certain expenses or do not provide certain services (such as a trademark license) that are incurred or provided in connection with sales to branded customers.

Thus, as a general rule the FEA will not require classes of purchaser to be established to maintain price differentials which on May 15, 1973, were in effect only to meet an equally low offer of a competitor. But the FEA will look behind broad assertions that a particular differential was a "competitive" discount and will determine whether in fact the differential was extended to meet a competitive offer and, even if it was, whether it was equally justifiable on a cost basis. Where there is an equally strong cost justification for a "competitive" discount, FEA will require it to be continued.

The position taken herein obviates most of the need for the presumption in Ruling 1974-18, noted above, to the effect that a discount on May 15, 1973, that had been or was expected to be in effect for six months or more is "customary." The presumption was intended to provide guidance primarily on the issue of whether a truly transitory competitive discount was "customary." Since this Ruling concludes that competitive discounts in effect on May 15, 1973, may generally be weight averaged to determine a single price for all purchasers in a class, regardless of the length of time they were intended to be in effect, the presumption is no longer necessary, with respect to such discounts. Cost justified discounts, on the other hand, are generally to be considered "customary" regardless of the length of time they had been or were intended to be in effect as of May 15, 1973. Ruling 1974-18 continues to have viability, however, insofar as it provides a means of distinguishing special, short-term sales and other temporary allowances that were

neither cost justified nor given in response to competitive conditions, and which represented random price differentials, from longer-term discounts, which are more likely to reflect differences in location, volume, type of purchaser, etc., and therefore to represent "customary" price differentials.

**C. Class of purchaser membership.** Rulings 1974-17 and 1974-18 have been incorrectly construed by some persons as requiring a supplier generally to maintain certain discounts in effect on May 15, 1973, to the same purchasers which received them on that date, possibly because the rulings were stated as hypothetical examples involving particular purchasers. No such construction was intended, however. Rather, a supplier must maintain the applicable customary price differential to the same class of purchaser. The membership of the class is to be determined by the same objective standards applied by the seller on May 15, 1973. Thus, for example, if a particular customer was receiving a volume discount on May 15, 1973, because its purchases exceeded a certain prescribed volume, the seller does not have to continue to offer the applicable price differential to the same purchaser if that purchaser's volumes decline below that level. On the other hand, a seller is required currently to offer such a price differential to a purchaser which now meets the minimum prescribed volume, even though it may not have done so on May 15, 1973.

While membership in a particular class of purchaser is to be determined by objective standards in effect on May 15, 1973, FEA reiterates the position taken in Ruling 1974-17 that a class of purchaser may have only one member, particularly at the end-user level, where a price to a very large volume end-user was often determined on an individually-negotiated basis and reflected a customary price differential between that end-user and all other end-users.

**D. Application of this ruling.** The class of purchaser concepts described in this ruling will be applied by FEA in determining the lawfulness of all prices charged by sellers of covered products since August 19, 1973, the effective date of Phase IV of the Cost of Living Council's price regulations applicable to the petroleum industry. In other words, sellers which have failed, at any time after August 19, 1973, to maintain distinct classes of purchaser and to reflect customary price differentials, as described herein, will be subject to appropriate remedial action, including appropriate refunds. The remedial actions to be taken or sanctions to be imposed with respect to departures from the class of purchaser requirements as expressed in this ruling will be determined on a case-by-case basis, taking into account the extent to which sellers can establish, with respect to past class of purchaser determinations, a good faith basis under the regulations for the manner in which those determinations were made and the

extent to which these matters were resolved in prior compliance proceedings.

FEA recognizes that the general rules stated herein for determining what constitutes a separate and distinct class of purchaser for purposes of FEA pricing regulations may not be easily applicable to all of the myriad types of price differentials that existed in May 15, 1973, and that the strict application of these rules might in fact achieve a result contrary to the general goal that purchasers which for all practical purposes are similarly situated should be grouped in the same class of purchaser. Therefore, to the extent that strict application of the class of purchaser doctrine, as interpreted herein, does not achieve the desired result or is impractical, both purchasers and sellers adversely affected should, pursuant to Subpart D of 10 CFR, Part 205, promptly apply to the FEA for an exception from the class of purchaser rule. Similarly, any seller which finds the application of this ruling to its business to be unclear should promptly submit to FEA the relevant facts together with a request for interpretation of those aspects of the ruling applicable to its particular factual situation.

#### ILLUSTRATIVE EXAMPLES

The foregoing general principles are illustrated by the following examples, which are equally applicable to all sellers, including refiners, resellers, reseller-retailers and retailers.

**Example 1.** On May 15, 1973, Firm A, a refiner, had in effect posted dealer tankwagon prices for gasoline at terminals in City A and in City B. The price in City A was 13.2 cents per gallon and in City B was 13.9 cents per gallon. All sales of gasoline by Firm A at these terminals to gasoline retailers were made at posted prices on May 15, 1973.

The difference in price between those retailers which purchased from Firm A in City A and those retailers which purchased from Firm A in City B is a "customary price differential," which reflects a difference in location of the seller, and which must be preserved by establishing separate classes of purchaser for the respective terminals. The maintenance of price distinctions between City A and City B is ordinarily not objectionable under the Robinson-Patman Act, except in rare instances, because buyers from one terminal are presumably not in competition with buyers from another terminal and/or because such differentials reflect cost savings, such as those relating to Firm A's differing costs of transporting the product to different locations.

**Example 2.** On May 15, 1973, Firm B, a refiner, had in effect at a particular terminal posted prices for gasoline as follows: (a) a cargo buyer price of 12 cents per gallon, (b) a jobber tanker price of 13 cents per gallon, (c) a dealer tankwagon price of 15 cents per gallon, and (d) an end-user tankwagon price of 16.5 cents per gallon. All sales of gasoline by Firm B at this terminal were made at posted prices on May 15, 1973.

The differences in price between those buyers which bought pursuant to these postings are "customary price differentials" which reflect the different types of purchaser involved and which must be preserved by establishing separate classes of purchaser for each type. The maintenance of these price distinctions between types of purchaser is

ordinarily not objectionable under the Robinson-Patman Act because purchasers in one category usually do not compete with purchasers in another category, and the price differentials involved are therefore not likely to lessen competition substantially or to injure a competitor.

**Example 3.** On May 15, 1973, Firm C, a refiner, had in effect at a particular terminal a posted dealer tankwagon price for gasoline of 15 cents per gallon. All sales of gasoline to branded retailers made by Firm C at this terminal on May 15, 1973, were at the posted price; whereas all sales of gasoline to non-branded retailers made by Firm C at this terminal on May 15, 1973, were at a discount of 1.0 cents per gallon from the posted price of 15 cents per gallon.

The price differential between branded retailers and non-branded retailers is a "customary price differential" which reflects the differences in services and benefits afforded to those respective types of purchasers by Firm C. This kind of price distinction between branded and non-branded retailers is ordinarily not objectionable under the Robinson-Patman Act and for FEA purposes will have been presumed to have been cost-justified on May 15, 1973; it will therefore continue to be so regarded.

**Example 4.** On May 15, 1973, Firm D, a refiner, had in effect at a particular terminal a posted dealer tankwagon price for gasoline of 15 cents per gallon. All sales of gasoline to retailers made by Firm D at this terminal on May 15, 1973, were at the posted price, except that Firm D, pursuant to a volume discount schedule, gave discounts from this price of 0.5 cents per gallon for purchases in excess of 50,000 gallons per month, 0.75 cents per gallon for purchases in excess of 75,000 gallons per month, and 1.0 cents per gallon for purchases in excess of 100,000 gallons per month.

Such "volume" discounts are "customary price differentials" reflecting differences in volume of product purchased, and must be maintained through establishment of separate classes of purchaser. The maintenance of these price distinctions according to volumes purchased is not objectionable under the Robinson-Patman Act because they were presumptively cost-justified on May 15, 1973, and will therefore continue to be so regarded.

**Example 5.** On May 15, 1973, Firm E, a refiner, had in effect at a particular terminal a posted end-user tankwagon price for gasoline of 16.5 cents per gallon. While Firm E had no generally applicable volume or other discount schedule available for end-users, it did make available to most of its very high volume end-users certain discounts from the end-user tankwagon price, the amounts of which were determined on an individually negotiated basis. Some such discounts were granted after an equally low offer had been made by a competitor, but others had no such apparent rationale.

In this situation, it is apparent, notwithstanding the fact that certain of the end-user discounts Firm E had in effect on May 15, 1973, were ostensibly granted to meet competition, that for pricing purposes Firm E distinguished its large and small volume end-user customers principally on the basis of volumes purchased. Therefore, Firm E is required to establish a separate class of purchaser for its low volume end-user purchasers and one or more other classes of purchaser for its high volume end-user purchasers. For each class Firm E is required to establish a separate base price by computing the weighted average price to all customers in the class on May 15, 1973, taking into account all temporary or permanent discounts and allowances. The maintenance of these price differentials between high and low volume

customers was presumptively valid under the Robinson-Patman Act on May 15, 1973, because they were cost-justified, and therefore they will continue to be so regarded.

**Example 6.** On May 15, 1973, Firm F, a refiner, had in effect at a particular terminal a posted dealer tankwagon price for gasoline of 15 cents per gallon. From this terminal Firm F made sales to 100 branded independent dealers that leased their retail stations from Firm F and to 100 branded independent dealers that owned their own retail stations or that leased them from lessors other than Firm F. Those dealers that leased their stations from Firm F paid a nominal monthly rental charge to Firm F, but in an amount well below the market value of the property. Firm F extended to 10 of those dealers that did not lease from Firm F various "competitive" discounts off its dealer tankwagon price in order to meet actual lower bona fide offers of competitors. These 10 dealers were distinguishable from the other 90 dealers that did not lease their stations from Firm F only in that they had received competitive offers from suppliers other than Firm F. No competitive discounts were given to any dealers that did lease their stations from Firm F.

It is apparent that Firm F's prices to its dealers which leased their stations from it included an amount which partially compensated Firm F for its rental of real estate. Therefore, there was a sufficient cost-justified distinction between dealers that leased their stations from Firm F, and those that did not, for Firm F to have given the latter a discount consistent with the Robinson-Patman Act. As noted above, a significant distinction between two purchasers on the basis of volume, location, type of purchaser, etc., is sufficient to require that they be placed in separate classes of purchaser, notwithstanding that the seller gave them the same price on May 15, 1973. Thus, Firm F is required to place its dealers that lease their stations from it in a separate class of purchaser from those that do not.

Within the latter group, Firm F had given discounts to 10 dealers on May 15, 1973, to meet equally low offers of competitors. Since these are true "meeting competition" discounts, Firm F may eliminate them and must place these 10 dealers in the same class of purchaser as the other 90 dealers which do not lease their stations from Firm F. The base price for that class is determined based on the weighted average of the 15 cents per gallon charged 90 dealers on May 15, 1973, and the lower prices charged on that date to the 10 remaining dealers to meet competition. The base price for the class of purchaser which includes dealers which do lease from Firm F is determined based on a May 15, 1973, lawful selling price of 15 cents per gallon.

**Example 7.** On May 15, 1973, Firm G charged most of its 500 branded dealers a dealers tankwagon price of 15 cents per gallon for motor gasoline. Included in those dealers were 25 which sold gasoline in connection with car wash operations which they owned. Of the 25 car wash dealers, Firm G had given 20 of them various discounts, determined on an individual basis, to meet equally low offers of competitors. Similar competitive discounts were given to four of Firm G's non-car wash dealers. All of the 25 car wash dealers sold approximately equal volumes of gasoline, and all of them had substantially greater capital investments in their stations and sold higher volumes of gasoline than the rest of Firm G's dealers.

The application of the class of purchaser doctrine here should be similar to its application in Example 5. Firm G is required to treat all 25 of the car wash dealers as being in the same class of purchaser and in

a distinct class of purchaser from its 475 non-car wash dealers. This is so because the higher volumes and the substantially greater investments in their stations of the car wash dealers are in themselves justifications under the Robinson-Patman Act for treating the car wash dealers differently. Firm G is not required, however, to maintain separate classes of purchaser for those car wash dealers that had competitive discounts in effect on May 15, 1973, and those car wash dealers that did not, since those car wash dealers that had discounts in effect are distinguishable from other car wash dealers only in that they had received lower offers from a competitor of Firm G. Similarly, with the non-car wash class, Firm G need not maintain a separate class of purchaser for four non-car wash dealers that received discounts given only to meet competition. The May 15, 1973, lawful selling price component of Firm G's base price for the non-car wash class is therefore the weighted average of 15 cents per gallon for 471 dealers and the lower May 15, 1973, prices afforded to four dealers; the May 15, 1973, lawful selling price component of its base price for the car wash class of purchaser is the weighted average of 15 cents per gallon for five dealers and the lower May 15, 1973, prices afforded to the other 20 members of the class.

**Example 8.** On May 15, 1973, Firm H, a refiner, had in effect at a particular terminal a posted dealer tankwagon price for gasoline of 15 cents per gallon, and all sales of gasoline to non-branded retailers were made by Firm H at this terminal on May 15, 1973, at a discount of 1 cent per gallon from the posted price of 15 cents per gallon, except that certain non-branded retailers received additional, "competitive" discounts of from 0.2 to 1.3 cents per gallon. These "competitive" discounts were extended by Firm H in order to meet actual lower bona fide offers to those retailers by competitors of Firm H and in each instance the retailer had executed an affidavit to that effect. All such discounts in effect on May 15, 1973, had been in effect for six months, or had been granted for a period of at least six months.

Firm H's branded and non-branded dealers are sufficiently distinguishable from each other on a "type of purchaser" and cost-justified basis that they must be treated as separate classes of purchaser. However, the non-branded retailers receiving competitive discounts were not distinguishable from the non-branded retailers who were not receiving such discounts on May 15, 1973, in terms of location, type of purchaser, volumes of product purchased, terms and conditions of sale (other than the "competitive" discount in question), or any other objective standard which would serve to differentiate the buyers which received discounts from those which did not, nor is there any cost-justification basis upon which a Robinson-Patman Act suit challenging the continuance of the price differentials resulting from such discounts could be defended.

The difference in price between those non-branded retailers that purchased from Firm H with competitive discounts and those which did not is not a "customary price differential" which must be preserved by establishing separate classes of purchaser. Although such discounts would have been treated as "customary" under Ruling 1974-18, they need not be maintained pursuant to this ruling because, in construing the intent of FEA regulations to be consistent with the policies of the Robinson-Patman Act, there is not now any objective justification for affording one competitor a price advantage over another. This ruling therefore supersedes Ruling 1974-18 in this respect. The competitive discounts in this example, although not requiring a separate

class of purchaser to be established, must nevertheless be taken into account in determining the weighted average selling price to the class of purchaser concerned on May 15, 1973.

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

MARCH 3, 1975.

[FR Doc. 75-5990 Filed 3-4-75; 10:11 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER B—FEDERAL OPEN MARKET COMMITTEE

AUTHORIZATION FOR DOMESTIC OPEN MARKET OPERATIONS

Technical Revision

The Federal Open Market Committee has made a technical revision of its Authorization for Domestic Open Market Operations. The Authorization previously provided that Reserve Banks other than the New York Reserve Bank may purchase certificates of indebtedness directly from the Treasury only when the New York Reserve Bank is closed. It would be administratively more convenient for the Treasury if other Reserve Banks could purchase Treasury certificates of indebtedness under circumstances other than only when the New York Reserve Bank is closed. Accordingly, the Committee has approved of revisions which authorize Reserve Banks other than the New York Reserve Bank to purchase certificates of indebtedness directly from the Treasury under circumstances other than only when the New York Reserve Bank is closed.

Therefore in accordance with § 271.5 of its rules Regarding Availability of Information there is set forth below amended paragraph 2 of the Committee's Continuing Authority Directive with respect to Domestic Open Market Operations.

(1) Effective January 30, 1975, paragraph 2 of the Authorization for Domestic Open Market Operations is amended to read as follows:

(2) The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York, or, under special circumstances, such as when the New York Reserve Bank is closed, any other Federal Reserve Bank, to purchase directly from the Treasury for its own account (with discretion, in cases where it seems desirable, to issue participations to one or more Federal Reserve Banks) such amounts of special short-term certificates of indebtedness as may be necessary from time to time for the temporary accommodation of the Treasury; provided that the rate charged on such certificates shall be a rate  $\frac{1}{4}$  of 1 percent below the discount rate of the Federal Reserve Bank of New York at the time of such purchases, and provided further that the total amount of such certificates held at any one time by the Federal Reserve Banks shall not exceed \$1 billion.

By order of the Federal Open Market Committee, February 26, 1975.

ARTHUR L. BROIDA,  
Secretary.

[FR Doc.75-6066 Filed 3-6-75;8:45 am]

**PART 270—OPEN MARKET OPERATIONS OF FEDERAL RESERVE BANKS**

**Technical Revision**

The Federal Open Market Committee has made a technical revision of its Regulation Relating to the Open Market Operations of Federal Reserve Banks. The Regulation previously provided that Reserve Banks other than the New York Reserve Bank may purchase certificates of indebtedness directly from the Treasury only when the New York Reserve Bank is closed. It would be administratively more convenient for the Treasury if other Reserve Banks could purchase Treasury certificates of indebtedness under circumstances other than only when the New York Reserve Bank is closed. Accordingly, the Committee has approved of revisions which authorize Reserve Banks other than the New York Reserve Bank to purchase certificates of indebtedness directly from the Treasury under circumstances other than only when the New York Reserve Bank is closed.

1. Effective January 30, 1975, § 270.4 of the Committee's regulation Relating to Open Market Operations of Federal Reserve Banks is revised to read as follows:

§ 270.4 Transactions in obligations.

(d) In accordance with such limitations, terms, and conditions as are prescribed by law and in authorizations and directives issued by the Committee, the Reserve Bank selected by the Committee (or, under special circumstances, such as when that Bank is closed, any other Federal Reserve Bank) is authorized and directed, for its own account or the System Open Market Account, to purchase directly from the United States such amounts of Government securities as may be necessary from time to time for the temporary accommodation of the Treasury Department.

2. a. This action is pursuant to and in accordance with the provisions of section 552 of Title 5 of the United States Code.

b. The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and to deferred effective dates, are not followed in connection with the adoption of this action, because the rules involved are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

By order of the Federal Open Market Committee, February 26, 1975.

ARTHUR L. BROIDA,  
Secretary.

[FR Doc.75-6065 Filed 3-6-75;8:45 am]

**PART 272—RULES OF PROCEDURE**

**Organization Rules**

The Federal Open Market Committee of the Federal Reserve System has approved a realignment of staff personnel who supervise System open market operations under the Committee's direction at the New York Reserve Bank. The following revisions of the Committee's rules are designed to reflect this staff personnel realignment.

(1) Effective February 19, 1975, section 5 of the Committee's rules of organization is amended to read as follows:

*Section 5. Manager and Deputies.* The Committee selects a Manager of the System Open Market Account, a Deputy Manager for Domestic Operations, and a Deputy Manager for Foreign Operations. All of the foregoing shall be satisfactory to the Federal Reserve Bank selected by the Committee to execute open market transactions for such Account, and all shall serve at the pleasure of the Committee. The Manager or his Deputies keep the Committee informed on market conditions and on transactions they have made and render such reports as the Committee may specify.

(2) Effective February 19, 1975, Part 272 is amended in the following respects:

(a) Section 272.3 (d) and (e) is amended to read as follows:

§ 272.3 Meetings.

(d) *Attendance at meetings.* Attendance at Committee meetings is restricted to members and alternate members of the Committee, the Presidents of Federal Reserve Banks who are not at the time members or alternates, staff officers of the Committee, the Manager and Deputy Managers, and such other advisers as the Committee may invite from time to time.

(e) *Meeting agendas.* The Secretary, in consultation with the Chairman, prepares an agenda of matters to be discussed at each meeting and the Secretary transmits the agenda to the members of the Committee within a reasonable time in advance of such meeting. In general, the agendas include approval of minutes of actions and acceptance of memoranda of discussion for previous meetings; reports by the Manager or Deputy Managers on open market operations since the previous meeting, and ratification by the Committee of such operations; reports by Economists on, and Committee discussion of, the economic and financial situation and outlook; Committee discussion of monetary policy and action with respect thereto; and such other matters as may be considered necessary.

(3) This action is pursuant to and in accordance with the provisions of section 552 of Title 5 of the United States Code.

(b) The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and to deferred effective dates, are not followed in connection with the adoption of this action, because the rules involved are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

By order of the Federal Open Market Committee, February 26, 1975.

ARTHUR L. BROIDA,  
Secretary.

[FR Doc.75-6067 Filed 3-6-75;8:45 am]

**Title 13—Business Credit and Assistance**

**CHAPTER I—SMALL BUSINESS ADMINISTRATION**

**PART 114—ADMINISTRATIVE CLAIMS UNDER FEDERAL TORT CLAIMS ACT**

**Correction**

Revision 2, Amendment 1 to this Part 114 as appeared in FEDERAL REGISTER on February 13, 1975 (40 FR 6640) should have appeared as "Revision 1, Amendment 1."

Dated: March 3, 1975.

ROBERT B. WEBBER,  
Associate General Counsel.

[FR Doc.75-6007 Filed 3-6-75;8:45 am]

**Title 14—Aeronautics and Space**

**CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION**

[Airworthiness Docket No. 75-SW-11; Amdt. 39-2122]

**PART 39—AIRWORTHINESS DIRECTIVES**

**Bell Models 206A, 206B, 206A-1, and 206B-1 Helicopters**

There has been a reported failure of one lower clevis in a main rotor blade pitch control link assembly that possibly resulted in loss of control of the main rotor blade on a Model 206A helicopter. The Models 206B, 206A-1, and 206B-1 helicopters may also be equipped with the same type of control pitch clevis. Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued to require an immediate and a 50-hour interval repetitive inspection for possible cracks in the upper and lower clevis on each main rotor blade pitch link assembly, P/N 206-010-330 or 206-010-342, and an inspection of the outer swashplate ring horn bearings for excessive breakthrough torque on Bell Models 206A, 206B, 206A-1, and 206B-1 helicopters.

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:

**BELL.** Applies to Bell Models 206A, 206B, 206A-1, and 206B-1 helicopters, certificated in all categories, equipped with pitch link assemblies, P/N 206-010-330 or 206-010-342.

Compliance required within 10 hours' time in service after the effective date of this AD, unless already accomplished, and thereafter

at intervals not to exceed 50 hours' total time in service from the last inspection.

To detect possible fatigue cracks in each main rotor pitch link assembly, upper and lower clevis, accomplish the following:

a. Remove each main rotor blade pitch link assembly from the helicopter and measure the distance between the bolt holes. Remove the upper and lower clevis from each pitch link assembly in accordance with Bell Model 206A or 206B maintenance and overhaul instructions.

b. Inspect the threaded shank of each clevis using fluorescent penetrant or an equivalent inspection method.

c. Replace each clevis that has a cracked shank before further flight.

d. Assemble the pitch link assemblies in accordance with the Model 206A or 206B maintenance and overhaul instructions and set the pitch link assembly to the appropriate length measured in paragraph (a) of this AD.

e. Determine that each bearing, P/N 206-010-469-1, installed in the swashplate outer ring horns has a breakaway force that does not exceed 10 pounds when measured as specified in the Mailgram dated February 15, 1975, from Bell Helicopter Company to all 206A, 206B, and TH57A operators or as specified in an FAA approved equivalent procedure.

f. Replace each swashplate outer ring horn bearing, P/N 206-010-469-1, that exceeds 10 pounds breakaway force measured in paragraph (e) of this AD, prior to further flight, in accordance with procedures specified in Section XIV of the Bell Model 206A or 206B maintenance and overhaul instructions dated November 1, 1972, or later revision, or as specified in an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

g. Install the pitch link assemblies in accordance with the Bell Model 206A or 206B maintenance and overhaul instructions.

h. This AD does not apply to the main rotor pitch link assemblies, P/N 206-010-355.

i. Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, Southwest Region, Federal Aviation Administration, may adjust the repetitive 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.

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 the Service Manager, Bell Helicopter Company, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Avenue SW., 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 the Southwest Regional Office in Fort Worth, Texas.

This amendment becomes effective March 12, 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 Fort Worth, Texas, on February 27, 1975.

HENRY L. NEWMAN,  
Director, Southwest Region.

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

[FR Doc.75-5096 Filed 3-6-75;8:45 am]

[Docket No. 75-GL-2; Amdt. 39-2101]

#### PART 39—AIRWORTHINESS DIRECTIVES Goodyear Main Wheel Assembly; Correction

In FR Doc. 75-4844, appearing on page 7900 in the issue of Monday, February 24, 1975, substitute the following:

1. In the first paragraph of the preamble, substitute P/N's "5000757-1 and -2" for "500757-1 and -2", and the name "McDonnell Douglas" for "McDonnell-Douglas Aircraft Company";

2. In the first paragraph of the body of the Airworthiness Directive, substitute P/N's "5000757-1 and -2" for "500757-1 and -2", and "McDonnell Douglas" for "McDonnell-Douglas Aircraft Company"; and

3. In the penultimate paragraph, substitute the date "March 26, 1975" for the date "February 28, 1975".

This correction becomes effective March 7, 1975.

Issued in Des Plaines, Illinois, on February 27, 1975.

JOHN M. CYROCKI,  
Director, Great Lakes Region.

[FR Doc.75-5993 Filed 3-6-75;8:45 am]

[Docket No. 75-EA-10; Amdt. 39-2121]

#### PART 39—AIRWORTHINESS DIRECTIVE Piper Aircraft

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 Piper PA-31 type airplane.

There had been reports of improper cable routing which resulted in the issuance of Piper Service Bulletin 379A. However, due to an incident of a failure of a rudder control cable, it appeared that the bulletin was not being implemented. Since the deficiency which led to the incident can develop or exist in airplanes of the same type design, an airworthiness directive is being issued which will require an inspection of the cable and guide and replacement when necessary.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment 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 by issuing a new Airworthiness Directive as follows:

PIPER. Applies to Model PA-31-350, Serial Nos. 31-5001 through 31-7405495 certificated in all categories. Compliance required within the next ten hours in service from the effective date of this AD unless previously accomplished, as indicated.

1. Inspect the forward rudder control cable installation as follows:

a. Remove the left pilot's seat and associated floor panels.

b. Inspect the left- and right-hand forward rudder control cables P/N 41947-03 for proper routing between the pulleys and cable guard pins.

c. Remove the forward rudder cable guard pins and inspect the pins for evidence of contact with the control cable.

d. If a forward rudder control cable is not properly routed or the cable guard pins show evidence of contact with the control cable, the control cable must be replaced with an acceptable part of the same part number, before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where repairs can be made. (Piper Service Bulletin No. 379A refers to this subject.)

This amendment is effective March 13, 1975, and was effective for all recipients of the airmail dispatch of February 11, 1975, upon receipt.

(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 26, 1975.

JAMES BISPO,  
Acting Director, Eastern Region.

[FR Doc.75-5094 Filed 3-6-75;8:45 am]

[Airspace Docket No. 74-SO-70]

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

##### Alteration of Transition Area; Correction

On February 10, 1975, FR Doc. 75-3687 was published in the FEDERAL REGISTER (40 FR 6203), amending Part 71 of the Federal Aviation Regulations by altering the Knoxville, Tenn., transition area.

In the amendment, the latitude for Monroe County Airport, Madisonville, Tenn., was cited as "35°42'45" N." in lieu of "35°32'45" N." It is necessary to amend the FEDERAL REGISTER document to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, FR Doc. 75-3687 is amended as follows:

In line five of the description change " \* \* \* 42' \* \* \* " is deleted and " \* \* \* 32' \* \* \* " is substituted therefor.

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



Issued in East Point, Ga., on February 27, 1975.

PHILLIP M. SWATEK,  
Director, Southern Region.

[FR Doc. 75-5995 Filed 3-6-75; 8:45 am]

[Airspace Docket No. 74-SW-44]

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

**Designation of Transition Area; Correction**

On February 10, 1975, Document No. 75-3686 was published in the FEDERAL REGISTER (40 FR 6202). This document described the designation of a transition area for La Paloma Ranch Airport at La Pryor, Tex., effective 0901 G.m.t., June 19, 1975.

The FEDERAL REGISTER Compilation of Regulations (40 FR 525) publishes a transition area for the Chaparrosa Ranch Airport at La Pryor, Tex.

This amendment merely clarifies the captions under which transition areas are described near the city of La Pryor. Since it is editorial in nature and imposes no burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective immediately upon publication in the FEDERAL REGISTER, as follows:

(1) In § 71.181 (40 FR 6202), Document No. 75-3686 is amended to read "La Pryor, Tex. (La Paloma Ranch Airport)."

(2) In § 71.181 (40 FR 525), the caption of the transition area servicing Chaparrosa Ranch Airport is amended to read "La Pryor, Tex. (Chaparrosa Ranch Airport)."

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

Issued in Fort Worth, Tex., on February 25, 1975.

ALBERT H. THURBURN,  
Acting Director,  
Southwest Region.

[FR Doc. 75-5997 Filed 3-6-75; 8:45 am]

[Airspace Docket No. 74-SW-51]

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

**Designation of Transition Area; Correction**

On December 20, 1974, and on February 11, 1975, FR Docs. 74-29635 and 75-3723, respectively, were published in the FEDERAL REGISTER (39 FR 44036 and 40 FR 6347). These documents contained the designation of the Batesville, Ark., transition area effective 0901 G.m.t., April 24, 1975. Subsequent to the issuance of the final rule (Document No. 75-3723), it was noted that the designation of the Batesville transition area should have been an alteration of the existing transition area. This amendment of the FEDERAL REGISTER documents alters the existing Batesville transition area rather than designates the transition area.

Since this amendment is editorial in nature and imposes no undue burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, effective immediately, the heading of FR Docs. 74-29635 and 75-3723 is amended to read "Alteration of Transition Area" in lieu of "Designation of Transition Area."

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

Issued in Fort Worth, Tex., on February 25, 1975.

ALBERT H. THURBURN,  
Acting Director,  
Southwest Region.

[FR Doc. 75-5998 Filed 3-6-75; 8:45 am]

[Airspace Docket No. 74-SO-81]

**PART 73—SPECIAL USE AIRSPACE**  
**Designation of Temporary Restricted Areas**  
**Correction**

In FR Doc. 75-4950, appearing at page 8070 in the issue of Tuesday, February 25, make the following corrections:

1. In the ninth line of the second column on page 8071, the number of degrees latitude, now reading "43", should read "34".

2. In the third line of the third column on page 8071, the number "531A" should read "5311A".

3. In the eighth line of the third column on page 8071, the number "1359" should read "2359".

**CHAPTER II—CIVIL AERONAUTICS BOARD**

[Reg. ER-896, Amdt. 36]

**PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION**  
**Correction**

In FR Doc. 75-4923, appearing at page 8073 in the issue of Tuesday, February 25, 1975, the words "per revenue plane" should follow the two words "Round trip" in the fourth from last line of column one.

**SUBCHAPTER B—PROCEDURAL REGULATIONS**

[Regulation PR-143, Amdt. 7]

**PART 310—INSPECTION AND COPYING OF BOARD OPINIONS, ORDERS AND RECORDS**

**Miscellaneous Amendments**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., March 3, 1975.

On November 21, 1974, the Freedom of Information Act (5 U.S.C. 552) was amended in several respects. Although the present Board regulations are in substantial compliance with the majority of requirements set forth in the new amendment, a few differences exist with respect to time limitations for processing requests for access to agency records, and

the circumstances justifying enlargement of the time allowed. The amendment herein brings Part 310 of the Board's Procedural Regulations into conformity with the Freedom of Information Act amendment in these respects.

Since the amendment contained herein relates solely to matters of agency procedure, notice and public procedure thereon are not required, and the amendment may become effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Part 310 of the procedural regulations (14 CFR 310) effective March 3, 1975, as follows:

1. Amend the table of contents to add a new caption § 310.10, as follows:

\* \* \* \* \*

§ 310.10 Extension of time limits for processing requests for records.

\* \* \* \* \*

2. Amend § 310.7 to read as follows:

§ 310.7 Production of Board records.

Every effort will be made to serve requests with reasonable dispatch. Requests for the same record will be filed on a "first come, first served" basis, but use of a document by the Board or its staff will be given precedence. A request for records will be granted or denied within 10 working days of its receipt. If the appropriate Board unit does not respond to a request within the 10-day period, the requester may treat such nonaction as a denial and appeal to the Managing Director as in the case of a denial.

3. Amend § 310.9 to read as follows:

§ 310.9 Refusal to make record available.

(a) Where the material requested is currently in use by another member of the public or an employee of the Board, the person making the request will be so informed by the office at which the request was made, and will be advised when the material will be available.

(b) Where the material requested is not a record, is an exempted record, or is otherwise unavailable, the person making the request will be so informed by the office at which the request was made. The form of notification will be the same as that used for making the request. Whether notification is oral or in writing it shall include a reference to the specific exemption under this regulation and the Freedom of Information Act authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld and contain a description of the appeal procedure within the agency and of the ultimate availability of judicial review as set forth in paragraph (c) of this section. A copy of all denial letters and all written statements explaining why exempt records have been withheld will be collected and maintained for public inspection in the Public Reference Room.

(c) Not more than 10 days after a request for a record is denied pursuant to paragraph (b) of this section, the person making the request may appeal the denial to the Managing Director, who has

been delegated authority by the Chairman to make determinations on such appeals. The appeal shall be by letter, and shall identify the materials requested and denied in the same manner as it was identified to the Board office receiving and denying the request; shall indicate the dates of the request and denial; and shall indicate the expressed basis for the denial. In addition, the letter of appeal shall state briefly and succinctly the reasons why the record should be made available.

(d) The Managing Director may consult with other members of the staff in making his determination, and shall either rule on the appeal or, at his discretion, pass the matter to the Board for its determination. If the Managing Director rules on the appeal, he shall by letter inform the requester within twenty working days after receipt of the letter of appeal whether the requested material will be made available in whole or in part. If the request is denied in whole or in part, the basis for denial will be stated and no further administrative appeal will be permitted. If the appeal is not ruled upon by the Managing Director but instead is referred to the Board, the Managing Director shall so notify the requester by letter. An appeal passed to the Board shall be acted upon by the Board within twenty working days from the date the letter of appeal was received by the Managing Director.

(e) A decision by either the Managing Director or the Board pursuant to paragraph (d) of this section is final and will not be subject to petitions for reconsideration. It is subject to judicial review in the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the Board records are situated.

4. Amend Part 310 by adding a new § 310.10, as follows:

§ 310.10 Extension of time limits for processing requests for records.

In unusual circumstances as specified in this section, the time limits prescribed in § 310.7 and § 310.9 for responding to any request for records or appeal from a denial therefrom may be extended by written notice to the person making such request or appeal setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days. As used in this section, "unusual circumstances" means, but only to extent reasonably necessary to the proper processing of the particular request: (a) 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; (b) 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 (c) the need for consultation which shall be conducted with all practicable speed, with another

agency having a substantial interest in the determination of the request or among two or more components of the Board's staff having substantial subject-matter interest therein.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 49 U.S.C. 1324(a); Title V of the Act of August 31, 1951 (65 Stat. 290, 5 U.S.C. 140); and 5 U.S.C. 552, as amended by Pub. L. 93-502, 88 Stat. 1561)

By the Civil Aeronautics Board:

Effective: March 3, 1975.

Adopted: March 3, 1975.

[SEAL] PHYLLIS T. KAYLOR,  
Acting Secretary.

[FR Doc.75-6046 Filed 3-6-75;8:45 am]

[Regulation PR-144, Amdt. 1]

**PART 311—CLASSIFICATION AND DECLASSIFICATION OF NATIONAL SECURITY INFORMATION AND MATERIAL**

**Miscellaneous Amendments**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., March 3, 1975.

On November 21, 1974, the Freedom of Information Act was amended to prescribe administrative time limits for processing requests for access to agency records. The amendment herein to Part 311 of the Board's Procedural Regulations conforms the Board's procedures for processing requests for declassification of national security information with the new requirements of the Freedom of Information Act Amendment.

Since the amendment contained herein relates solely to matters of agency procedure, notice and public procedure thereon are not required, and the amendment may become effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Part 311 of the Procedural Regulations (14 CFR 311) effective March 3, 1975, as follows:

1. Amend § 311.43 to read as follows:

§ 311.43 Review of classified material for declassification.

(b) Members of the public or agencies may direct requests for mandatory review for declassification to the Security Officer, at the offices of the Board, at 1825 Connecticut Ave., NW., Washington, D.C. 20428, who shall in turn assign the request to the appropriate office for action. In addition, the office which has been assigned shall immediately acknowledge receipt of the request in writing. If the request requires the rendering of services for which fair and equitable fees should be charged pursuant to Title 5 of the Independent Office Appropriations Act, 1952, 65 Stat. 290 (31 U.S.C. 483a) the requester shall be so notified. The office which has been assigned action shall thereafter make a determination within 10 working days of receipt. If at the end of the 10-day period no determination on the request has been made, the requester may apply to the Intra-agency Committee (established

by the Chairman and chaired by the Managing Director) for a determination.

(c) The Intra-agency Committee shall establish procedures to review and act within 20 working days from receipt upon all applications and appeals regarding requests for declassification. The Chairman, acting through the Intra-agency Committee, is authorized to overrule previous determinations in whole or in part when, in his judgment, continued protection is no longer required. If the Intra-agency Committee determines that continued classification is required it shall promptly so notify the requester and advise him that he may appeal the denial to the Interagency Classification Review Committee, established pursuant to E.O. 11652.

(d) In unusual circumstances as specified in this paragraph, the time limits prescribed in paragraphs (b) and (c) of this section for responding to any request for declassification or appeal from a denial therefrom may be extended by written notice to the person making such request or appeal setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days. As used in this section, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request: (a) the need to search for and collect the subject records from field facilities or other establishments that are separate from the office processing the request; (b) 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 (c) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the Board's staff having substantial subject-matter interest therein.

(e) A request by a member of the public or by an agency to review for declassification documents more than 30 years old shall be referred directly to the Archivist of the United States, and he shall have the requested documents reviewed for declassification. If the information or material requested has not been transferred to the General Services Administration for accession into the Archives, the Archivist shall, together with the Chairman, have the requested documents reviewed for declassification. Classification shall be continued in either case only where the Chairman makes at that time the personal determination that continued classification is required. The Archivist shall promptly notify the requester for such determination and of his right to appeal the denial to the Interagency Classification Review Committee.

(f) For purposes of administrative determinations, the burden of proof is on the Chairman to show that continued classification is warranted within the terms of the Executive Order.

(g) Upon a determination that the requested material no longer warrants classification, it shall be declassified and made promptly available to the requester, if not otherwise exempt from disclosure under section 552(b) of Title 5 U.S.C. (Freedom of Information Act) or other provision of law.

(h) A request for classification review must describe the document with sufficient particularity to enable it to be identified and to be obtained with a reasonable amount of effort. Whenever a request is deficient in its description of the record sought, the requester should be asked to provide additional identifying information whenever possible. Before denying a request on the ground that it is unduly burdensome, the requester should be asked to limit his request to records that are reasonably obtainable. If nonetheless the requester does not describe the records sought with sufficient particularity, or the record requested cannot be obtained with a reasonable amount of effort, the requester shall be notified of the reasons why no action will be taken and of his right to appeal such decision.

(Section 204(a) of the Federal Aviation Act of 1958, as amended 72 Stat. 743, 49 U.S.C. 1324(a); Title V of the Act of August 31, 1951 (65 Stat. 290, 5 U.S.C. 140); and 5 U.S.C. 552, as amended by Pub. L. 93-502, 88 Stat. 1561)

By the Civil Aeronautics Board.

Effective: March 3, 1975.

Adopted: March 3, 1975.

[SEAL] PHYLLIS T. KAYLOR,  
Acting Secretary.

[FR Doc. 75-6045 Filed 3-6-75; 8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8834]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Holiday Magic, Inc., et al.

Subpart—Advertising falsely or misleadingly; § 13.10 *Advertising falsely or misleadingly*; § 13.15 *Business status, advantages or connections*; 13.15-5 *Advertising and promotional services*; 13.15-20 *Business methods and policies*; 13.15-30 *Connections or arrangements with others*; § 13.55 *Demand, business or other opportunities*; § 13.60 *Earnings and profits*; § 13.142 *Operation*; § 13.143 *Opportunities*; § 13.160 *Promotional sales plans*; § 13.195 *Safety*; § 13.195-30 *Investment*; § 13.280 *Unique nature or advantages*; § 13.285 *Value*. Subpart—Coercing and intimidating; § 13.358 *Distributors*. Subpart—Combining or conspiring; § 13.388 *To control allocations and solicitation of customers*; § 13.395 *To control marketing practices and conditions*; § 13.430 *To enhance, maintain or unify prices*; § 13.450 *To limit distribution or dealing to regular, established or acceptable channels or classes*. Subpart—Corrective actions and/or re-

quirements; § 13.533 *Corrective actions and/or requirements*; § 13.533-20 *Disclosures*; § 13.533-55 *Refunds, rebates, and/or credits*. Subpart—Discriminating between customers; § 13.685 *Discriminating between customers*. Subpart—Discriminating in price under Section 2, Clayton Act—Price discrimination under 2(a); § 13.730 *Customer classification*; § 13.785 *Terms and conditions*; § 13.790 *Trade areas*. Subpart—Maintaining resale prices; § 13.1130 *Contracts and agreements*; § 13.1155 *Price schedules and announcements*. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections; § 13.1370 *Business methods, policies, and practices*; § 13.1397 *Customer connection—Goods*; § 13.1610 *Demand for or business opportunities*; § 13.1615 *Earnings and profits*; § 13.1725 *Refunds*; § 13.1730 *Results*; § 13.1770 *Unique nature or advantages*; § 13.1775 *Value—Promotional sales plans*; § 13.1830 *Promotional sales plans*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1889 *Risk of loss*; § 13.1892 *Sales contract, right-to-cancel provision*. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal; § 13.1935 *Earnings and profits*; § 13.2015 *Opportunities in product or service*; § 13.2090 *Undertakings, in general*. Subpart—Securing agents or representatives by misrepresentation; § 13.2125 *Demand or business opportunities*; § 13.2130 *Earnings*; § 13.2132 *Exclusive territory*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 2, 49 Stat. 1528; 15 U.S.C. 45, 13) (Cease and desist order, Holiday Magic, Inc., et al., San Rafael, Calif., Docket 8834, Oct. 15, 1974)

*In the Matter of Holiday Magic, Inc., a Corporation, and Sam Olivo, as Executor for the Decedent Respondent William Penn Patrick, and Fred Pape and Janet Gillespie, Individually.*

Order requiring a San Rafael, Calif., distributor of cosmetics, toiletries, cleaning products and associated items, among other things to cease engaging in illegal price fixing and price discrimination and imposing selling, purchasing and territorial restrictions on its distributors. Further, respondent is required to cease using its open-ended, multilevel marketing plan which the Commission found to be deceptive. Respondent is also ordered to make refunds to requesting distributors of monies unlawfully obtained in the event it ceases to be in compliance with an order of the District Court for the Northern District of California pertaining to repayment of funds to distributors.

The Final Order, including further order requiring report of compliance therewith, is as follows: \*

\* Order amending complaint by substituting party, issued Aug. 29, 1974.

\*\* Copies of the Complaint, Initial Decision, Opinion and Final Order, filed with the original document.

This matter having been heard by the Commission upon the appeal of respondents' counsel from the initial decision, and upon briefs and oral argument in support thereof and opposition thereto, and the Commission, for the reasons stated in the accompanying Opinion, having denied, in larger part, and granted, in lesser part, the appeal:

It is ordered, That the following Findings of Fact and Conclusions of Law of the Administrative Law Judge (as hereinafter modified by the appended listing of "Errata") are adopted as Findings of Fact and Conclusions of Law of the Commission: Pp. 1-6; Findings 1-483; pp. 292-311 (through 1st paragraph); pp. 326 (penultimate paragraph)-342; Paragraphs D(1)-(2) and E(6) on pp. 343-344; pp. 345-361; pp. 364-367 (through 3rd paragraph); p. 368 (last 6 paragraphs, except for second sentence of penultimate paragraph and substituting "higher" for "lower" in last paragraph); p. 369 (except for 2nd paragraph); p. 370 (except for 3rd and 4th full paragraphs); pp. 371-376.

Other Findings of Fact and Conclusions of Law of the Commission are contained in the accompanying Opinion.

It is further ordered, That the following Order be, and it hereby is, entered:

ORDER

I. It is ordered, That respondent Holiday Magic, Inc., a corporation, its officers, agents, representatives, employees, successors, and assigns, respondent Fred Pape, individually, and respondent Janet Gillespie, individually, their agents, representatives and employees, directly or indirectly through any corporate or other device, in connection with the offering for sale, sale, or distribution of goods or commodities in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Clayton Act, shall forthwith cease and desist from:

1. Entering into, maintaining, promoting, or enforcing any contract, agreement, understanding, marketing system, or course of conduct with any dealer or distributor of such goods or commodities to do or perform or attempt to do or perform any of the following acts, practices, or things:

(a) Fix, establish, or maintain the prices, discounts, rebates, overrides, commissions, fees, or other terms or conditions of sale relating to pricing upon which goods or commodities may be resold: *Provided*, That in those states having Fair Trade laws products may be marketed pursuant to the provisions of such laws.

(b) Require or coerce any person to enter into a contract, agreement, understanding, marketing system, or course of conduct which fixes, establishes, or maintains the prices, discounts, rebates, overrides, commissions, fees, or other terms or conditions of sale relating to pricing upon which goods or commodities may be resold: *Provided*, That in those states having Fair Trade laws products may be marketed pursuant to the provisions of such laws.

(c) Require or coerce any person to refrain from selling his or her merchandise in any quantity to or through any specified person, class of persons, business, class of business, or retail outlet of his or her choosing.

(d) Require or coerce any person to enter into a contract, agreement, understanding, marketing system, or course of conduct or require, induce, coerce, or enter into any agreement with any distributor to refrain from selling any merchandise in any quantity to or through any specified person, class of persons, business, class of business, or retail outlet of his or her choosing.

(e) Require or coerce any person to enter into a contract, agreement, understanding, marketing system, or course of conduct requiring, inducing, or coercing any distributor to refrain from selling any merchandise in any geographic area: *Provided, however,* That nothing contained herein shall prevent respondents from assigning routes to individual distributors as areas of primary responsibility.

(f) Require or coerce any person to enter into a contract, agreement, understanding, marketing system, or course of conduct which discriminates, directly or indirectly, in the net price of any merchandise of like grade and quality by selling to any purchaser at net prices higher than the net prices charged to any other purchaser who in fact competes in the resale or distribution of such merchandise with the purchaser paying the higher price.

2. Discriminating, directly or indirectly, in the net price, or terms or conditions of sale of any merchandise of like grade and quality by selling to any purchaser at net prices, or upon terms or conditions of sale less favorable than the net prices or terms or conditions of sale upon which such products are sold to any other purchaser to the extent such other purchaser competes in the resale of any such products with the purchaser who is afforded less favorable net price or terms or conditions of sale, or with a customer of the purchaser afforded the less favorable net price or terms or conditions of sale.

3. Preventing distributors from entering into consignment agreements or selling their business to another individual.

4. Engaging, either as part of any contract, agreement, understanding, or course of conduct with any distributor or dealer of any goods or commodities, or individually and unilaterally in the practice of:

(a) Publishing or distributing, directly or indirectly, any resale price, product price list, order form, report form, or promotional material which employs resale prices for goods or commodities without stating clearly and visibly in conjunction therewith the following statement:

The prices quoted herein are suggested prices only. Distributors are free to determine for themselves their own resale prices.

(b) Publishing or distributing, directly or indirectly, any schedule of discounts,

rebates, commissions, overrides or other bonuses to be paid by one distributor or class of distributors to any other distributors or class of distributors, without stating clearly and visibly in conjunction therewith the following:

The discounts [rebates, commissions, etc.] quoted herein are suggested only. Distributors are free to determine for themselves any amounts to be paid.

*Provided,* That in those state having Fair Trade laws products may be marketed pursuant to the provisions of such laws.

5. Requiring any distributor or dealer or other participant in any merchandising program to obtain the prior approval of respondents for any product advertising promotion, or proposed product advertising or promotion, unless any selling prices and names of any selling outlets are required to be deleted from such proposed advertising or promotion prior to submission for prior approval.

II. *It is further ordered,* That the aforesaid respondents and their officers, agents, representatives, employees, successors and assigns, in connection with the advertising, offering for sale or sale of products, franchises or distributorships, or in connection with the seeking to induce or inducing the participation of persons, firms, or corporations therefor, in connection with any marketing program or any other kind of merchandising, marketing or sales promotion program, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist, directly or indirectly, from:

1. Offering, operating or participating in, any marketing or sales plan or program wherein a participant gives or agrees to give a valuable consideration in return for (1) the opportunity to receive compensation in return for inducing other persons to become participants in the plan or program, or for (2) the opportunity to receive something of value when a person induced by the participant induces a new participant to give such valuable consideration: *Provided,* That the term "compensation" as used in this paragraph only does not mean any payment based on actually consummated sales of goods or services to persons who are not participants in the plan or program and who do not purchase such goods or services in order to participate in the plan or program.

2. Offering, operating or participating in, directly or indirectly, any marketing or sales plan or program wherein the financial gains to participants are represented to be based in any manner or to any degree upon their recruiting of other participants who obtain the right under the plan or program to recruit yet other participants whose function in the program includes during their first year of participation the recruitment of participants.

3. Requiring or suggesting that prospective participants or participants in any merchandising, marketing or sales promotion program purchase product or pay any other consideration, either to

respondents or to any other person in order to participate in said program, other than payment for the actual cost of reasonably necessary sales materials, as determined by the purchaser, in order to participate in any manner therein.

III. *It is further ordered,* That the aforesaid respondents (Holiday Magic, Inc., Fred Pape, and Janet Gillespie) and their officers, agents, representatives, employees, successors and assigns, in connection with the advertising, offering for sale or sale of products, franchises, or distributorships, or in connection with the seeking to induce or inducing the participation of persons, firms or corporations in any marketing program or other kind of merchandising, marketing or sales promotion program, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist, directly or indirectly, from:

1. Representing, directly or by implication, or by use of hypothetical examples that participants in any marketing program, or any other kind of merchandising, marketing or sales promotion program, will earn or receive, or have the potential or reasonable expectancy of earning or receiving, any stated or gross or net amount, or representing in any manner the past earnings of participants, unless in fact the earnings represented are those of a substantial number of participants in the community or geographic area in which such representations are made, and the representation clearly indicates the amount of time required by said past participants to achieve the earnings represented, and failing to maintain adequate records which disclose the facts upon which any claims of the type discussed in this paragraph of the Order [III(1)] are based; and from which the validity of any claim of the type in this subparagraph of the Order can be determined.

2. Representing, directly or by implication, or by use of hypothetical examples, that a gross income figure is a net income, salary, earnings, or profit figure.

3. Misrepresenting the ease of recruiting or retaining participants in any merchandising, marketing or sales promotion programs, as distributors or sales personnel.

4. Representing, directly or by implication, that any participant in any merchandising, marketing or sale promotion program can attain financial success.

5. Misrepresenting the supply or availability of potential participants or customers in any merchandising, marketing or sales promotion program in any given community or geographical area.

6. Requiring that an individual pay a valuable consideration of any kind in return for the right to participate in any marketing or sales program without first disclosing to such prospective participant in writing the number of other participants already active in the market area in which such prospect plans to operate.

7. Misrepresenting that participants can expect to remain active in business

for any length of time, or misrepresenting in any manner the longevity or tenure of past or current participants, as, for example, by using a hypothetical illustration of how a marketing program operates, which implies that participants remain active for a given period, when in fact such period is more than the average length of time for which such participants do remain active.

8. Misrepresenting the reasonably necessary and anticipated costs of doing business for prospective distributors, dealers, sales personnel or franchisees.

9. Representing that once a man or woman understands any business, or marketing plan or program, he or she will not or cannot or should not fail to achieve success in it.

10. Misrepresenting that any business operation, merchandising or sales promotion plan can be the key to a person's financial future and security, or the answer to a person's financial dreams.

11. Representing that a business operation, merchandising or sales promotion plan is a once-in-a-lifetime opportunity.

12. Misrepresenting the amount or degree of the consuming public's acceptance of any products or representing that the public receives any products with great enthusiasm or that repeat business is high without making available at the same time market studies which in fact substantiate the representations.

13. Representing that it is not difficult to obtain a life-long income in connection with any merchandising, marketing or sales promotion program.

14. Misrepresenting that any merchandising, marketing or sales promotion program is sound, profitable, or distinguished.

15. Representing that persons who fall in any merchandising, marketing or sales promotion program are lazy, stupid or greedy, or any combination thereof.

16. Misrepresenting the relationship between profits and income at one functional level of a business to those at any other functional level of that or any other business.

17. Misrepresenting that wholesale sales actually reflect retail sales or consumer demand for products.

18. Using or encouraging the use of advertisements which offer or suggest employment when the purpose of such advertisement is to obtain non-employee participants in any merchandising, marketing or sales promotion program; or misrepresenting, in any manner, the kind or character of any position or job opportunity offered to prospective participants.

19. Representing, directly or by implication, that it is not difficult for participants to recruit or retain persons who will invest or participate in any marketing program or any other kind of merchandising, marketing or sales promotion program, either as distributors, franchisees, wholesalers or sales personnel, or that there is a very large number of prospective distributors or sales persons from whom to choose.

20. Representing, directly or by implication, that products will be or are advertised either locally or nationally, or in the geographic area in which such representations are made, without clearly and truthfully representing the manner, mode, extent and amount of the advertising.

21. Selling, or offering franchises or distributorships, to obtain which a participant is required to make monetary investment without furnishing to such participant at least seven (7) days prior to the time at which such investment must be made, a copy of the Federal Trade Commission Consumer Bulletin No. 4, "ADVICE FOR PERSONS WHO ARE CONSIDERING AN INVESTMENT IN A FRANCHISE BUSINESS."

22. Misrepresenting that respondents have applications pending for distributorships in a particular area; or that any person must act immediately to be considered for a franchise or distributorship, or that any person must act immediately to take advantage of a special deal, sale or event, or misrepresenting in any manner the nature and extent of interest of others in any particular franchise or distributorship.

23. Misrepresenting that persons risk losing little or nothing by investing in a franchise or distributorship.

24. Misrepresenting that franchises or distributorships increase in value over the years.

25. Using any payment check which purports to portray the satisfaction or success of franchisees or distributors, or any other document which misrepresents the satisfaction or success of franchisees or distributors.

26. Misrepresenting the earnings potential of franchises or distributorships, prospective franchisees or prospective distributors.

IV. *It is further ordered*, That the aforesaid respondents, their successors and assigns, incident to selling any franchise or distributorship shall:

1. Inform orally all persons to whom solicitations are made, and provide in writing in all applications and contracts, in at least ten-point gold<sup>1</sup> type, that the application or contract may be cancelled for any reason by notification to respondents in writing within at least seven (7) days from the date of execution.

2. Refund immediately all monies paid pursuant to any contract or application by all persons who request cancellation of the application or contract within at least seven (7) days from the execution thereof.

V. *It is further ordered*, That corporate respondent and respondent Sam Olivo, as executor for William Penn Patrick, their successors and assigns, within thirty (30) days after this order becomes final, shall make an offer to any participant of a refund of all sums of money

<sup>1</sup> By order of the Commission, dated Nov. 19, 1974, the word "gold" was changed to "bold."

to which the participant is entitled under this order, and within sixty (60) days after the aforesaid respondents, their successors and assigns, receive notification of the acceptance of such offer of refund from such participant, shall pay all sums of money to which the participant is entitled under this Order.

1. For the purposes of this order, the term "participant" shall mean any person who invested money to participate, in any manner, in marketing programs of respondents, their successors and assigns.

2. For the purposes of this order, the term "refund" means all sums of money paid by a participant to respondents or their successors and assigns, directly to or through a trust, parent or subsidiary corporation:

(a) Less any amount of money paid by respondents or their successors or assigns to participants, including any refund either made voluntarily or pursuant to court order, and

(b) Less the price paid for any products purchased by participant that participant does not return, and

(c) Plus interest at the rate of 6 percent per annum on the amount to be refunded to participant from the date participant entered into respondents' program to the date notification of the right to refund is received by participant.

3. For the purposes of this order, the term "offer" means a notification by certified mail, return receipt requested, to each participant with the following information and none other:

(a) On the front of the envelope, together with the name and address of the participant and the name and address of the sender, the following legend in 18-point, bold-face type: "IMPORTANT: REFUND NOTICE."

(b) On the letter, in 12-point, bold-face type, the following language:

"IMPORTANT NOTICE

By order of the Federal Trade Commission, all persons who invested money to participate, in any manner, in [name of company] are hereby offered a refund of all sums of money so paid, less (1) any amount of money paid by [company of individual] to you, including any refund either made voluntarily or pursuant to court order, and (2) the price paid for any products purchased by you that you do not return to [company or individual], plus interest at the rate of 6 percent per annum on the amount to be refunded to you, from the date you entered into [name of company]'s program to the date this notification of the right to refund is received by you. A participant requesting refund pursuant to this order who has [name of company] product either credited to him in an account, or in his actual possession, shall be entitled to refund for such products on the basis of the price paid by participant for the products; provided, however, that any of said products in participant's possession for which participant requests refund under this order must be delivered to one of

[company's or individual's] warehouses before refund is payable.

"If you accept this offer, then (1) send a letter to [name and address of company or individual] within 60 days of receipt of this notification stating the amount and basis of your claim, and (2) send any product in your possession to a [name of company or individual] warehouse, or (3) in the event product is credited in an account with [name of company], a statement that upon receiving a refund you relinquish any rights to such account.

"Within 60 days after the receipt of the said information, you will receive all sums of money to which you are entitled under the formula set forth above."

*Provided, however,*

(c) A participant requesting refund pursuant to this order who has product either credited in an account or in his or her actual possession, shall be entitled to refund for such products on the basis of the price paid by participant for the product, provided that any of said products in participant's possession for which participant requests refund under this Order must be delivered to one of the company's or individual's warehouses before payment is made, if the company or individual so elects.

(d) The obligations of this section (V) of the Order shall be stayed indefinitely with respect to corporate respondent for so long as it remains in compliance with the order entered *In the Matter of Securities and Exchange Commission v. Holiday Magic, Inc., et al.*, Civil Action No. C 73 1095 LHB (N.D. Cal. April 1, 1974) insofar as that order requires the payment by corporate respondent of monies to its Master and General Distributors.

(e) If respondents or their successors and assigns claim they do not have adequate funds to comply with this order provision, each may within sixty (60) days of the effective date as to him or it of the refund obligations of this order petition the Commission to reopen the proceedings to consider the claim. The petition shall set forth the list of distributors or franchisees to whom refunds are due under this order and the sum of money each such distributor or franchisee is to receive in accordance with this order, plus a notarized statement of all assets and liabilities.

Upon receipt of this petition, and any response thereto which complaint counsel shall make, the Commission will assign an administrative law judge for the purpose of making findings and recommendations with respect to the claim. The administrative law judge shall furnish petitioner with the Commission's Statement of Financial Status, shall require its prompt execution, and may conduct such interrogations of the petitioner or require the production of such documents as he deems necessary in order to make findings and recommendations as to any modification of this order which may be warranted on the issues raised by petitioner's claim. The findings and recommendations will be reported to the Commission for a final determination.

(f) If any dispute arises as to compliance with the refund provisions of this order which cannot be satisfactorily resolved by the parties, notice shall be given to respondents or to their successors and assigns of the extent to which they are regarded not to be in compliance and the facts respecting such alleged noncompliance. Within thirty (30) days after the receipt of such notice of non-compliance, they may petition the Commission for a hearing on such non-compliance, or for a modification of the order provision giving rise to the compliance dispute or for such other relief as is believed warranted, and the Commission may set the matter down for hearing before itself or before an administrative law judge, or shall either grant or deny such petition by order formally entered in the same manner and form as if it were an original order of this Commission.

*VI. It is further ordered,* That respondents Holiday Magic, Fred Pape, and Janet Gillespie, their successors and assigns shall forthwith deliver a copy of section III of this order to cease and desist to all present and future salespeople, franchisees, distributors or other persons engaged in the sale of franchises, distributorships, products, or services on behalf of respondents, and secure from each such person a signed statement acknowledging receipt of said section III of this order.

*VII. It is further ordered,* That respondent corporation and its successors and assigns shall forthwith distribute a copy of this order to each of its operating divisions.

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

*IX. It is further ordered,* That Fred Pape and Janet Gillespie promptly notify the Commission of the discontinuance of their present business or employment, and of their affiliation with any new business or employment. Such notice shall include the individual's current business address and a statement as to the nature of the business or employment in which he or she is engaged, as well as a description of his or her duties and responsibilities.

*X. It is further ordered,* That each of the respondents herein and their successors and assigns shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the provisions of this order. Thereafter, within two hundred and ten (210) days after service upon them of this order, corporate respondent, and respondent Sam Olivo as executor for William Penn Patrick, shall file with the

Commission a second report, in writing, setting forth in detail the manner and form in which they have complied with Section V of the order.

Commissioner Nye not participating.  
The Final Order was issued by the Commission, Oct. 15, 1974.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 75-5986 Filed 3-6-75; 8:45 am]

## Title 18—Conservation of Power and Water Resources

### CHAPTER II—TENNESSEE VALLEY AUTHORITY

#### PART 301—PROCEDURES

##### Availability of TVA Records and Publications

###### Correction

In FR Doc. 75-4683, appearing at page 7325, in the issue for Wednesday, February 19, 1975, on page 7326, in the first column, the eighteenth line in the second paragraph should read "agency or intra-agency memorandums or".

### CHAPTER VI—WATER RESOURCES COUNCIL

#### PART 701—COUNCIL ORGANIZATION

##### Freedom of Information Act Regulations

###### Correction

In FR Doc. 75-4576, appearing at page 7253, in the issue for Wednesday, February 19, 1975, on page 7255, the fifteenth line in the first column should read "402 New Walton Building, Atlanta, Georgia".

## Title 26—Internal Revenue

### CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

#### SUBCHAPTER A—INCOME TAX

[T.D. 7346]

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

##### Priority of Distributions in Redemption of Stock To Pay Death Taxes

On July 11, 1970, there was published in the FEDERAL REGISTER (35 FR 11184) a notice of proposed rulemaking with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 303 of the Internal Revenue Code of 1954, relating to distributions in redemption of stock to pay death taxes. After consideration of all such relevant matters as were presented by interested persons regarding the rule proposed, the amendment as proposed is adopted by this document.

Under section 303 of the Code, a distribution by a corporation in redemption of all or part of its stock which is included in the gross estate of a decedent is treated as a distribution in full payment in exchange for the stock if certain conditions are met. The section applies only if more than 35 percent of the gross estate or more than 50 percent of the taxable estate consists of stock of the redeeming corporation. (In making

this determination, two or more corporations are considered as a single corporation if more than 75 percent of the outstanding stock of each corporation is included in the gross estate.) With respect to any decedent's estate, the total amount that may be treated under section 303 cannot exceed the sum of estate and inheritance taxes plus the funeral and administration expenses.

The amendment to the regulations provides that where there is more than one distribution in redemption of stock the distributions are to be applied against the total amount qualifying for treatment under section 303 in the order in which the distributions are made. For this purpose, all distributions in redemption of such stock are taken into account, including distributions which under another provision of the Code are treated as in part or full payment in exchange for the stock redeemed.

**Adoption of amendment to the regulations.** On July 11, 1970, there was published in the FEDERAL REGISTER (35 FR 11184) a notice of proposed rulemaking with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 303 of the Internal Revenue Code of 1954, relating to distributions in redemption of stock to pay death taxes. After consideration of all such relevant matters as were presented by interested persons regarding the rule proposed, the amendment as proposed is hereby adopted.

(Sec. 7805 of the Internal Revenue Code of 1954 (88A Stat. 917; 26 U.S.C. 7805))

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

Approved: March 3, 1975.

ERNEST S. CHRISTIAN, JR.,  
*Deputy Assistant Secretary of the Treasury.*

Section 1.303-2 of the Income Tax Regulations (26 CFR Part 1), relating to the requirements for distributions in redemption of stock to pay death taxes, is amended by revising paragraph (g) to read as follows:

**§ 1.303-2 Requirements.**

(g) (1) The total amount of the distributions to which section 303 may apply with respect to redemptions of stock included in the gross estate of a decedent may not exceed the sum of the estate, inheritance, legacy, and succession taxes (including any interest collected as a part of such taxes) imposed because of the decedent's death and the amount of funeral and administration expenses allowable as deductions to the estate. Where there is more than one distribution in redemption of stock described in section 303(b)(2) during the period of time prescribed in section 303(b)(1), the distributions shall be applied against the total amount which qualifies for treatment under section 303 in the order in which the distributions are made. For this purpose, all distributions in redemption of such stock shall be taken into account, including distributions which

under another provision of the Code are treated as in part or full payment in exchange for the stock redeemed.

(2) Subparagraph (1) of this paragraph may be illustrated by the following example:

*Example.* (1) The gross estate of the decedent has a value of \$800,000, the taxable estate is \$500,000, and the sum of the death taxes and funeral and administrative expenses is \$225,000. Included in determining the gross estate of the decedent is the stock of a corporation which for Federal estate tax purposes is valued at \$450,000. During the first year of administration, one-third of such stock is distributed to a legatee and shortly thereafter this stock is redeemed by the corporation for \$150,000. During the second year of administration, another one-third of such stock includible in the estate is redeemed for \$150,000.

(2) The first distribution of \$150,000 is applied against the \$225,000 amount that qualifies for treatment under section 303, regardless of whether the first distribution was treated as in payment in exchange for stock under section 302(a). Thus, only \$75,000 of the second distribution may be treated as in full payment in exchange for stock under section 303. The tax treatment of the remaining \$75,000 would be determined under other provisions of the Code.

[FR Doc. 75-6068 Filed 3-6-75; 8:45 am]

**Title 29—Labor**

**CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**PART 1601—PROCEDURAL REGULATIONS**

**Designated 706 Agencies**

By virtue of the authority vested in it by section 713(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-12(a), 78 Stat. 265, the Equal Employment Opportunity Commission (hereafter referred to as the Commission) hereby amends Title 29, Chapter XIV, § 1601.12(m) in accordance with the requirements of § 1601.12(i)(1).

The amended § 1602.12(m) sets forth all of those state and local agencies which have been formally designated as 706 Agencies as defined in § 1601.12(c) for the purpose of receiving charges deferred by the Commission pursuant to section 706 (c) and (d) of Title VII and whose final findings and orders will be accorded substantial weight by the Commission as provided in § 1601.19b(e).

Publication of this amendment to § 1601.12(m) effectuates the formal designation of the following agencies as 706 Agencies:

- Maine Human Rights Commission.
- Maryland Commission on Human Relations.
- Minneapolis Department of Civil Rights.
- Missouri Commission on Human Rights.
- Rhode Island Commission for Human Rights.
- Rockville (Maryland) Human Rights Commission.

Notice of the proposed designation of the foregoing agencies as 706 Agencies was published in the February 13, 1975, issue of the FEDERAL REGISTER, 40 FR 6676, with notice that written comments must be filed with the Commission on or before February 28, 1975.

With the addition of the foregoing agencies, § 1601.12(m) is amended to read as follows:

**§ 1601.12 Deferrals to State and local authorities.**

**(m) The designated 706 Agencies are:**

- Alaska Commission for Human Rights.
  - Arizona Civil Rights Division.
  - Baltimore Community Relations Commission.
  - Bloomington Human Rights Commission.
  - California Fair Employment Practices Commission.
  - Colorado Civil Rights Commission.
  - Connecticut Commission on Human Rights and Opportunities.
  - Dade County Fair Housing and Employment Commission.
  - Delaware Department of Labor.
  - District of Columbia Office of Human Rights.
  - East Chicago Human Relations Commission.
  - Gary Human Relations Commission.
  - Idaho Commission on Human Rights.
  - Illinois Fair Employment Practices Commission.
  - Indiana Civil Rights Commission.
  - Iowa Commission on Civil Rights.
  - Kansas Commission on Civil Rights.
  - Kentucky Commission on Human Rights.
  - Maine Human Relations Commission.
  - Maryland Commission on Human Relations.
  - Massachusetts Commission Against Discrimination.
  - Michigan Civil Rights Commission.
  - Minneapolis Department of Civil Rights.
  - Minnesota Department on Human Rights.
  - Missouri Commission on Human Rights.
  - Montana Commission for Human Rights.
  - Nebraska Equal Opportunity Commission.
  - Nevada Commission on Equal Rights of Citizens.
  - New Hampshire Commission for Human Rights.
  - New Jersey Division on Civil Rights, Department of Law and Public Safety.
  - New York City Commission on Human Rights.
  - New York State Division of Human Rights.
  - Ohio Civil Rights Commission.
  - Oklahoma Human Rights Commission.
  - Omaha Human Relations Department.
  - Oregon Bureau of Labor.
  - Pennsylvania Human Relations Commission.
  - Philadelphia Commission on Human Relations.
  - Rhode Island Commission for Human Rights.
  - Rockville (Maryland) Human Rights Commission.
  - Seattle Human Rights Commission.
  - Springfield (Ohio) Human Relations Department.
  - South Dakota Human Relations Commission.
  - Tacoma Human Rights Commission.
  - Utah Industrial Commission.
  - Virgin Islands Department of Labor.
  - Washington State Human Rights Commission.
  - West Virginia Human Rights Commission.
  - Wichita Commission on Civil Rights.
  - Wisconsin Equal Rights Division, Department of Industry, Labor and Human Relations.
  - Wyoming Fair Employment Practices Commission.
- The designated Notice Agencies are:
- Arkansas Governor's Committee on Human Resources.
  - Florida Commission on Human Relations.
  - Georgia Governor's Council on Human Relations.
  - Montana Department of Labor and Industry.
  - North Dakota Commission on Labor.
  - Ohio Director of Industrial Relations.
  - South Carolina Human Affairs Commission.

(Sec. 713(a), 79 Stat. 265 (42 U.S.C. Sec. 3000e-12(a)))

This amendment is effective on March 7, 1975.

Signed at Washington, D.C. this 1st day of March 1975.

JOHN H. POWELL, Jr.,  
Chairman.

[FR Doc. 75-6047 Filed 3-6-75; 8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY  
OF THE INTERIOR

PART 2—RECORDS AND TESTIMONY

Correction

In FR Doc. 75-4505, appearing at page 7304, in the issue for Wednesday, February 19, 1975, on page 7305, in the third column, § 2.11(b) should read as set out below:

"(b) Before invoking the formal procedures set out below, persons seeking information or records of the Department may find it useful to consult with officials of the bureau possessing the information or records or the Office of Communications, U.S. Department of the Interior, Washington, D.C. 20240."

Title 45—Public Welfare

CHAPTER XII—ACTION

PART 1213—ACTION COOPERATIVE  
VOLUNTEER PROGRAM

Proposed Regulations Adopted

On December 24, 1974, there was published in the FEDERAL REGISTER (39 FR 44457) a notice of proposed rulemaking to Chapter XII of Title 45. The proposed regulations provided for the terms and conditions of volunteers service under the ACTION Cooperative Volunteer Program. It provides full-time volunteer service opportunities for individuals on projects involving a broad range of human, social and environmental needs. Full-time volunteer service involves enrolling individuals in the program for at least a year. Volunteer sponsors enter into an agreement with ACTION to reimburse ACTION for the direct costs of volunteer support. This feature distinguishes ACV from other Title I volunteer programs such as VISTA and the Program for Local Service. Interested persons were given 30 days in which to submit comments. One written comment was received and considered and no changes were made in the proposed regulations.

The proposed regulations are hereby adopted without change and are set forth below.

*Effective date:* These regulations are effective April 7, 1975.

Approved: March 4, 1975.

JOHN L. GANLEY,  
Deputy Director, ACTION.

Part 1213 is added as follows:

Subpart A—General

Sec.  
1213.1-1 Introduction.

Subpart B—Description of Volunteer Service

- Sec.  
1213.2-1 Enrollment and duration of service.  
1213.2-2 Provisional volunteers.  
1213.2-3 Extension of service and reenrollment.  
1213.2-4 Living conditions.  
1213.2-5 Role of volunteer.

Subpart C—ACTION Provided Volunteer Support

- 1213.3-1 Financial support.  
1213.3-2 Transportation.  
1213.3-3 Health support.  
1213.3-4 Legal support.  
1213.3-5 Insurance.  
1213.3-6 Leave.  
1213.3-7 Federal service.  
1213.3-8 Lost property.

Subpart D—Sponsor Provided Volunteer Support

- 1213.4-1 Training.  
1213.4-2 Supervision.  
1213.4-3 Job-related transportation.  
1213.4-4 Supplies and equipment and office facilities.  
1213.4-5 Emergencies.

Subpart E—Administrative Hold—Grievance, Removal, Resignation, Suspension, and Termination

- 1213.5-1 Administrative hold.  
1213.5-2 Volunteer grievances.  
1213.5-3 Resignation.  
1213.5-4 Sponsor request for removal of volunteer.  
1213.5-5 Suspension and termination.

Subpart F—Special Conditions Affecting  
Volunteer Service

- 1213.6-1 Sponsor's employment of volunteer.  
1213.6-2 Nondisplacement of employees and impairment of contracts of service.  
1213.6-3 Nonappropriate assignments.  
1213.6-4 Political activities and limitation of unlawful activities.  
1213.6-5 Nondiscrimination.  
1213.6-6 Religious activities.  
1213.6-7 Evaluation.  
1213.6-8 Limitation on labor and anti-labor activity.  
1213.6-9 Loans and debts.

Subpart G—Miscellaneous

- 1213.7-1 Student loan deferrals.  
1213.7-2 Death benefits.  
1213.7-3 Firearms.

AUTHORITY: Secs. 121, 122, 402 (12) and (14) and 420 of Pub. L. 93-113, 87 Stat. 395, 400, 401, 407 and 414.

Subpart A—General

§ 1213.1-1 Introduction.

(a) Section 122(a), Part C, of the Domestic Volunteer Service Act of 1973 (the Act), Pub. L. 93-113, 87 Stat. 401, authorizes the Director of ACTION to conduct and to make contracts for special volunteer programs to encourage wider volunteer participation on a full-time basis to strengthen and supplement efforts to meet a broad range of human, social, and environmental needs, particularly those related to poverty. The ACTION Cooperative Volunteer Program (ACV) is one of these special volunteer programs. It provides full-time volunteer service opportunities for individuals in assignments with nonprofit and public agency sponsors involving a broad range of human, social, and environmental needs, particularly those related to poverty. Organizations wishing to become sponsors enter into an agreement with

ACTION to share expenses associated with ACV volunteer assignments. The sponsor's share consists of reimbursing ACTION for the direct costs of volunteer support, i.e. allowances, stipend and other direct benefits.

(b) Section 122(b) requires that the assignment of ACV volunteers be on such terms and conditions as the Director shall determine.

(c) Section 122(c) provides that the Director may provide to persons serving as full-time volunteers in a program of at least one year's duration such allowances and stipends as he determines are necessary. The kinds and amount of such allowances and stipends may not exceed those authorized to be provided to VISTA volunteers (Part A, Title I, Pub. L. 93-113).

Subpart B—Description of Volunteer  
Service

§ 1213.2-1 Enrollment and duration of  
service.

ACTION enrolls an individual in ACV during the preservice processing it provides. Such enrollment is for a period comprising the time of such processing, ACTION preservice orientation, and a on-year assignment to a project.

§ 1213.2-2 Provisional volunteers.

Individuals are considered to be provisional volunteers during the period of pre-service processing and ACTION preservice orientation. They have all the rights and benefits and are subject to all the duties of volunteers, except as expressly provided in these regulations or where it would appear from the language of a section of the regulations to be inappropriate.

§ 1213.2-3 Extension of service and re-  
enrollment.

In certain situations, a volunteer may have his period of volunteer service extended for not more than one year, at the request of a sponsor and the concurrence of the appropriate ACTION Regional Director.

A volunteer may only be reenrolled for a period of at least one year. A sponsor must request the reenrollment and it must be approved by the appropriate ACTION Regional Director. No volunteer may serve for more than a total of five years in full-time volunteer programs under Title I of Pub. L. 93-113.

Such extensions and reenrollments may be for the same or different projects and may include interregional and intraregional transfers.

§ 1213.2-4 Living conditions.

To the extent practicable volunteers are expected to make a personal commitment to live among and at the economic level of the people served by the project in which the volunteer works. The sponsor will insure that this commitment is observed.

§ 1213.2-5 Role of the volunteer.

The volunteer's assignments are carried out under the auspices of the sponsor. The volunteer assumes a "live-in" obligation carrying his work into all



facets of community life and social activity. He is available for service without regard to regular working hours seven days a week, except for periods of approved leave.

**Subpart C—ACTION Provided Volunteer Support**

**§ 1213.3-1 Financial support.**

(a) *Food and lodging.* Each ACV volunteer receives from ACTION a food and lodging allowance approximately commensurate with the actual standard of living of the residents of the community to which he is assigned. The amount of this allowance is determined by the Regional Office after consultation with the sponsor.

(b) *Personal living allowance.* ACTION also provides each volunteer a personal living allowance of \$75 per month. It is intended to cover incidental expenses and local travel.

(c) *Adjustment allowance.* At the beginning of service, a volunteer may receive from ACTION an adjustment allowance when necessary to cover the initial cost of securing and setting up living quarters. Such an allowance is usually provided only to volunteers who serve outside their home area. It is not usually available to volunteers recruited locally for an assignment in their home or nearby communities.

(d) *Stipend.* At the conclusion of the term of service, each volunteer receives a stipend of \$50 for each month of service on an ACV project. Volunteers may be authorized to make bi-weekly allotments from the stipend, not in excess of \$12.50, in extraordinary circumstances. These may include allotments for obligations incurred prior to service for family support, insurance or loan payments and income taxes.

(e) *Provisional volunteers.* Provisional volunteers do not receive any allowances nor do they accrue stipends. During the period they are provisional volunteers their food and lodging is provided by ACTION and they receive a nominal amount of money for living expenses.

(f) *Emergencies.* In case of emergencies, ACTION may provide the volunteer with assistance and support to prevent injury or hardship to him, including a \$500 advance against allowances and stipends due the volunteer or to be paid subsequently to him during his volunteer service.

(g) *No dependent support.* ACTION assumes no financial responsibility for a non-volunteer spouse, a volunteer's children or other dependents.

**§ 1213.3-2 Transportation.**

ACTION will be responsible for providing the volunteer with needed transportation for the following purposes:

(a) To, and when appropriate, from volunteer/sponsor staging;

(b) To the pre-service processing site, whether it is the ACTION Regional Office or any other designated facility;

(c) To the project site following completion of pre-service processing, and at the beginning of the volunteer's terms of service;

(d) For the return trip from the project site to the volunteer's home of record following completion of service;

(e) Whenever necessary to enable the volunteer to travel outside the geographic area to which he has been assigned when he does so at the request of the Government;

(f) When approved in cases of emergency.

For the purpose of (d) of this section, the term "home of record" shall be either:

(1) The legal residence of the volunteer's parent or legal guardian if the volunteer had been residing with the parent or legal guardian immediately prior to entering ACTION service, or if the volunteer was a full-time student whose permanent residency was with the parent or legal guardian.

(2) The residence established by the volunteer while attending college immediately prior to entering ACTION.

(3) The residence established by the volunteer while employed immediately prior to entering ACTION.

(4) The legal residence established by the volunteer for purposes of voting and/or payment of state tax.

Each volunteer must specify a home of record at the time he is enrolled. Subsequent modification of the home of record may be authorized in certain circumstances at the discretion of the Regional Director.

**§ 1213.3-3 Health support.**

ACTION provides ACV volunteers with a health benefits program at no cost to the volunteers.

Coverage includes most medical and surgical costs, hospitalization, prescription drugs, and emergency dental care. ACTION reserves the right to alter the extent, or the method of providing health care for volunteers. In nonemergency situations, the Regional Office must clear hospitalization or other serious (in excess of \$150) treatments.

**§ 1213.3-4 Legal support.**

ACTION will pay certain legal expenses where volunteers are involved in criminal or civil judicial or administrative proceedings to the extent provided in Part 1220.

**§ 1213.3-5 Insurance.**

(a) ACV volunteers are covered by the Federal Employees Compensation Act. This provides a broad-based workmen's compensation-type coverage for volunteer job-related accidents and occupational sickness.

(b) ACV volunteers are also Federal employees for the purpose of the Federal Tort Claims Act. Any third-party claims for injury or damage to property arising out of the volunteer's job-related activities will be treated as claims against the United States.

**§ 1213.3-6 Leave.**

(a) *Vacation leave.* Once on the job for four months, an ACV volunteer earns one day of leave for each full month of service up to a maximum of seven days, including one weekend. No leave is to

be granted during the last month of service, except for emergencies. During leave, the volunteer's regular support allowances are continued. No leave may be taken without the approval of the sponsor.

(b) *Emergency leave.* Should a member of a volunteer's immediate family—spouse, mother, father, sister, brother, child or guardian—become critically ill or die, emergency leave may be granted by the sponsor for a period of up to one week. Any additional time requires the approval of the ACTION Regional Office. It does not count against vacation leave. The volunteer will be paid for transportation by the fastest scheduled carrier to and from the emergency site and for actual travel expenses incurred, but not in excess of those authorized in standard government travel regulations.

**§ 1213.3-7 Federal service.**

Section 415(c) of the Act provides that should an ACV volunteer subsequently enter Federal service, his period of volunteer service counts as a like period of Federal service for certain purposes, including job security and retirement benefits.

**§ 1213.3-8 Lost property.**

(a) The Regional Director may at his discretion reimburse volunteers or trainees for or replace lost, damaged, or stolen property; cash representing certain allowances; and equipment and supplies if, (1) reimbursement is essential to the volunteer's capacity to serve effectively in his particular assignment for the duration of his service, and (2) the loss, damage, or theft did not result from the volunteer's negligence.

(b) Lost or stolen cash may be reimbursed only if it represents the volunteer's food and lodging or living allowance or other payments essential to the volunteer's service. Lost or stolen cash representing payment of stipend or vacation allowances will not be reimbursed.

(c) No reimbursement will be made for luxury items, such as photographic or phonographic equipment or jewelry.

**Subpart D—Sponsor Provided Volunteer Support**

**§ 1213.4-1 Training.**

(a) The sponsor is fully responsible for designing and implementing a program of in-service training which will completely equip the volunteer to perform the tasks to which he has been assigned.

(b) In-service training will be conducted by the sponsor in accordance with plans agreed upon during the program development process, and submitted to ACTION as part of the agreement. Those plans must be tailored to the volunteer's needs for additional skills and information in the performance of assigned tasks.

**§ 1213.4-2 Supervision.**

The sponsor has the sole responsibility for providing appropriate supervision, leadership, and direction to the volunteers in conformance with the plan prepared in cooperation with ACTION and submitted with the project proposal. The

plan is to be executed in such a manner that the volunteers can attain project goals within the proposed time frame.

**§ 1213.4-3 Job-related transportation.**

The sponsor is responsible for determining the job-related transportation needs of the volunteer. The volunteers are expected to use public transportation in connection with their work whenever it is available and adequate. When it is not, the sponsor shall provide suitable private transportation, including obtaining and maintaining motor vehicles for the job-related use of the volunteers as appropriate. Whether the sponsor purchases vehicles or obtains them through a leasing arrangement, he is responsible for monitoring the use of those vehicles and restricting the use of transportation provided to volunteers to work on the project. The volunteer and the sponsor are jointly responsible for compliance with all state and local laws concerning vehicle registration, operator licensing, and financial responsibility on any private vehicles used by the volunteer, either as part of his work assignment or for personal convenience.

**§ 1213.4-4 Supplies and equipment and office facilities.**

The sponsor is responsible for providing most job-related support involving facilities, equipment, and consumable supplies needed by the volunteer, including telephone and secretarial support.

**§ 1213.4-5 Emergencies.**

In case of emergencies in which it is not possible for ACTION to provide a volunteer with the necessary assistance and support in time to prevent injury or hardship to him, the sponsor may furnish the needed assistance, including an advance of up to \$500 from its own funds to the volunteer. Such advances, however, should be cleared in advance by telephone with the ACTION Regional Director or designee.

**Subpart E—Administrative Hold, Grievances, Removal, Resignation, Suspension and Termination**

**§ 1213.5-1 Administrative hold.**

(a) Volunteers will be placed in Administrative Hold Status under the following circumstances:

- (1) No placement after training.
- (2) Pending transfer to a new project.
- (3) Leave taken for personal reasons in excess of the seven days for vacation leave, seven days for emergency leave, seven days for extension beyond three months, and fourteen days for reenrollment.
- (4) Absence from project site without authority of the sponsoring organization.
- (5) During termination action.
- (6) Arrest and placement in jail without bail, depending on nature of charges.
- (7) Removal from site at request of sponsoring organization, pending decision on transfer to new assignment.

(b) Exceptions to these guidelines must be authorized by the Regional Director. Volunteers may be placed in Ad-

ministrative Hold status for up to 30 days. In exceptional circumstances, the Regional Director may extend this period of time as appropriate. The Regional Director may modify any and all allowances, including stipend, when a volunteer is placed in Administrative Hold status.

**§ 1213.5-2 Volunteer grievances.**

(a) At times, a volunteer will consider that he has been adversely affected in some matter arising out of his work situation or the terms and conditions of his service. The Volunteer Grievance Procedure, Part 1211, furnished to each volunteer, applies to certain of these matters. This procedure is applicable to situations in which the volunteer believes there has been a deviation from, misinterpretation or misapplication of laws, regulations, policies or procedures governing his service.

(b) The Grievance Procedure establishes a formal and informal mechanism to resolve such problems. The informal mechanism aims to resolve disputes at the level of the sponsor and the state program officer. The formal part of the Grievance Procedure provides a hearing in certain cases and includes appeals to ACTION's national office in Washington.

(c) The procedure that the sponsor employs at the informal stage of the ACTION Grievance Procedure will also be used for any disputes between the sponsor and a volunteer not involving a law or regulation or an ACTION policy and procedure.

**§ 1213.5-3 Resignation.**

A volunteer may resign at any time, by notifying the sponsoring organization and the Regional Office. When practicable, thirty days advance notice should be given to insure that the departure will be only minimally disruptive to the project. In case of resignation, all outstanding advances, including unearned vacation allowances, are deducted from the volunteer's stipend. The volunteer receives his final stipend check three to five weeks after regional submission of the termination papers to ACTION/Washington.

**§ 1213.5-4 Sponsor request for removal of volunteer.**

The sponsoring organization may request ACTION to remove a volunteer whose performance in its view is unsatisfactory at any time. Before resorting to a formal request for removal the sponsor should contact the appropriate ACTION state official to seek help in trying to resolve any problem with a volunteer. The sponsor may then prepare a written request for removal and submit it to the Regional Office. ACTION may, depending on the circumstances, follow one of three courses of action: (a) suspend the volunteer, (b) terminate him, or (c) transfer him to another project.

**§ 1213.5-5 Suspension and termination.**

(a) Causes. ACTION may suspend or terminate a volunteer for any of the following reasons:

(1) Conviction of any criminal offense under Federal, state, or local statute or ordinance;

(2) Violation of any provision of the Domestic Volunteer Service Act of 1973, or any ACTION policy, regulation or instruction;

(3) Failure, refusal or inability to perform prescribed project duties as outlined in the project proposal and directed by the sponsoring organization to which the volunteer is assigned;

(4) Involvement in activities which substantially interfere with the volunteer's performance of his/her duties on the project;

(5) Intentional false statement, omission, fraud, or deception in obtaining selection as a volunteer;

(6) Any conduct on the part of the volunteer which substantially diminishes his/her effectiveness as a volunteer;

(7) Inability to perform the project duties because of serious illness, medical disability, or pregnancy, as determined by the attending physician, in accordance with ACTION policy;

(8) Lack of a viable job for which the volunteer is qualified if the initial job assignment ends or is terminated prior to completion of a period of service;

(9) Unsatisfactory job performance. Procedures for the suspension and termination of volunteers are contained in Part 1212.

(b) Suspension. Volunteers may be suspended for up to 30 days to enable ACTION to determine whether termination proceedings should be started against the volunteer. Suspension is not warranted if sufficient evidence exists to start termination proceedings.

(c) Termination of or refusal to renew ACTION/sponsoring organization agreement. If the Memorandum of Agreement between ACTION and a sponsoring organization is terminated or not renewed, a volunteer who is removed from the project and whose removal was not caused by conduct which would otherwise be grounds for termination is entitled to the following administrative considerations:

(1) Reassignment to another project where possible.

(2) If reassignment is not possible at the time of project close-out, and if the volunteer wishes to resume service (provided that his/her job performance has been satisfactory), he/she may, at the discretion of the Regional Director, receive special consideration for reinstatement as soon as an appropriate slot is open.

If a volunteer wishes, he/she may terminate without prejudice in the event that a Memorandum of Agreement between ACTION and the sponsor is terminated.

(d) Deselection of a provisional volunteer. The Regional Director may deselection a provisional volunteer on the grounds listed in paragraph (a) of this section or for a failure to meet training or selection standards during pre-service orientation. Procedures for such deselection are contained in Part 1212.

(a) No person with responsibilities in selection are contained in Part 1212.

**Subpart F—Special Conditions Affecting Volunteer Service**

**§ 1213.6-1 Sponsor's employment of volunteer.**

ACV volunteers make a commitment to one full year of ACTION service. Similarly, ACTION asks that the sponsor on his part must honor the spirit of that commitment and refrain from offering fully paid employment to volunteers during their first year of service. Volunteers may not perform services or duties or engage in activities for which the sponsor receives or requests any compensation. Volunteers may not receive any other compensation, directly or indirectly, from a sponsor while serving as a volunteer.

**§ 1213.6-2 Nondisplacement of employees and impairment of contracts of service.**

An ACV volunteer's assignment is limited to activities that would not otherwise be performed by employed workers and which will not supplant the hiring of or result in the displacement of employed workers, or impair existing contracts for service. (Part 1216 implements this provision.)

**§ 1213.6-3 Nonappropriate assignments.**

(a) An assignment is not appropriate for a volunteer if:

(1) The service, duty, or activity is principally administrative or clerical, or

(2) The volunteer is not directly in contact with groups or individuals who are to be served by the project or is not performing services, duties, or engaged in activities which are authorized under section 122(a) of the Act.

**§ 1213.6-4 Political activities and limitation of unlawful activities.**

(a) ACV volunteers are covered by the Hatch Act to the same extent as Federal employees. This Act prohibits volunteers from engaging in partisan political activities of any sort at any and all times during their terms of service, including periods of official leave.

(b) Section 403 of Pub. L. 93-113 requires that a sponsor's project be operated in such a manner as to avoid involvement of ACV volunteers in any partisan or nonpartisan political activity in an election for public or party office, voter transportation during elections, and voter registration drives.

(c) While engaged in carrying out their duties volunteers may, as a part of the project, participate in lawful and nonpolitical demonstrations and protest activities which are approved by the sponsor as a part of its project activity and which are not in violation of any ACTION policies.

**§ 1213.6-5 Nondiscrimination.**

Part 1203 provides regulations concerning nondiscrimination in ACTION programs and activities. The operation of an ACV project shall discriminate with respect to such program because of race, creed, belief, color, national origin, sex, age, or political affiliation.

**§ 1213.6-6 Religious activities.**

Volunteers will not give religious instruction, conduct worship services, or engage in any other religious activity as part of their duties. Volunteers who serve in an institution that gives religious instruction or engages in other religious activities will not be used as replacements for regular personnel of the institution. For example, volunteers assigned to serve in a program conducted under the auspices of a church-related school may not be used as substitutes for regular teachers in the school. They may, however, work in new programs which are carried on in addition to the school's regular programs and which are conducted in conformance with the above restrictions.

**§ 1213.6-7 Evaluation.**

(a) On a quarterly basis and two months prior to the termination of a volunteer's year of service, and at any other time which circumstances may dictate, ACTION may inspect that portion of a project with which the volunteer is involved. The purpose of the inspection will be to independently observe and judge the extent to which the volunteer's work has contributed to the objectives of the program described in the project proposal.

(b) The sponsor is expected to cooperate fully with ACTION representatives, and ACTION will in turn review results of the evaluation with the sponsor.

**§ 1213.6-8 Limitation on labor and anti-labor activities.**

Volunteers may not engage in any activities, services, or duties which assist any labor or anti-labor organizing activity, or related activity.

**§ 1213.6-9 Loans and debts.**

(a) ACVs have the same legal and financial responsibilities as do all other persons. Volunteers are encouraged to pay all legal debts promptly to avoid creating a situation which would impair the volunteer's ability to function. In cases of continued financial irresponsibility by a volunteer to the extent of embarrassment or adverse reflection upon the sponsor organization's project or ACTION, administrative or disciplinary action may be taken by the Regional Office, up to and including termination, where appropriate.

(b) Volunteers are not authorized to obtain extension of credit by representing themselves as a Federal Government employee.

**Subpart G—Miscellaneous**

**§ 1213.7-1 Student loan deferrals.**

(a) The Higher Education Act of 1965, as amended, exempts full-time domestic volunteers from repayment of National Defense Education Act loans for a period of service not to exceed three years. Volunteers wishing to defer repayment of NDEA loans must obtain the necessary forms from their universities. Regional Offices are authorized to certify these

forms, but if the university or volunteer should submit the form to Headquarters for certification, it will be sent to the appropriate Regional Office for completion.

(b) If the volunteer is still in service at the time of ACTION's certification, his anticipated termination date will be furnished to the lender.

(c) Repayment of other college loans may also be deferred. These repayments, however, are deferred at the discretion of the lender. If the lender is willing to defer payment, volunteers must obtain the necessary forms from the lender and forward them to the Regional Office for certification. If forms are not available from the lender, a letter to the university or lender may be prepared certifying the dates of the volunteer's service.

**§ 1213.7-2 Death benefits.**

In case of the death of a volunteer away from his home of record, certain costs associated with transportation of the body are reimbursable either under the Federal Employees Compensation Act or ACTION policy. Volunteers whose death results from personal injury or illness sustained in the performance of his project duties are eligible for reimbursement of certain funeral expenses. Monthly benefits for eligible dependents of deceased volunteers may be available under the Federal Employees Compensation Act. In certain other unusual circumstances, payment of certain funeral expenses for volunteers not meeting the above requirements may be authorized.

**§ 1213.7-3 Firearms.**

ACTION volunteers may not normally possess, use, or carry firearms. If a volunteer wishes to keep firearms for hunting, approval must be obtained from the sponsor, State Program Director and the ACTION Regional Director in the region where the volunteer is assigned. The volunteer must request approval for possession or use of firearms from his sponsor and his State Program Director. If he receives their approval, his request may then be considered by his ACTION Regional Director. If approval is granted by the ACTION Regional Director, the volunteer must adhere to all state and local regulations relating to the possession and use of firearms.

[FR Doc. 75-6031 Filed 3-6-75; 8:45 am]

**Title 47—Telecommunication  
CHAPTER I—FEDERAL  
COMMUNICATIONS COMMISSION  
[FCC 74-1221]**

**PART 15—RADIO FREQUENCY DEVICES  
Reorganization of Rules**

In the matter of revision of Part 15 to conform it to Subpart J of Part 2 and to reorganize the rules therein.

1. This order revises Part 15 to conform the equipment authorization procedures therein to the revised procedures recently adopted in our Report and Order on Equipment Authorization of RF Devices (39 FR 5912).

2. On July 5, 1968, section 302 was added to the Communications Act of 1934 as amended (47 USC 302).<sup>1</sup> This legislation authorized the Commission to make reasonable regulations governing the interference potential of equipment capable of causing harmful interference to radiocommunications and to apply these regulations, to the manufacture, import, sale, offer for sale, shipment, or use of the subject equipment. The first step in the implementation of this authority was the adoption of what are referred to as our marketing regulations.<sup>2</sup> These regulations, codified as § 2.801 et seq. of our rules (47 CFR 2.801 et seq.), make it illegal to market equipment capable of causing harmful interference unless any required equipment authorization (type approval, type acceptance or certification) has first been obtained, or where no equipment authorization is required, the equipment complies with the applicable technical specifications prescribed by the Commission.

3. The Commission's new marketing strictures have had a significant impact on manufacturers of RF devices covered by our rules since marketing operations involving such equipment cannot be initiated prior to the receipt of the requisite equipment authorization from the Commission. Additionally, the Commission's marketing rules have brought a number of equipment firms within the Commission's equipment authorization program who were not previously involved. This is attributable to the fact that, whereas equipment authorization was on a voluntary basis with respect to manufacturers producing equipment prior to the effective date of the marketing rules, it is now mandatory. Moreover, in an effort to reduce to tolerable levels the conditions of "spectrum pollution" or "electromagnetic smog," the Commission will be taking an increased role in the regulation of RF devices with an interference potential for which the Commission does not presently prescribe technical standards.

4. The Commission delineated its procedures for applying for and granting mandatory equipment authorizations in its rule making proceeding in Docket No. 19356.<sup>3</sup> The rules adopted in this proceeding<sup>4</sup> spell out in detail how to apply for the required equipment authorization. They also indicate the applicant's rights and responsibilities under this program. The next phase in this program is to conform the Commission's operating regulations to these procedures. This Or-

der accomplishes this for Part 15. Additional action with respect to other parts of our regulations is under consideration.

5. At the same time, Part 15 is being restructured to make it easier to find the regulations applicable to a particular type of equipment. Furthermore, material is incorporated in the revised Part 15 to formalize practices and policies (with respect to certification) that have heretofore been spelled out in individual letters or in bulletins or other publications issued by the Commission. Thus, the revised Part 15 includes regulations setting out in detail the information to be included in a report of measurements that must accompany each application for certification.

6. In the Order that promulgated the procedural rules,<sup>5</sup> the Commission also ordered that bilateral certification for low power communication devices go into effect on September 1, 1974.<sup>6</sup> The term "bilateral certification" was used in this Order to distinguish the new, mandatory certification procedure from self certification which was required for most low power communication devices. Under self-certification, the manufacturer certificated to the user that the equipment complied with FCC requirements. Under the new, bilateral certification procedure, the manufacturer files an application for, and the Commission grants certification after a review of the data shows that the equipment can be expected to comply with our technical specifications. In the Part 15 revised rules, appended hereto, the adjective "bilateral" is dropped and the term "certification" is used without modifiers for this procedure.

7. The date September 1, 1974 when certification was to have become mandatory for low power communication devices was stayed by Order<sup>7</sup> of the Commission "for a period of six months or such earlier date as may be specified in the Order that revises Part 15." Accordingly it is ordered that certification for low power communication devices shall become effective for such devices manufactured after April 1, 1975.<sup>8</sup>

8. It appears that no objections will be raised as a result of the formalization of the practices and policies (with respect to certification) that have been previously spelled out in bulletins (OCE Bulletin 24) or other Commission publications. Thus, prior notice of proposed rulemaking is unnecessary, and its is-

suance would be contrary to the public interest and would further delay these procedural revisions.<sup>9</sup>

9. Authority for this revision is contained in section 4(i), 302 and 303(r) of the Communications Act of 1934, as amended. Since the instant revision reorganizes Part 15 editorially or conforms the regulations therein to those adopted in Docket No. 19356 under established rulemaking and effective date provisions, advance notice under 5 U.S.C. 553(b) is not required.

10. In view of the above, it is ordered, effective April 1, 1975 that Part 15 is revised as set out below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082, sec. 302, 82 Stat., 290; 47 U.S.C. 154, 290, 303)

Adopted: November 12, 1974.

Released: March 7, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

Part 15 is amended as follows.

A. Subpart A is amended as follows.

1. Section 15.1 is revised to read as follows:

#### § 15.1 Scope of this part.

(a) An incidental and restricted radiation device may be operated under the restrictions and provisions set forth in this part without an individual license. The operation of an incidental or restricted radiation device not in accordance with the provisions herein is prohibited by section 301 of the Communications Act of 1934, as amended.

NOTE.—The provisions of an authorized radio service may permit the use of an incidental or restricted radiation device but only in accordance with an individual license and the restrictions set forth in the rules of such authorized radio service.

(b) The requirements, technical specifications, and equipment authorization procedures for an incidental and restricted radiation device, which apply to the marketing of such a device, are set forth herein. The manufacture and marketing of such a device without prior Commission authorization is prohibited by section 302 of the Communications Act of 1934, as amended.

2. Section 15.2 is revised to read as follows:

#### § 15.2 Special Temporary Authority.

(a) A petition for rulemaking requesting an amendment to permit the operation of an incidental or restricted radiation device in a manner inconsistent with this part and not in accordance with the provisions of some other part of this chapter may be accompanied by an application for Special Temporary Authorization to operate the device on a developmental basis where it can be shown that such temporary operation would aid in final determination as to whether the proposed rule should be adopted, and

<sup>9</sup> 5 U.S.C. 553(b).

<sup>1</sup> Footnote 4 supra.

<sup>2</sup> Docket No. 19356, Report and Order, paragraph 51.

<sup>3</sup> Except for low power communication devices and restricted radiation devices subject to § 15.7, other equipment regulated by Part 15 was already required to be certificated by the Commission.

<sup>4</sup> Order in Docket No. 19356 adopted August 28, 1974.

<sup>5</sup> Under the proscription in § 2.803 of our marketing rules (footnote 2 supra), it will be illegal to import, ship, sell or otherwise market low power communication devices on or after April 1, 1975 without a grant of certification therefor issued by the Commission.

<sup>1</sup> Pub. L. 90-379, approved July 5, 1968, 82 Stat. 290.

<sup>2</sup> Docket No. 18426, Report and Order adopted May 13, 1970; 35 FR 7894; 23 FCC 2d 79.

<sup>3</sup> Docket No. 19356; In the matter of amendment of Parts 0 and 2 of the rules relating to equipment authorization of RF devices. Notice of Proposed Rule Making adopted November 24, 1971 (36 FR 23313). Report and Order adopted February 6, 1974 (39 FR 5912). Memorandum Opinion and Order adopted July 23, 1974 (39 FR 27799).

<sup>4</sup> 47 CFR 2.901-2.1065 inclusive.

that such temporary operation would otherwise be in the public interest.

(b) The Commission will, in exceptional situations, consider an individual application for a special temporary authorization to operate an incidental or restricted radiation device not conforming to the provisions of this part, where it can be shown that the proposed operation would be in the public interest, that it is for a unique type of station or for a type of operation which is incapable of establishment as a regular service, and that the proposed operation cannot feasibly be conducted under this part.

3. In paragraph (e) of § 15.4, delete (Reserved) and insert the following text and note. As amended § 15.4(e) reads as follows.

§ 15.4 General definitions.

(e) Marketing. As used in this part, marketing shall include sale or lease, offer for sale or lease, advertising for sale or lease, the import or shipment or other distribution for the purpose of sale or lease or offer for sale or lease.

NOTE.—In the foregoing sale (or lease) shall mean sale (or lease) to the user or a vendor who in turn sells (or leases) to the user. Sale shall not be construed to apply to devices sold to a second party for manufacture or fabrication into a device which is subsequently sold (or leased) to the user.

4. A new § 15.25 is inserted to read as follows:

§ 15.25 Operating requirements: Incidental radiation device.

An incidental radiation device shall be operated so that the radio frequency energy that is emitted does not cause harmful interference. In the event that harmful interference is caused, the operator of the device shall promptly take steps to eliminate the harmful interference.

B. Subpart B is amended as follows: the present title and § 15.31 are deleted; a new title and new §§ 15.32-15.49 are inserted. As amended Subpart B reads as follows:

Subpart B—Administrative Provisions

- Sec.
- 15.31 [Reserved]
- 15.32 Cross reference.
- 15.33 Marketing of an RF device.
- 15.34 Certification.
- 15.35 Type approval.
- 15.36 [Reserved]
- 15.37 Submission of equipment for testing.
- 15.38 Description of measurement facilities.
- 15.39 [Reserved]
- 15.40 [Reserved]
- 15.41 Identification of an authorized device.
- 15.42 [Reserved]
- 15.43 [Reserved]
- 15.44 Technical Report.
- 15.45 Expository statement required.
- 15.46 Photographs required.
- 15.47 [Reserved]
- 15.48 Private label device—Multiple listing of a device.
- 15.49 Changes in an authorized device.

Subpart B—Administrative Provisions

§ 15.31 [Reserved]

§ 15.32 Cross reference.

The provisions of Subpart J of Part 2 of this chapter shall apply to devices operating under this part.

§ 15.33 Marketing of an RF device.

A device subject to regulation under this part may be marketed only pursuant to the provisions of Subpart I of Part 2 of this chapter.

§ 15.34 Certification.

(a) When the rules in this part require a device to be certificated, application therefor shall be filed on Form 722 pursuant to the procedures set out in Subpart J of Part 2 of this chapter.

(b) The application shall be accompanied by:

- (1) Fees pursuant to Subpart G of Part 1 of this chapter.
- (2) A technical report pursuant to § 15.44.
- (3) An expository statement pursuant to § 15.45.
- (4) Photographs pursuant to § 15.46.
- (5) A report of measurements pursuant to the rules governing the particular device.

(c) The application shall be accompanied by:

- (1) Fees pursuant to Subpart G of Part 1 of this chapter.
- (2) A technical report pursuant to § 15.44.
- (3) An expository statement pursuant to § 15.45.
- (4) Photographs pursuant to § 15.46.
- (5) A report of measurements pursuant to the rules governing the particular device.

(d) Photographs pursuant to § 15.46.

(e) A report of measurements pursuant to the rules governing the particular device.

§ 15.35 Type approval.

When the rules in this part require a device to be type approved, application therefor shall be filed on Form 729 pursuant to the procedures set out in Subpart J of Part 2 of this chapter.

§ 15.36 [Reserved]

§ 15.37 Submission of equipment for testing.

(a) An applicant for, or a grantee of, an equipment authorization for a device subject to regulation under this part, shall make such a device available to the Commission for testing upon reasonable request.

(b) Such devices will be tested to verify data submitted by the applicant or grantee and/or to verify that devices being marketed under an equipment authorization continue to comply with the applicable regulations in this part.

(c) Expenses involved in shipping the device to the Commission and in its return shall be borne by the applicant for, or grantee of, the equipment authorization.

§ 15.38 Description of measurement facilities.

(a) Each person making measurements to be filed with an application for certification of a device subject to regulations under this part, shall file a description of his measurement facilities with the Commission.

(b) The description shall include the following information:

- (1) Location of the test site.
- (2) Physical description of the test site accompanied by photographs 8" by 10" in size. Smaller photographs may be

submitted if they clearly show the required details and are mounted on full size sheets of paper.

(3) Drawing showing the dimensions of the site, the physical layout of supporting structures and all structures within 5 times the distance between the measuring set and the device being measured.

(4) Description of supporting structures used to support the device being measured and the test instrumentation.

(5) List of measuring equipment used.

(6) Information concerning the calibration of the measuring equipment, i.e. when the equipment was last calibrated and frequency of calibration.

(7) A statement indicating whether this facility is available to do measurement work for others on a contract basis.

(c) This information shall be kept current at all times. At least every three years, the organization filing the data shall advise that the data on file is current.

§ 15.39 [Reserved]

§ 15.40 [Reserved]

§ 15.41 Identification of an authorized device.

(a) Each device authorized under a Grant of Certification or a Grant of Type Approval issued under this part shall be labelled pursuant to Subpart J of Part 2 of this chapter.

(b) Additional labelling requirements are set out in the rules governing the specific device.

§ 15.42 [Reserved]

§ 15.43 [Reserved]

§ 15.44 Technical report.

Each application for certification shall include a technical report containing the following information:

(a) The full name and mailing address of the manufacturer of the device.

(b) Trade name, if any, under which the device will be marketed.

(c) Model number.

(d) List any additional model numbers and/or trade names under which the device will be marketed.

(e) For a device other than an FM or TV broadcast receiver, attach a copy of the installation and operating instructions furnished to the user. A draft copy of such instructions may be submitted with the application, provided a copy of the actual document to be furnished to the user is submitted as soon as it is available.

§ 15.45 Expository statement required.

Each application for certification shall be accompanied by an expository statement as follows:

(a) *FM, AM/FM or TV broadcast receiver which does not use standard IFs:* If the broadcast receiver does not use an IF of 10.7 MHz for FM reception, or an IF of 41.25/45.75 MHz for TV reception, state the IFs that are used.

(b) *Television broadcast receiver*: A statement regarding the comparable ease of tuning of UHF with respect to VHF pursuant to § 15.68.

(c) *Multiband broadcast receiver*: For a receiver that includes reception capability in communications bands in addition to the FM, AM/FM or TV broadcast bands, attach a statement indicating the tuning range of each band in the receiver, the tuning range of the oscillator in each band, the IF used for each band, and a block diagram showing the signal path and the frequency at each block.

(d) *Receiver other than a broadcast receiver*: A statement indicating the tuning range of each band, the tuning range of the oscillator in each band, the IF used for each band, and a block diagram showing the signal path and the frequency at each block.

(e) *Device other than receiver*: A block diagram showing the signal path and frequency at each block. The diagram should also indicate the tuning range of each band in the device, the tuning range of the oscillator in each band, and the frequency of the IF amplifier for each band. The tuning range of a fixed tuned device is the range of frequencies over which it can be tuned without replacement of coils, capacitor or other circuit elements or subassemblies. Attach a statement describing how the device operates. The statement should include a circuit diagram, a description of the circuitry in the device, and a description of the antenna and ground system, if any, used with the device.

#### § 15.46 Photographs required.

(a) For a receiver attach a photograph showing the general appearance of the receiver and the controls available to the user. If this photograph does not show the required identification in sufficient detail so that the name and model number can be read, attach a second photograph giving this detail. If the device is a TV receiver and the channel readout provision is not clear on these photographs attach an additional photograph clearly showing the channel readout provision.

(b) For a device other than a receiver, attach a sufficient number of photographs to clearly show the exterior appearance, the construction, the component placement on the chassis and the chassis assembly. The exterior views shall show the overall appearance, the antenna used with the device, the controls available to the user, and the required identification label in sufficient detail so that the name and model number can be read.

(c) Photographs should be 8" by 10" in size. Smaller photographs may be submitted provided they are sharp and clear and show the necessary detail and are mounted on paper between 8 x 10½ and 8½ x 11 inches in size. In lieu of a photograph of the label, a sample label (or facsimile thereof) may be submitted

together with a sketch showing where this label will be placed on the equipment provided the label and sketch are mounted on a sheet of paper between 8 x 10½ and 8½ x 11 inches in size.

#### § 15.47 [Reserved]

#### § 15.48 Private label device—Multiple listing of a device.

(a) When the same or essentially the same device will be marketed under more than one trade name or model number (as in the case of private label equipment), certification or type approval must be requested separately for each such additional trade name or model number.

(b) If certification for additional trade names(s) or model number(s) is requested in the initial application, a statement shall be included describing how these additional devices differ from the basic device that was measured and stating that the report of measurements submitted for the basic device, applies also to the additional devices.

(c) If certification for additional trade name(s) or model number(s) is requested after the basic device has been certificated, the application may, in lieu of the report of measurement, be accompanied by a statement including:

(1) Name and model number of device for which measurements are on file with the Commission.

(2) Date when certification was granted for the device listed under subparagraph (1) of this paragraph and the file number of such grant.

(3) Description of the difference between the device listed under subparagraph (1) of this paragraph and the additional device.

(4) A statement that the report of measurements filed for the device listed under subparagraph (1) of this paragraph applies also to the additional device(s).

(d) The application shall be accompanied by photographs pursuant to § 15.46.

#### § 15.49 Changes in an authorized device.

(a) Changes in a type approved device may be made under § 2.967 of Part 2 of this chapter.

(b) Changes in a certificated device may be made under § 2.1043 of Part 2 of this chapter.

C. Subpart C is amended as follows:

#### § 15.66 [Deleted]

1. § 15.66 is deleted.

2. In § 15.69 the present text is deleted and new text is inserted to read as follows:

#### § 15.69 Certification of receiver.

Every receiver that operates in the range 30–890 MHz shall be certificated pursuant to the procedures in Subpart B of this part to show that the receiver complies with the technical specifications in this subpart.

3. In § 15.70, the present title and text are deleted and a new title and text are inserted to read as follows:

#### § 15.70 Comparability of tuning information to be submitted pursuant to § 15.45(b).

In the case of a television receiver designed to meet the requirements of § 15.68, the information required by § 15.45(b) shall include the following:

(a) A description of the basic mechanism for tuning the VHF and the UHF channels.

(b) A description of the tuning aids provided in the receivers.

(c) If the receiver uses a 70-position UHF detent tuner, measurements showing the tuning accuracy achieved. Measurements shall be made in accordance with the procedure set out in FCC Bulletin OCE 30 available from the Commission.

(d) A statement certifying that the receiver meets the requirement of § 15.68.

4. In § 15.71, the present text is deleted and new text is inserted to read as follows:

#### § 15.71 Identification of certificated receiver.

Each certificated receiver shall be identified pursuant to section 15.41 and shall bear a statement that the receiver complies with the requirements of this part.

5. A new section 15.76 is inserted to read as follows:

#### § 15.76 Report of measurements: FM broadcast receiver.

The report of measurements for an FM broadcast receiver or the FM broadcast band in a multiband broadcast receiver shall include the following:

(a) Specific identification of the receiver that was measured including the name and address of the manufacturer, the applicant for certification (if different), the trade name (if any), the model number and the serial number (if any).

(b) The measurement procedure that was used, pursuant to § 15.75.

(c) Measurements of the level of radiated RF energy with the receiver tuned to three points, one near the top, one near the middle and one near the bottom of the tuning range 88–108 MHz. The report shall show the frequency to which the receiver was tuned and for each, the frequency and amplitude of each emission detected that is within 20 dB of the limits in § 15.63(a). The report shall also state that the spectrum was checked from 25 to 1000 MHz for each frequency to which the receiver was tuned and that all emissions not reported were more than 20 dB below the permitted level.

(d) Measurement of the level of conducted RF energy fed back into the power line, if the receiver is operated from the power lines of a public utility system. The report shall show the frequency to which the receiver was tuned and shall state the level of conducted RF energy at 10.7 and 21.4 MHz and the frequency and amplitude of any other emission detected that is within 20 dB of the limits in § 15.63(b). The report shall also state that the spectrum was

checked from 0.45 to 25 MHz and that all emissions not reported were more than 20 dB below the permitted level.

NOTE.—A report of measurements on an industry standardized reporting form will be accepted as meeting the requirements of this section. One such form will be found in EIA Consumer Products Engineering Bulletin No. 4 available from Electronic Industries Association, 2001 Eye Street NW., Washington, D.C. 20006.

6. A new section 15.77 is inserted to read as follows:

**§ 15.77 Report of measurements: TV receiver.**

The report of measurements for a TV broadcast receiver or the TV band in a multiband broadcast receiver shall include the following:

(a) Specific identification of the receiver that was measured including the name and address of the manufacturer, the name of the applicant for certification (if different), the trade name (if any), the model number, and the serial number (if any).

(b) The measurement procedure that was used, pursuant to § 15.75.

(c) Measurements of the level of radiated RF energy with the receiver tuned to each VHF channel and to the ten oscillator frequencies in the UHF band listed in § 15.63(c). The report shall state the level of radiation at the oscillator fundamental for each VHF channel and that at the fundamental of the ten UHF oscillator frequencies. The report shall also state that the second harmonic radiation of each of the VHF oscillator frequencies had been checked and shall indicate the frequency and amplitude of the highest such second harmonic. The report shall indicate the average of the amplitudes of the ten UHF oscillator frequencies.

(d) Measurement of the level of conducted RF energy fed back into the power line, if the receiver is operated from the power lines of a public utility system. The report shall include the level of conducted RF energy at 3.58 MHz, 4.5 MHz, 7.16 MHz and 9.0 MHz and the frequency and amplitude of any other emission detected that is within 20 dB of the limits in § 15.63(b). The report shall also state that the spectrum was searched from 0.45 to 25 MHz and that all emissions not reported were more than 20 dB below the permitted level.

NOTE.—A report of measurements on an industry standardized reporting form will be accepted as meeting the requirements of this section. One such form will be found in EIA Consumer Products Engineering Bulletin No. 4 available from Electronic Industries Association, 2001 Eye St. NW., Washington, D.C. 20006.

(e) In lieu of the point by point measurements required by paragraph (d) of this section, the applicant may submit a photograph of a spectrum analyzer display covering the band 0.45 to 25 MHz. Such a photograph must show a frequency scale at the bottom and a scale calibrated in microvolts (or in dB provided the value of 0 dB is stated) at the

left side. A statement accompanying the photograph shall indicate the sweep rate and the bandwidth of the analyzer.

7. A new § 15.78 is inserted to read as follows:

**§ 15.78 Report of measurements: Multiband broadcast receiver.**

The report of measurements for a multiband broadcast receiver, i.e. a receiver that includes reception capability in communication bands as well as in one or more broadcast bands, shall include the following:

(a) If the receiver includes reception capability in the FM broadcast band, a report of measurements pursuant to § 15.76.

(b) If the receiver includes reception capability of TV channels, a report of measurements pursuant to § 15.77.

(c) For each communication band, a report of measurements pursuant to § 15.79.

8. A new § 15.79 is inserted to read as follows:

**§ 15.79 Report of measurements: Receivers other than FM or TV.**

The report of measurements for a receiver other than a FM or TV broadcast receiver and for each band in the range 30-890 MHz in a multiband broadcast receiver shall include the following:

(a) Specific identification of the receiver that was measured including the

Frequency to which tuned (megahertz)	Frequency of the emission (megahertz)	Distance at which measured
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NOTE 1.—Specify units (microvolts per meter, decibel, etc.).

NOTE 2.—Indicate the constants or factors used to convert the meter reading to field strength at the distance specified in the rules. Indicate the units for each constant.

NOTE 3.—Specify the distance in meters.

(f) For each frequency to which the receiver is tuned, the report shall list the frequency and amplitude of each emission whose amplitude is within 20 dB of the limits in § 15.63(a). In addition, the report shall state that for each frequency to which the receiver was tuned, the spectrum was searched from 25 to 1000 MHz and that all emissions not reported were more than 20 dB below the limits in § 15.63(a).

NOTE.—If measurements are made with the receiver tuned to a frequency above 550 MHz, the spectrum shall also be searched above 1000 MHz, at least up to the second harmonic of the oscillator frequency.

(g) Conducted measurements shall be reported as follows:

(1) At the IF and harmonics thereof in the range 0.45 to 25 MHz.

(2) All other emissions within 20 dB of the limits in § 15.63(b).

(3) A statement that the spectrum was searched from 0.45 to 25 MHz and that all emissions not reported were more than 20 dB below the limits in § 15.63(b).

D. In Subpart D, the word (Reserved) is deleted, and a new title and §§ 15.101-15.143 are inserted to read as follows:

**Subpart D—Low Power Communication Devices: General Requirements**

- Sec. 15.101 Introduction.
- 15.102 Cross reference.

name and address of the manufacturer, the name of the applicant for certification (if different), the trade name (if any), the model number and the serial number (if any).

(b) The measurement procedure that was used, pursuant to § 15.75.

(c) Measurements shall be reported separately for each band to which the receiver can be tuned. The number of bands shall be determined by the marking on the tuning dial regardless of the actual construction, i.e. if the receiver includes a band which actually tunes from A to B, but the dial shows this as two separate bands A-C and C-B, a separate report of measurements shall be required for each of the bands A-C and C-B.

(d) Measurement of the level of radiated RF energy with the receiver tuned to at least the minimum number of frequencies in each band specified in the following schedule.

Width of tuning range of each band	Number of frequencies	Location in tuning range
1 MHz.....	1	Middle.
1 to 10 MHz.....	2	One near top. One near bottom.
Over 10 MHz.....	3	One near top. One near middle. One near bottom.

(e) Measurements of radiated RF energy shall be reported in tabular form as follows:

Meter reading (note 1)	Note 2	Note 2	Field strength microvolts per meter —meters (note 3)
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- Sec. 15.103 Interference.
- 15.104 Eavesdropping prohibited.
- 15.105 Class B emission prohibited.
- 15.106-15.110 [Reserved]
- 15.111 Operation below 1600 kHz.
- 15.112 Alternative provisions for operation between 160-190 kHz.
- 15.113 Alternative provisions for operation between 510-1600 kHz.
- 15.114 [Reserved]
- 15.115 Operation between 26.97-27.27 MHz.
- 15.116 Operation above 70 MHz.
- 15.117-15.130 [Reserved]
- 15.131 Certification required for devices that are marketed.
- 15.132 Identification required for devices that are marketed.
- 15.133 Certification and identification required for home built device.
- 15.134 [Reserved]
- 15.135 Certification procedure: Device manufactured between December 31, 1957 and April 1, 1975.
- 15.136 Location of certificate on device manufactured between December 31, 1957 and April 1, 1975.
- 15.137-15.140 [Reserved]
- 15.141 Measurement procedure.
- 15.142 Range of measurements.
- 15.143 Report of measurements.

**Subpart D—Low Power Communication Devices: General Requirements**

**§ 15.101 Introduction.**

A low power communication device may be operated pursuant to the provi-

sions in this subpart or pursuant to the separate provisions for the specific device in Subpart E of this part.

#### § 15.102 Cross reference.

The provisions of Subparts A and B of this Part and Subpart J of Part 2 of this chapter shall apply to the operation of all low power communication devices.

#### § 15.103 Interference.

Notwithstanding the other requirements of this part, the operator of a low power communication device, regardless of date of manufacture, which causes harmful interference to an authorized radio service, shall promptly stop operating the device until the harmful interference has been limited.

#### § 15.104 Eavesdropping prohibited.

As provided in § 15.11, the use of a low power communication device for eavesdropping is prohibited.

#### § 15.105 Class B emission prohibited.

Operation of a low power communication device that produces Class B emissions (damped waves) is prohibited.

#### §§ 15.106-15.110 [Reserved]

#### § 15.111 Operation below 1600 kHz.

A low power communication device may be operated on any frequency between 10 and 490 kHz or between 510 and 1600 kHz subject to the condition that the emission of RF energy on the fundamental frequency or any harmonic or other spurious frequency does not exceed the field strength in the following table.

Frequency (kilohertz)	Distance (meters)	Field strength (microvolts per meter)
10 to 490 kHz.....	300	2,400 F (kHz).
510 to 1600 kHz....	30	24,000 F (kHz).

#### § 15.112 Alternative provisions for operation between 160 and 190 kHz.

In lieu of meeting the requirements of § 15.111, a low power communication device may operate on any frequency in the band 160-190 kHz provided it meets all the following conditions:

(a) The power input to the final radio frequency stage (exclusive of filament or heater power) does not exceed one watt.

(b) All emissions below 160 kHz or above 190 kHz are suppressed 20 dB below the unmodulated carrier.

(c) The total length of the transmission line plus the antenna does not exceed 15 meters.

#### § 15.113 Alternative provisions for operation between 510 and 1600 kHz.

In lieu of meeting the requirements of § 15.111, a low power communication device may operate on any frequency in the band 510-1600 kHz provided it meets all the following conditions.

(a) The power input to the final radio stage (exclusive of filament or heater power) does not exceed 100 milliwatts.

(b) The emissions below 510 kHz or above 1600 kHz are suppressed 20 dB or more below the unmodulated carrier.

(c) The total length of the transmission line plus the antenna, plus the ground lead (if used) does not exceed 3 meters.

(d) Low power communication devices obtaining their power from the lines of public utility systems shall limit the radio frequency voltage appearing on each power line to 200 microvolts or less on any frequency from 510 kHz to 1600 kHz. Measurements shall be made from each power line to ground both with the equipment grounded and with the equipment ungrounded.

#### § 15.114 [Reserved]

#### § 15.115 Operation between 26.97 and 27.27 MHz.

A low power communication device may operate within the band 26.97-27.27 MHz (27.12 MHz±150kHz) provided it complies with all the following requirements:

(a) The carrier of the device shall be maintained within the band 26.97-27.27 MHz.

(b) All emissions, including modulation products, below 26.97 MHz or above 27.27 MHz shall be suppressed 20 dB or more below the unmodulated carrier.

(c) The DC power input to the final radio stage (exclusive of filament or heater power) shall not exceed 100 milliwatts.

(d) The antenna shall consist of a single element that does not exceed 5 feet in length.

**NOTE.**—A Notice of Proposed Rule Making in Docket 20119 adopted July 23, 1974 proposes to delete the band 26.97-27.27 MHz and make available a new band at 49.9-50.0 MHz with slightly different technical specifications.

#### § 15.116 Operation above 70 MHz.

A low power communication device may be operated on any frequency above 70 MHz, subject to the following conditions:

(a) The emission of RF energy on the fundamental frequency or any harmonic or other spurious frequency shall not exceed the field strength in the following table:

Frequency (MHz):	Field strength ( $\mu$ V/m at 30 m)
70 to 130.....	50.
130 to 174.....	50 to 150 (linear interpolation).
174 to 260.....	150.
260 to 470.....	150 to 500 (linear interpolation).
470 and above.....	500.

(b) The device is provided with means for automatically limiting operation so that the duration of each transmission shall not be greater than 1 second and the silent period between transmissions shall not be less than 30 seconds.

(c) The device shall be so constructed that there are no external or readily accessible controls which may be adjusted to permit operation in a manner inconsistent with the provisions of this section.

#### §§ 15.117-15.130 [Reserved]

#### § 15.131 Certification required for devices that are marketed.

(a) The emission of RF energy on the manufactured between December 31, 1957 and April 1, 1975 which is marketed shall be self-certificated pursuant to the provisions of §§ 15.135 and 15.136.

(b) A low power communication device manufactured after April 1, 1975 which is marketed shall be certificated pursuant to Subpart B of this part.

#### § 15.132 Identification required for devices that are marketed.

A low power communication device manufactured after April 1, 1975 which is marketed shall be identified pursuant to Subpart B of this part. Each device shall bear an identification label containing information shown in the sample label below.

FCC IDENTIFICATION DATA

-----

(Name)

-----

Model No.: -----

(Identifier)

-----

This device complies with FCC Rules Part 15 as of date of manufacture.

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(Date of manufacture)

(a) *Name.* This shall include the trade name, if any and the name and address of the manufacturer or of the vendor provided the name of the latter was included in the application for certification.

(b) *Identifier.* This is the model number assigned to the device by the manufacturer or applicant for certification and must be identical to that shown on the application for certification. This identifier must be preceded by the words "MODEL NO.".

(c) *Date.* This is the month and year when the device was manufactured. If desired, this may be coded, provided the code therefor is filed with the application for certification.

(d) For applications filed prior to April 1, 1975, the Commission will accept alternative methods of identification provided the name pursuant to paragraph (a) of this section, the number pursuant to paragraph (b) of this section and the date pursuant to paragraph (c) of this section are clearly identifiable, separate and distinct from any other name or number or designator on the equipment.

#### § 15.133 Certification and identification required for home built device.

A person who constructs not more than five low power communication devices for his own use, and not for sale, need not meet the requirements of § 15.131 and § 15.132. In lieu thereof, he shall attach to each such device a signed and dated label that reads as follows:

I have constructed this device for my own use. I have tested it and certify that it complies with the applicable regulations of FCC



Rules Part 15. A copy of my measurements is in my possession and is available for inspection.

(Signature) (Date)

§ 15.134 [Reserved]

§ 15.135 Certification procedure: Device manufactured between December 31, 1957 and April 1, 1975.

A low power communication device manufactured between December 31, 1957 and April 1, 1975 shall be self-certificated as follows.

(a) The owner or operator need not certificate his own low power communication device, if it has been certificated by the manufacturer or distributor.

(b) Where certification is based on measurement of a prototype, a sufficient number of units shall be tested to assure that all production units comply with the technical requirements of this subpart.

(c) The certificate may be executed by a technician skilled in making and interpreting the measurements that are required to assure compliance with the requirements of this part.

(d) The certificate shall contain the following information:

(1) The operating conditions under which the device is intended to be used.  
(2) The antenna to be used with the device.

(3) A statement certifying that the device can be expected to comply with the requirements of this subpart under the operating conditions specified in the certificate.

(4) The month and year in which the device was manufactured.

§ 15.136 Location of certificate on devices manufactured between December 31, 1957 and April 1, 1975.

The certificate shall be permanently attached to the device and shall be readily visible for inspection.

§§ 15.137-15.140 [Reserved]

§ 15.141 Measurement procedure.

(a) Any procedure acceptable to the Commission may be used to measure the RF energy emitted by a lower power communication device.

(b) The procedure used at the FCC Laboratory for type approval testing of a wireless microphone operating in the band 88-108 MHz is given in FCC Bulletin OCE 19 available from the Commission.

(c) The procedure for measuring the radiation of RF energy from the transmitter and receiver parts of a radio control for a door opener is set out in FCC Technical Report T-7001 available from the Commission.

§ 15.142 Range of measurements.

Measurements of radiated energy from a low power communication device shall be made over the frequency range listed below.

Frequency band in which the device operates	Range of frequency measurements	
	Lowest frequency	Highest frequency (MHz)
Below 1600 kHz...	16 kHz	20
36.57 to 37.27 MHz	Lowest frequency generated in the device.	400
70 to 108 MHz	Lowest frequency generated in the device or 25 MHz whichever is lower.	1000
168 to 500 MHz	Lowest frequency generated in the device or 25 MHz whichever is lower.	2000
500 to 1000 MHz	Lowest frequency generated in the device or 100 MHz whichever is lower.	5000

§ 15.143 Report of measurements.

The report of measurements for a low power communication device operating under the provisions of this subpart manufactured after April 1, 1975 shall include the following:

(a) Specific identification of the device that was measured including name and address of manufacturer, the name of the applicant for certification, if different, the trade name if any, the model number, and serial number, if any.

(b) A detailed description of the measurement procedure that was used. If a

Frequency to which tuned (megahertz)	Frequency of the emission (megahertz)	Distance at which measured
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NOTE 1.—Specify units (microvolts per meter, dB, etc.)

NOTE 2.—Indicate the constants or factors used to convert the meter reading to field strength at the distance specified in the rules. Indicate the units for each constant.

NOTE 3.—Specify the distance in meters.

(g) Mean RF power output of the device.

(h) Input power measured at the battery terminals if battery powered or at power supply terminals if AC/DC line operated.

(i) If the applicable regulation limits the power input, submit measurements showing the variation of the power input with variation of battery or supply voltage between 85 and 115 percent of the nominal rated supply voltage.

(j) If the applicable regulation limits the level of radiated signal, submit measurements of radiation over the frequency range specified in § 15.142. In addition, submit measurements to show the variation of radiation level on the fundamental with variation of supply voltage between 85 and 115 percent of the nominal rated supply voltage.

(k) The report shall be personally signed by the engineer taking responsibility for the accuracy of the measurements who shall certify to the accuracy of the measurements. If an employee of the applicant, the report shall so state. If employed by an engineering firm or laboratory, the report shall indicate the name and address of such firm. If self-employed, the report shall include the address of the engineer.

E. In Subpart E, the title is amended, the present text is deleted, and new §§ 15.151-15.194 are inserted. As revised, Subpart E read as follows:

published standard was used, reference to the standard is sufficient. If the standard was not followed in every detail, describe how the actual procedure used differed from that in the standard.

(c) Date the measurements were made.  
(d) Location where the measurements were made.

NOTE.—A description of this measurement facility must be filed under § 15.38.

(e) Measurements shall be reported separately for each band in which the device can be operated with the device operating at the number of frequencies in each band specified in the following schedule.

Frequency range over which device operates	Number of frequencies	Location in the range of operation
1 MHz	1	Middle.
1 to 10 MHz	2	One near top. One near bottom.
Over 10 MHz	3	One near top. One near middle. One near bottom.

(f) Measurements of radiated RF energy shall be reported in the following format:

Meter reading (note 1)	Note 2	Note 2	Field strength microvolts per meter at—meters (note 3)
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Subpart E—Low Power Communication Devices: Specific Devices

Sec.	Description
15.151	Cross reference.
15.152	Interference from a low power communication device.
15.153	Class B emission prohibited.
15.154	Eavesdropping prohibited.
WIRELESS MICROPHONE	
15.161	General technical provisions.
15.162	Operation in the band 88-108 MHz.
15.163	Equipment authorization required.
15.164	Identification.
TELEMETERING DEVICE	
15.171	General technical provisions.
15.172	Operation in the band 38-41 MHz.
15.173	[Reserved]
15.174	Operation in the band 88-108 MHz.
15.175	Custom built telemetering device in the band 88-108 MHz.
15.176	Operation in the band 174-216 MHz.
15.177	Equipment authorization required.
15.178	Identification.
15.179	Report of measurements.
RADIO CONTROL FOR A DOOR OPENER (GARAGE DOOR OPENER)	
15.181	General technical provisions.
15.182	Operation above 70 MHz: Devices manufactured prior to July 15, 1963.
15.183	Operation above 70 MHz: Device manufactured between July 15, 1963 and March 24, 1971.
15.184	Operation above 70 MHz: Devices manufactured after March 24, 1971.
15.185	Equipment authorization required.
15.186	Identification.

## Sec.

15.187 Report of measurements.

## DEVICE THAT MEASURES THE CHARACTERISTICS OF A MATERIAL

15.191 General technical provisions.

15.192 Alternative provisions.

15.193 Certification required.

15.194 Identification.

## Subpart E—Low Power Communication Devices: Specific Devices

## § 15.151 Cross reference.

The provisions of Subparts A and B of this part and Subpart J of Part 2 of this chapter shall apply to a low power communication device operating under this subpart.

## § 15.152 Interference from a low power communication device.

Notwithstanding the other requirements of this part, the operator of a low power communication device, regardless of date of manufacture, which causes harmful interference to an authorized radio service, shall promptly stop operating the device until the harmful interference has been eliminated.

## § 15.153 Class B emission prohibited.

Operation of a low power communication device that produces Class B emissions (damped waves) is prohibited.

## § 15.154 Eavesdropping prohibited.

As provided by § 15.11 the use of a low power communication device for eavesdropping is prohibited.

## WIRELESS MICROPHONE

## § 15.161 General technical provisions.

A wireless microphone may operate in any of the frequency bands listed under Subpart D of this part pursuant to the provisions therein.

## § 15.162 Operation in the band 88–108 MHz.

A wireless microphone may operate on any frequency in the band 88–108 MHz provided it meets all the following conditions.

(a) Emissions from the device shall be confined within a band 200 kHz wide centered on the operating frequency. The 200 kHz band shall lie wholly within the frequency range 88–108 MHz.

(b) The field strength of emissions radiated within the specified 200 kHz band shall not exceed 50  $\mu$ V/m at a distance of 15 meters from the device.

(c) The field strength of emissions radiated on any frequency outside the specified 200 kHz band shall not exceed 40  $\mu$ V/m at a distance of 3 meters from the device.

(d) No antenna other than that furnished by the manufacturer shall be used with a type approved wireless microphone.

(e) A type approved wireless microphone may not be used for two way communication.

NOTE.—This regulation prohibits the use of a wireless microphone either for the ex-

change of communications between devices each operating in the band 88–108 MHz, or between devices one of which operates in the band 88–108 MHz.

(f) User of the device shall take adequate precautions to insure that harmful interference is not caused to the reception of transmissions from any FM or television broadcast station or any other class of station licensed by the Commission. In the event that such interference does occur, operation of the wireless microphone shall be promptly suspended and shall not be resumed until the interference has been eliminated. The user of this device must accept any interference which may be caused by the operation of any licensed station operating in accordance with the terms of its license.

## § 15.163 Equipment authorization required.

(a) A wireless microphone operating in the band 88–108 MHz shall be type approved pursuant to Subpart B of this part.

NOTE.—The receiver used with the wireless microphone must be certificated pursuant to Subpart B to show compliance with Subpart C of this part.

(b) A wireless microphone manufactured on or after April 1, 1975, operating on any of the frequencies and under the technical specifications in Subpart D of this part, shall be certificated pursuant to Subpart B of this Part.

(c) A wireless microphone manufactured between December 31, 1957, and April 1, 1975, operating on any of the frequencies and under the technical specification in Subpart D of this part, shall be self-certificated pursuant to the provisions of §§ 15.135 and 15.136.

## § 15.164 Identification.

A wireless microphone shall be identified pursuant to provisions of Subpart B of this part.

## TELEMETERING DEVICE

## § 15.171 General technical provisions.

A telemetering device may operate in any of the frequency bands listed under Subpart D of this part, pursuant to the provisions therein.

## § 15.172 Operation in the band 38–41 MHz.

A telemetering device may operate in the band 38–41 MHz provided it meets all the following conditions.

(a) The device is used only for the transmission of biomedical data.

(b) Emissions from the device are confined within a 200 kHz band which shall lie wholly within the frequency range 38–41 MHz.

(c) The field strength of emissions radiated within the specified 200 kHz band shall not exceed 10  $\mu$ V/m at 15 meters from the device.

(d) The field strength of emissions radiated on any frequency outside the specified 200 kHz band shall not exceed 10  $\mu$ V/m at 3 meters from the device.

## § 15.173 [Reserved]

## § 15.174 Operation in the band 88–108 MHz.

A telemetering device may operate on any frequency in the band 88–108 MHz provided it meets all the following conditions.

(a) Emissions from the device shall be confined within a band 200 kHz wide centered on the operating frequency. The 200 kHz band shall lie wholly within the frequency range 88–108 MHz.

NOTE.—To insure that this requirement is met, the carrier frequency must be maintained within the band 88.1–107.9 MHz.

(b) The field strength of emissions radiated within the specified 200 kHz band shall not exceed 50  $\mu$ V/m at 15 meters from the device.

(c) The field strength of emissions radiated on any frequency outside the specified 200 kHz band shall not exceed 40  $\mu$ V/m at 3 meters from the device.

(d) No antenna other than that furnished by the manufacturer shall be used with a type approved telemetering device.

(e) The device shall not be used for two way communication.

(f) User of the device shall take adequate precautions to insure that harmful interference is not caused to the reception of transmissions from any FM or television broadcast station or any other class of station licensed by the Commission. In the event that such interference does occur, operation of the telemetering device shall be promptly suspended and shall not be resumed until the interference has been eliminated. The user of the device must accept any interference which may be caused by the operation of any licensed station operating in accordance with the terms of its license.

## § 15.175 Custom built telemetering device in the band 88–108 MHz.

A custom built telemetering device used for experimentation by an educational institution need not be type approved, *Provided*:

(a) The device complies with the technical requirements of § 15.172 (a) through (c) inclusive.

(b) The educational institution notifies the Engineer in Charge of the local FCC office, in writing, in advance of operation. The notice shall include:

(1) The dates and place where the device will be operated

(2) The purpose for which the device will be used

(3) A description of the device including the operating frequency, RF power output, and antenna

(4) A statement that the device complies with the technical provisions of § 15.172 (a) through (c) inclusive.

## § 15.176 Operation in the band 174–216 MHz.

A telemetering device may operate in the band 174–216 MHz provided it meets all the following conditions.

(a) The device is used only for the transmission of biomedical data.

(b) Emissions from the device are confined within a 200 kHz band which shall lie wholly within the frequency range 174-216 MHz.

(c) The field strength of emissions radiated within the specified 200 kHz band shall not exceed 150  $\mu\text{V}/\text{m}$  at 30 meters from the device.

(d) The field strength of emissions radiated on any frequency outside the specified 200 kHz band shall not exceed 15  $\mu\text{V}/\text{m}$  at 30 meters from the device.

**§ 15.177 Equipment authorization required.**

(a) A telemetering device operating in the band 88-108 MHz, other than a custom built device operating under § 15.174, shall be type approved pursuant to Subpart B of this part.

(b) A custom built telemetering device operating under § 15.175 shall file the notice prescribed therein with the Engineer in Charge of the local FCC office.

(c) A biomedical telemetering device operating in the bands 38-41 or 174-216 MHz that was manufactured after April 30, 1972 shall be certificated pursuant to Subpart B of this part.

(d) The receiver associated with a radio telemetering device must be separately certificated pursuant to Subpart B to show compliance with Subpart C of this part.

**§ 15.178 Identification.**

(a) A telemetering device shall be identified pursuant to the provisions of Subpart B of this part.

(b) A biomedical telemetering device operating under § 15.171 or § 15.176 shall bear a label containing the following information.

(1) Name pursuant to § 2.1045(a) of this chapter.

(2) Model number pursuant to § 2.1045(b) of this chapter.

(3) The following statement: This device complies with FCC Part 15, Operation is subject to the following two conditions: (1) This device may not cause harmful interference and (2) This device must accept any interference that may be received, including interference that may cause undesired operation.

(4) The date of manufacture: This information may be inscribed as the month and year of manufacture, or coded at the manufacturer's option, provided the key to the code is submitted with the application for certification.

**§ 15.179 Report of measurements.**

The report of measurements for a biomedical telemetering device operating under § 15.172 or § 15.176 shall report measurements pursuant to § 15.143.

**RADIO CONTROL FOR DOOR OPENER  
(GARAGE DOOR OPENER DEVICE)**

**§ 15.181 General technical provisions.**

A radio control for a door opener may operate in any of the frequency bands listed under Subpart D of this part, pursuant to the provisions therein.

**§ 15.182 Operation above 70 MHz: Devices manufactured prior to July 15, 1963.**

A radio control for a door opener manufactured prior to July 15, 1963 may be operated on any frequency above 70 MHz provided it meets all of the following conditions:

(a) The emission of RF energy shall not exceed the following limits:

Frequency (MHz):	Field strength ( $\mu\text{V}/\text{m}$ at 30 meters)
70 to 130.....	50.
130 to 174.....	50 to 150 (linear interpolation).
174 to 260.....	150.
260 to 470.....	150 to 500 (linear interpolation).
Above 470.....	500.

(b) The device is provided with means for automatically limiting operation to a duration of not more than 1 second, not to occur more than once in 30 seconds.

**§ 15.183 Operation above 70 MHz: Devices manufactured between July 15, 1963 and March 24, 1971.**

A radio control for a door opener manufactured between July 15, 1963 and March 24, 1971 may be operated on any frequency above 70 MHz provided it meets all of the following conditions:

(a) The emission of RF energy shall not exceed the following limits:

Frequency (MHz):	Field strength ( $\mu\text{V}/\text{m}$ at 30 meters)
70 to 130.....	50.
130 to 174.....	50 to 150 (linear interpolation).
174 to 260.....	150.
260 to 470.....	150 to 500 (linear interpolation).
Above 470.....	500.

(b) Radiation from the transmitter or receiver part of the control must not fall within any of the following bands:

MHz	MHz
73 to 75.4	1535 to 1670
108 to 118	2690 to 2700
121.4 to 121.6	4200 to 4400
242.8 to 243.2	4990 to 5250
265 to 285	GHz
328.6 to 335.4	10.68 to 10.70
406 to 410	15.35 to 15.4
698 to 614	19.3 to 19.4
960 to 1216	31.3 to 31.5
1400 to 1427	88 to 90

NOTE.—A radiation level below 15  $\mu\text{V}/\text{m}$  at 1 meter will be considered to meet this requirement.

(c) The transmitter part of the control is activated by a switch which automatically turns the transmitter off when released. If not so activated, the control shall meet the duty cycle limitation in § 15.116(b).

(d) The device shall be so constructed that there are no external or readily accessible controls which may be adjusted to permit operation in a manner inconsistent with the provisions of this section.

**§ 15.184 Operation above 70 MHz: Devices manufactured after March 24, 1971.**

A radio control for a door opener manufactured after March 24, 1971 may operate on any frequency above 70 MHz provided it meets all the following conditions:

(a) The device may be used only for the purposes of opening or closing a door and may not be used for voice transmission or the transmission of any other type of message or information.

(b) Emission of RF energy from the transmitter, as well as from the receiver part of the control, shall not fall within any of the bands listed below:

(c) Subject to the limitation in paragraph (b) of this section, emission of RF energy from the transmitter shall not exceed the levels given below when measured under open field conditions as prescribed in FCC Technical Division Report T-7001 dated October 1, 1970 available from the Commission.

MHz	MHz
73 to 75.4	603 to 614
108 to 118	960 to 1215
121.4 to 121.6	1400 to 1427
242.8 to 243.2	1535 to 1670
265 to 285	2690 to 2700
328.6 to 335.4	4200 to 4400
404 to 406	4990 to 5250
GHz	
10.68 to 10.70	31.3 to 31.5
15.35 to 15.4	88 to 90
19.3 to 19.4	

NOTE.—A radiation level below 15  $\mu\text{V}/\text{m}$  at 1 meter will be considered to meet this requirement.

(c) Subject to the limitation in paragraph (b) of this section, emission of RF energy from the transmitter shall not exceed the levels given below when measured under open field conditions as prescribed in FCC Technical Division Report T-7001 dated October 1, 1970 available from the Commission.

Frequency (MHz)	Field strength at 30 meters ( $\mu\text{V}/\text{m}$ )
130 to 174.....	125.
70 to 130.....	125 to 375 (linear interpolation).
174 to 260.....	375.
260 to 470.....	375 to 1250 (linear interpolation).
Above 470.....	1250.

(d) The transmitter part of the control shall be activated only by a switch which will automatically deactivate the transmitter when released. The switch shall be of such quality to insure reliable operation for the expected life of the transmitter.

**§ 15.185 Equipment authorization required.**

(a) A radio control for a door opener operating above 70 MHz manufactured after March 24, 1971 shall be certificated pursuant to Subpart B of this part.

(b) A radio control for a door opener operating above 70 MHz under §§ 15.182 or 15.183 shall be self-certificated pursuant to §§ 15.135 and 15.136.

(c) The receiver associated with a radio control transmitter for a door opener shall be certificated pursuant to Subpart B to show compliance with Subpart C of this part.

**§ 15.186 Identification.**

(a) A radio control device for a door opener shall be identified pursuant to the provisions of Subpart B of this part.

(b) The transmitter part and the receiver part of the radio control for a

door opener operating under § 15.184 shall each bear a label containing the following information:

(1) Name pursuant to § 2.1045(a) of this chapter.

(2) Model number pursuant to § 2.1045 (b) of this chapter.

(3) The following statement: This device complies with FCC Rules Part 15. Operation of this device is subject to the following two conditions: (1) This device may not cause harmful interference. (2) This device must accept any interference that may be received including interference that may cause undesired operation.

#### § 15.187 Report of measurements.

The report of measurements for a radio control for a door opener operating under § 15.184 shall cover the range of frequencies in § 15.142 of this part and shall contain the information required by § 15.143.

#### DEVICE THAT MEASURES THE CHARACTERISTICS OF A MATERIAL

#### § 15.191 General technical provisions.

A device that uses RF energy to measure the characteristics of a material may operate in any of the frequency bands listed under Subpart D of this Part pursuant to the provisions therein.

#### § 15.192 Alternative provisions.

A device that uses RF energy to measure the characteristics of a material may operate in the frequency bands listed in paragraph (b) and pursuant to the provisions in this section.

(a) A device operated pursuant to the provisions of this section may not be used for voice communications, or the transmission of any other type of message.

(b) The device shall operate within the frequency bands:

MHz	MHz
13.554 to 13.556	2400 to 2500
26.96 to 27.28	5725 to 5875
40.66 to 40.70	22000 to 22250
890 to 940 (See note)	

NOTE.—The frequency band 890-940 MHz is subject to change pursuant to the reallocation of frequencies that may be made in the band 806-960 MHz in the rule making proceeding in Docket No. 18262.

(c) The maximum level of emission from the device shall not exceed:

Fundamental frequency in the band	Emission (microvolts per meter at 30 meters)		
	On fundamental frequency	On harmonic frequencies	On other frequencies
13.554 to 13.556	15	0.5	0.5
26.96 to 27.28 MHz	32	1.0	1.0
40.66 to 40.70 MHz	50	1.5	1.5
Above 890 MHz	500	50.0	15.0

(d) The device shall be self-contained with no external or readily accessible controls which may be adjusted to permit operation in a manner inconsistent with the provisions of this section. Any antenna that may be used with the device shall be permanently attached thereto and shall not be readily modifiable by the user.

#### § 15.193 Certification required.

(a) A device that uses RF energy to measure the characteristics of a material, that was manufactured prior to April 1, 1975 shall be certificated pursuant to §§ 15.135 and 15.136.

(b) A device that uses RF energy to measure the characteristics of a material, that was manufactured on and after April 1, 1975, shall be certificated pursuant to Subpart B of this part.

#### § 15.194 Identification.

A device that uses RF energy to measure the characteristics of a material shall be identified pursuant to Subpart B of this part.

F. Subparts F, G and H of Part 15 are amended as follows:

1. A new § 15.302 is added to read as follows:

#### § 15.302 Cross reference.

The provisions of Subparts A and B of this part and Subpart J of Part 2 of this chapter shall apply to a field disturbance sensor operating under this subpart.

#### § 15.305 [Amended]

2. In § 15.305 delete NOTE.

#### § 15.309 [Amended]

3. In five places in § 15.309, replace 100 feet with 30 meters.

4. A new § 15.312 is added to read as follows:

#### § 15.312 Certification required.

A field disturbance sensor shall be certificated pursuant to Subpart B of this part.

#### § 15.313 [Deleted]

5. Section 15.313 is deleted.

6. A new § 15.314 is added to read as follows:

#### § 15.314 Identification required.

(a) A field disturbance sensor shall be identified pursuant to § 15.41.

(b) In addition to the name and identifier required by § 15.41 the identification label on a field disturbance sensor shall bear the statement:

This device complies with FCC Rules Part 15. Operation of this device is subject to the following two conditions: (1) This device may not cause harmful interference. (2) This device must accept any interference that may cause undesired operation.

#### § 15.315 [Deleted]

7. Section 15.315 is deleted.

8. A new § 15.318 is added to read as follows:

#### § 15.318 Report of measurements.

The report of measurements for a field disturbance sensor shall follow the format and provide all the information required by § 15.143 over the frequency range specified in § 15.317. Other reporting formats may be used, if fully explained by the engineer who prepared the report.

9. A new § 15.332 is added to read as follows:

#### § 15.332 Cross reference.

The provisions of Subparts A and B of this part and Subpart J of Part 2 of this chapter shall apply to an auditory training system operating under this subpart.

#### § 15.343 [Deleted]

10. Section 15.343 is deleted.

11. Section 15.345 is revised to read as follows:

#### § 15.345 Certification of receiver.

A receiver operating in the range 30-890 MHz as part of an auditory training system shall be certificated pursuant to Subpart B of this part to show compliance with the technical specifications of this subpart.

12. Section 15.347 is revised to read as follows:

#### § 15.347 Equipment authorization for transmitter.

(a) A transmitter operating in the band 72-76 MHz or the 88-108 MHz as part of an auditory training system shall be type approved pursuant to Subpart B of this part.

(b) A transmitter operated as part of an auditory training system on frequencies and under the technical specifications in Subpart D of this part, manufactured prior to April 1, 1975 shall be self certificated pursuant to Sections 15.135-15.136.

(c) A transmitter operated as part of an auditory training system on frequencies and under the technical specifications of Subpart D of this part, manufactured after April 1, 1975 shall be certificated pursuant to Subpart B of this part.

#### § 15.371 [Deleted]

13. Section 15.371 is deleted.

#### § 15.373 [Deleted]

14. Section 15.373 is deleted.

15. A new section 15.402 is added to read as follows:

#### § 15.402 Cross reference.

The provisions of Subparts A and B of this part and Subpart J of Part 2 of this chapter shall apply to a Class I TV device operating under this subpart.

16. In § 15.411, paragraph (a) is revised to read as follows:

#### § 15.411 Type approval.

(a) A Class I TV device shall be type approved pursuant to Subpart B of this part.

17. Section 15.413 is revised to read as follows:

#### § 15.413 Certification of built-in tuner.

If a Class I TV device includes a built-in television tuner as part of its design, the device must also be certificated pursuant to Subpart B of this part to show that the television tuner complies with the requirements for a television receiver in Subpart C of this part.

#### § 15.419 [Amended]

18. In § 15.419 delete the sentence "(The distance  $\lambda/2\pi$  in feet is equal to 157 divided by the frequency in MHz.)" at the end of the section.

[FR Doc. 75-5675 Filed 3-6-75; 8:45 am]

## Title 49—Transportation

## CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

## SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-50; Notice No. 75-4]

## LIGHTWEIGHT VEHICLE OPERATIONS

## Exemptions

The Director of the Bureau of Motor Carrier Safety is taking final rulemaking action on petitions for amendment of the Federal Motor Carrier Safety Regulations, which sought general relief from safety regulatory requirements for lightweight vehicle operations and drivers who drive lightweight vehicles in interstate or foreign commerce. In this action, the Director is granting, in part, the petitions by creating limited exemptions for lightweight vehicle operations, essentially insofar as the Regulations require creation and retention of detailed safety records. In other respects, the Director, after due consideration, is not granting the relief requested. This decision has been taken after an in-depth study of the interests of all parties to the proceeding.

This proceeding was begun on July 17, 1973, by the issuance of an advance notice of proposed rulemaking (38 FR 19692), advising interested persons that the Bureau of Motor Carrier Safety had received petitions for rulemaking from private carrier associations and other interested parties seeking various forms of exemption for lightweight vehicles and their drivers. The advance notice solicited comment on the advisability of granting general and across-the-board exemptions from the regulations for commercial vehicles with a gross vehicle weight of less than 10,000 lbs., on the premise that regulating them was not necessary to effect a viable national commercial vehicle safety regulatory scheme. Pursuant to that notice, a series of three public hearings was held in Washington, San Francisco and Kansas City during 1973 to provide a forum at which views on the proposals could be aired. Following these hearings a notice of proposed rulemaking was issued on August 7, 1974, (39 FR 29195). This notice summarized the arguments in favor of a broad, general exemption and proposed the issuance of specific amendments to the Regulations which would institute such exemptions except for accident reports.

Responses to the notice of proposed rulemaking involved a wide variety of views concerning the propriety of issuing a broad, general exemption for lightweight vehicles and the validity of the reluctance of the Bureau to include the accident-reporting requirements of Part 394 of the regulations among the proposed exempt categories. Opposition to the institution of a special exemption for lightweight vehicles was expressed by the International Brotherhood of Teamsters (National), one of its locals, PROD, Inc., United Parcel Service, and a number of individuals. The Vehicle Equipment Safety Commission and the Film, Air and

Package Carriers Conference expressed opposition to exempting lightweight vehicles and their drivers from specified provisions of the regulations. Proponents of the proposal generally reiterated the arguments made in their petitions and in responses to the advance notice. Those arguments in favor of a general exemption for lightweight vehicle operations were summarized in the preamble to the notice of proposed rulemaking (39 FR 29195) and need not be repeated here.

Having considered the material submitted orally and in writing in response to the above-cited notices, together with other available data, the Director has determined that issuance of a total exemption from the safety regulations for lightweight vehicle operations is not warranted.

In reaching this determination, the Bureau began with the proposition that the Congress, in considering the National interest in the safety regulation of commercial interstate motor carrier operations, intended to make the operations of lightweight motor vehicles in interstate or foreign commerce subject to Federal safety regulation. It has long been settled that the basic grant of authority in section 204 of the Interstate Commerce Act, 49 U.S.C. 304, to regulate hours of service of drivers, qualifications of drivers, and safety of operation and equipment of motor carriers who operate in interstate or foreign commerce includes operations conducted with lightweight motor vehicles and is not limited only to medium- and heavy-duty trucks and buses. See, e.g., *ICC v. AAA Con Drivers Exchange*, 340 F.2d 820 (2d Cir.) cert. denied, 381 U.S. 911 (1965). While it is true that the basic grant of regulatory authority to the agency necessarily includes the power to interpret the scope of such authority as conferred by the Congress, a heavy burden of proof rests upon those who would have the Bureau withdraw from exercising its full statutory jurisdiction over a class of motor carrier operations made subject to regulation by statute. That burden of proof has not been established in this proceeding.

Examination of the various provisions of the Federal Motor Carrier Safety Regulations discloses a large number of rules which should, in the public interest, continue to be applicable to lightweight vehicle operations. The record of this proceeding discloses no persuasive reason why the driver of a lightweight vehicle should not be physically qualified, just as drivers of other vehicles must be. Nor is there any valid reason why lightweight vehicles should not generally be driven in accordance with the driving rules set forth in Part 392 of the regulations. Exemption of drivers of lightweight motor vehicles from the substantive hours-of-service restrictions in § 395.3 of the regulations would not only be detrimental to safe operations—since fatigue on the driver's part creates a public risk regardless of the type of vehicle he is driving—but would also transgress a fundamental policy deci-

sion enacted by the Congress. That decision is that the hours of employment of industrial employees in businesses affecting interstate or foreign commerce shall be limited by law for their protection and the protection of the public. For the most part, this Federal policy is embodied in the Fair Labor Standards Act, 29 U.S.C. 201 et seq. In section 13(b) of the Act, 29 U.S.C. 213(b), Congress provided for a partial exemption for employees with respect to whom the Department of Transportation "has power to establish qualifications and maximum hours of service" pursuant to section 204 of the Interstate Commerce Act. Since the section 13(b) exemption is phrased in terms of the power to establish qualifications and maximum hours of service, an administrative exemption of a large class of employees (e.g., drivers of lightweight vehicles) from § 395.3 of the Federal Motor Carrier Safety Regulations would leave them unprotected from hours-of-service requirements by either the Fair Labor Standards Act or the Federal Motor Carrier Safety Regulations. There is nothing in the record which would warrant creation of such a situation by administrative action.

Proponents of an across-the-board exemption have said that the Bureau should not retain regulations which, because of limitations on the Bureau's manpower and other resources, cannot be enforced by direct action. They note that the Bureau's present program of surveillance of motor carriers does not cover the thousands of small businesses that operate lightweight vehicles incidental to their main business activity. Examples of these businesses include repair shops and retail establishments. The problem with this line of reasoning is that it does not recognize the secondary impact of the Regulations. Even assuming that no direct, coercive enforcement action or surveillance is taken with respect to this type of a motor carrier, the operative rules of tort law provide substantial inducement for compliance with the safety regulations. This is the case because, under the law in effect in virtually all United States jurisdictions, proof in an action for damages arising out of a motor vehicle accident that a party's operation of his vehicle was in violation of a statute or administrative regulations applicable to that party and intended to protect the general public will either establish that party's negligence per se or raise a strong presumption of negligence. Further, violation of the Federal Motor Carrier Safety Regulations on the part of a motor carrier during his operations may expose the carrier to liability under other Federal regulatory statutes. See *Banyard v. NLRB*, 505 F.2d 342 (D.C. Cir. 1974).<sup>1</sup>

<sup>1</sup> As one commenter pointed out, exemption of lightweight vehicles from the Federal Motor Carrier Safety Regulations would, by operation of law, make the operators of such vehicles subject to regulation under the Occupational Safety and Health Act, 29 U.S.C. 651 et seq. See 29 U.S.C. 653(b) (1).

To suggest that it is impractical to require a motor carrier to comply with a safety regulatory scheme without having the resources of direct enforcement activities at the carrier fails to consider this important secondary impact. Accordingly, the Director has determined on the record established in this proceeding that selective exemption of lightweight vehicle operations is warranted and that total exemption has not been shown to be in the public interest. A discussion of the specific areas of exemption follows.

1. *Definition of lightweight vehicle.* Part 390 is being amended by adding a new definition of the term "lightweight vehicle" in § 390.17. This definition follows that contained in the proposed rule, except that articulated vehicles and vehicles engaged in driveway-towaway operations are no longer per se excluded from falling within the exempt classification.

2. *Qualifications of drivers.* Part 391 is being amended to exempt drivers whose exclusive driving employment is behind the wheel of lightweight vehicles from the requirement for periodic physical examination and the requirement that a certificate of medical examination be obtained and carried by the driver. Motor carriers who employ those drivers are being relieved of the obligation to make pre-employment background and character checks upon them; to give them pre-employment written and driving tests; and to keep records and files pertaining to those drivers. The purpose of these exemptions is to relieve small businesses of detailed safety record-keeping and other administrative obligations which may be unduly burdensome. On the other hand, drivers of lightweight vehicles are not being exempted from the substantive requirements of Part 391, e.g., the requirement to hold a driver's license or permit, the requirement for minimum physical qualifications, and the requirement for knowledge and ability to operate safely upon the public highways in furtherance of a commercial enterprise.

3. *Emergency Equipment.* As noted above, the Director has determined that compliance with the rules in Part 392 are not unreasonable nor do they impose an undue burden on operators of lightweight vehicles. The rules in Part 393, relating to parts and accessories are themselves tailored to the type of motor vehicle for which they are appropriate, and, with one exception, no special exemption of lightweight vehicles from their application is warranted. The single exception is the provision in § 393.95, requiring emergency equipment to be carried on certain commercial motor vehicles, and the coordinate rule in § 392.22(b) which requires the drivers of those vehicles to use the devices when appropriate. The Director has determined that lightweight vehicles should be exempt from both of these requirements because they may be inappropriate to the type of operation by lightweight motor vehicles, inasmuch as

States and other Federal regulatory authorities have not seen fit to require these on small vehicles generally.

4. *Accident reporting requirements.* The exemption of lightweight vehicles from accident-reporting requirements in Part 394 is being limited to accidents involving passenger cars. However, the Bureau maintains that accidents involving other types of lightweight vehicles operated by commercial motor carriers subject to the Bureau's jurisdiction should continue to be reported. It is important for the Bureau to have the data necessary to monitor the safety performance of lightweight vehicle operations to enable it to determine whether continuation of the special exempt status given lightweight vehicle operations or possible further exemption is warranted. Notwithstanding the statements of certain participants in this proceeding, existing and available data on lightweight vehicles does not exist in any usable form.

5. *Hours of service of drivers.* For reasons set forth above, the Bureau has determined that it would not be in the public interest or consonant with its statutory authority, to exempt drivers of lightweight motor vehicles from certain limitations while Part 395, concerning maximum hours of service, applies to other drivers of commercial motor vehicles engaged in interstate or foreign commerce. Drivers of lightweight vehicles are being specifically exempted from requirements for making daily logs. This latter step represents only a minor expansion of the exemption for drivers of small trucks and buses that has for many years been a part of § 395.8.

6. *Inspection and maintenance.* Part 396 is being amended to relieve drivers and motor carriers operating lightweight vehicles from the requirement to make and retain a daily vehicle condition report. By so doing, the Director is carrying through one of the major objectives of this proceeding: to eliminate undue paperwork and record retention burdens from operators of lightweight motor vehicles. The remaining provisions of Part 396 do not impose any substantive burden on motor carriers and drivers, except for the general requirement to maintain motor vehicles adequately. There is no valid reason why operators of lightweight vehicles should not be required to comply with those requirements, since they represent sound safety practices regardless of the nature or type of vehicle being operated.

In consideration of the foregoing, the Federal Motor Carrier Safety Regulations (Subchapter B of Chapter III in title 49, CFR) are amended as set forth below.

*Effective date.* These amendments are effective on April 1, 1975.

These amendments are issued under the authority of section 204 of the Interstate Commerce Act, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Fed-

eral Highway Administrator at 49 CFR 1.48 and 49 CFR 398.4, respectively.

Issued on March 3, 1975.

ROBERT A. KAYE,  
Director,  
Bureau of Motor Carrier Safety.

#### PART 390—FEDERAL MOTOR CARRIER SAFETY REGULATIONS: GENERAL

I. A new § 390.17 is added to Subpart A of Part 390, reading set forth below:

##### § 390.17 Lightweight vehicle.

(a) Except as provided in paragraph (b) of this section, the term "lightweight vehicle" means a motor vehicle that—

(1) Was manufactured on or after January 1, 1972 and has a manufacturer's gross vehicle weight rating (as defined in § 571.3 of this title) of 10,000 pounds or less, in the case of a single vehicle, or a manufacturer's gross combination weight rating (as defined in § 571.3 of this title) of 10,000 pounds or less, in the case of an articulated vehicle; or

(2) Was manufactured before January 1, 1972 and has a gross weight, including its load and the gross weight of any vehicle being towed by the motor vehicle, of 10,000 pounds or less.

(b) The term "lightweight vehicle" does not include—

(1) A vehicle that is being used to transport passengers for hire; or

(2) A vehicle that is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with § 177.823 of this title.

#### PART 391—QUALIFICATIONS OF DRIVERS

II. In Part 391, § 391.62 is amended to read as follows:

##### § 391.62 Drivers of lightweight vehicles.

(a) The following rules in this part do not apply to a person who drives only a lightweight vehicle:

(1) Subpart C (relating to disclosure of, investigation into, and inquiries about, the background, character, and driving record of drivers).

(2) Subpart D (relating to road tests and written examinations).

(3) So much of §§ 391.41, 391.43, and 391.45 as require a driver to be medically examined, to obtain a certificate of medical examination, and to carry a medical examiner's certificate on his person.

(4) Subpart F (relating to maintenance of files and records).

(b) A person who is 18 years of age or older and who is otherwise qualified to drive a motor vehicle under the rules in this part (including the modifications of those rules specified in paragraph (a) of this section) may drive a lightweight vehicle, and § 391.11(b)(1) (relating to minimum age of drivers) does not apply to that person.

**PART 392—DRIVING OF MOTOR VEHICLES**

III. § 392.22 in Part 392 is amended by adding a new paragraph (vii) at the end of paragraph (b) (2) to read as follows:

§ 392.22 Emergency signals: Stopped vehicles.

(b) \* \* \*

(vii) *Exemption for lightweight vehicles.* The rules in paragraph (b) of this section do not apply to the operations of a lightweight vehicle.

**PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION**

IV. The introductory clause of § 393.95 is revised to read as follows:

§ 393.95 Emergency equipment on all power units.

Except for a lightweight vehicle, every bus, truck, truck-tractor, and every driven vehicle in driveaway-towaway operation must be equipped as follows:

\* \* \*

**PART 394—NOTIFICATION, REPORTING AND RECORDING OF ACCIDENTS**

V. Paragraph (b) of § 394.3 is revised to read as follows:

§ 394.3 Definition of reportable accident.

\* \* \*

(b) The term "reportable accident" does not include—

- (1) An occurrence involving only boarding and alighting from a stationary motor vehicle; or
- (2) An occurrence involving only the loading or unloading of cargo; or
- (3) An occurrence in the course of farm-to-market agricultural transportation (as defined in § 394.5) by the motor carrier; or
- (4) An occurrence in the course of the operation of a passenger car (as defined in § 571.3 of this title) by a motor carrier and is not transporting passengers for hire or hazardous materials of a type and quantity that requires the vehicle

to be marked or placarded in accordance with § 177.823 of this title.

**PART 395—HOURS OF SERVICE OF DRIVERS**

VI. In § 395.8, paragraph (2) of paragraph (t) is revised to read as follows:

§ 395.8 Driver's daily log.

(t) Exemptions—(1) 50-mile-radius drivers. \* \* \*

(2) *Drivers of lightweight vehicles.* The rules in this section do not apply to—

- (i) A driver of a lightweight vehicle; or
- (ii) A driver of a motor vehicle that has not more than 2 axles and a gross weight (as defined in § 390.10 of this chapter) of 10,000 pounds or less, unless that vehicle is either—
  - (A) Used to transport passengers;
  - (B) Used to transport materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with § 177.823 of this title; or
  - (C) Operated without cargo under conditions that require the vehicle to be marked or placarded in accordance with § 177.823 of this title.

**PART 396—INSPECTION AND MAINTENANCE**

VII. The first sentence of § 396.7 is revised to read as follows:

§ 396.7 Vehicle condition report by driver.

Except for the driver of a lightweight vehicle and except as provided for driveaway-towaway operations in § 396.8, every motor carrier operating more than one motor vehicle shall require its drivers to report and every driver shall prepare such a report in writing at the completion of his day's work or tour of duty, which report shall list any defect or deficiency of the motor vehicle discovered by said driver or reported to him as would be likely to affect the safety of operation of the motor vehicle or result in its mechanical breakdown or shall indicate that no such defect or defi-

ciencies were discovered by or reported to him. \* \* \*

[FR Doc.75-6039 Filed 3-6-75;8:45 am]

**CHAPTER X—INTERSTATE COMMERCE COMMISSION  
SUBCHAPTER A—GENERAL RULES AND REGULATIONS**

[Service Order No. 1134-A]

**PART 1033—CAR SERVICE**

**Lumber and Plywood; Restrictions on Reconsigning**

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 27th day of February 1975.

Upon further consideration of Service Order No. 1134 (38 FR 12606, 19831, 30742, 31681; 39 FR 13971), and good cause appearing therefor:

*It is ordered, That:*

§ 1033.1134 Service Order 1134 [Reserved]

§ 1033.1134 *Lumber and plywood—restrictions on reconsigning* be, and it is hereby, vacated and set aside.

(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* this order shall become effective at 11:59 p.m., February 27, 1975; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD,  
*Secretary.*

[FR Doc.75-6059 Filed 2-6-75;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 HEALTH, EDUCATION, AND WELFARE

Office of Education

[ 45 CFR Part 176 ]

### SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS PROGRAM

#### Notice of Proposed Rulemaking

Notice is hereby given that, pursuant to the authority contained in section 413B of the Higher Education Act of 1965, as amended (20 U.S.C. 1070b-1) the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 176 of Title 45 of the Code of Federal Regulations governing the operation of the Supplemental Educational Opportunity Grants Program by adding § 176.15. The proposed section would instruct institutions of higher education that are participating in the Supplemental Educational Opportunity Grants (SEOG) Program on how to coordinate SEOG awards with Educational grants-in-aid made under the authority of the Bureau of Indian Affairs (BIA), for students at such institutions who might be eligible for both types of assistance.

It has become apparent that, in the absence of such a regulation, the practices of such institutions have not been consistent and, in some cases, have not carried out the purposes of the BIA supported program. Because of the special, trust relationship which the United States has had with Indians and because of the special consideration for Indians which Congress has expressed, particularly in the Snyder Act (25 U.S.C. 13) from which the BIA grants-in-aid derive, it is proposed that BIA grants-in-aid shall be treated as entirely supplementary to awards made under the SEOG program, the Basic Educational Opportunity Grant Program (BEOG), and other programs administered by the institution, provided that the total amount of assistance thus made available to the student does not exceed his level of need for financial assistance. It is further proposed that, when reductions in the student's award become necessary because his total awards exceed his need, there shall be a priority for maximizing the amount of such assistance the student receives in the form of grants. Thus, reductions shall first be made in any educational loans made for such student, shall next be made in any work-study awards made to such student, and shall only be made in the SEOG award if an excess of aid remains after the first two reductions. A BEOG grant, which is intended as the basic building block for

each student's financial aid package, would not be affected by the receipt of a BIA grant.

This same provision will be proposed for the regulations governing the operation of the National Direct Student Loan Program (45 CFR Part 144) and those governing the College Work-Study Program (45 CFR Part 175). Those regulations are currently under review by the Office of Education and will be published as proposed rules in the near future.

Interested persons are invited to submit written comments, suggestions, or objections to this proposed rule to the Office of Student Assistance, Bureau of Postsecondary Education, Office of Education, Seventh and D Streets SW, Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays, except holidays between 8:30 a.m. and 4:00 p.m. All relevant material received on or before April 7, 1975, will be considered.

(Catalog of Federal Domestic Assistance No. 13.418, Supplemental Educational Opportunity Grants Program)

Dated: January 28, 1975.

T. H. BELL,

U.S. Commissioner of Education.

Approved: February 27, 1975.

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

Part 176 of Title 45 of the Code of Federal Regulations is amended by adding § 176.15 as follows:

#### § 176.15 Coordination with Bureau of Indian Affairs grants-in-aid.

(a) In determining the amount, if any, of a Supplemental Grant to be awarded to a student who is eligible for such a grant and, in addition, is eligible for an educational grant-in-aid under a program administered by the Bureau of Indian Affairs (BIA), the institution shall observe the following practice:

(1) A "package" of student assistance will be prepared in accordance with § 176.14 for each such student from resources other than BIA grants-in-aid. In preparing such a package, the institution shall not take into consideration any BIA grant-in-aid which the student has received or is expected to receive and such package shall be consistent, as to the types and amounts of the respective awards included therein, with packages prepared for students who are not eligible for BIA grants-in-aid, who have similar levels of financial need and who are similar with respect to any other general characteristics used by the institution in preparing such packages.

(2) The amount of any BIA grant-in-aid, whether received by the student prior to the preparation of the package described in paragraph (a)(1) of this section or subsequent thereto, shall be supplementary to the package of aid from other resources, and no adjustment shall be made to such package so long as the total of such package and the BIA grant-in-aid does not exceed the institution's determination of the student's need (i.e., the difference between the student's cost of education at the institution and his expected family contribution).

(3) If the total amount of the BIA grant-in-aid, when combined with the package of other assistance prepared in accordance with paragraph (a)(1) of this section exceeds the institution's determination of the student's need, the amount of such excess only shall be deducted from the package of other assistance. Such deduction shall be done in sequence, so that such excess is first deducted from any awards, or proposed awards, in the form of loans; if an excess still remains after all such loan awards have been adjusted, deductions shall next be made from any awards, or proposed awards, in the form of work-study; if an excess still remains after all such work-study awards have been adjusted, deductions shall be made from any award, or proposed award, in the form of a grant, other than a grant under the Basic Educational Opportunity Grants Program.

(b) Educational grants-in-aid made to students at an institution under a program administered by the Bureau of Indian Affairs shall be considered to be financial aid made available through such institution, for purposes of § 176.16, if:

(1) The institution reviews the applications for such grants; and

(2) The institution selects the recipients for, and determines the amounts of, such grants.

(20 U.S.C. 1070b-1)

[FR Doc 75-5961 Filed 3-6-75; 8:45 am]

*Pub. Health Sr.*  
Office of the Secretary

[ 42 CFR Part 53 ]

### HOSPITALS AND MEDICAL FACILITIES

#### Grants, Loans and Loan Guarantees for Construction and Modernization

Notice is hereby given that the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend § 53.111 of Title 42, CFR as set forth below. That regulation governs compliance with assurances given by recipients of, or to be given by applicants for, grants,



## Social Security Administration

[ 20 CFR Part 405 ]

[Regs. No. 5]

## FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

## Payment for Services of Physicians in Teaching Hospitals, for Physicians' Costs to Hospitals and Medical Schools, and for Volunteer Services

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare.

On July 19, 1973, there was published in the FEDERAL REGISTER (38 FR 19230) a notice of proposed rule making with proposed amendments to Subparts D and E of Regulations No. 5, implementing section 227 of Pub. L. 92-603, enacted October 30, 1972 (entitled "Payment Under Medicare for Services of Physicians Rendered at a Teaching Hospital") and statements of congressional intent contained in the Report of the Committee on Finance, United States Senate Report No. 92-1230, 92d Cong., 2d Sess., pp. 194-198 (1972).

The 1972 legislation made two major changes in the original Medicare statute with regard to the payment for the services of physicians in teaching hospitals. First, it added to the requirements for charge reimbursement the further requirement that the patient be a "private patient" as defined by regulation. Second, where a private patient relationship did not exist and the patient was determined to be a "nonprivate patient" or where the hospital elected not to seek charge reimbursement, the 1972 legislation provided reasonable cost reimbursement to hospitals that expect such payment to be more favorable than would be possible under the present system of charge reimbursement for some services and cost reimbursement for others.

Interested parties were given the opportunity to submit within 30 days data, views, or arguments with regard to the proposed amendments. On August 28, 1973, there was published in the FEDERAL REGISTER (38 FR 22980) a notice of extension of the period for comment through October 17, 1973.

However, both of the provisions of the 1972 legislation have been modified by Pub. L. 93-233, enacted December 31, 1973, and by Pub. L. 93-368, enacted August 7, 1974. Pub. L. 93-233 deferred until cost-reporting periods beginning after December 31, 1974, the requirement that reasonable charges are payable only where a private patient relationship is established, and Pub. L. 93-368 further deferred this provision until hospital cost-reporting periods beginning after June 30, 1976. This was done so that the National Academy of Sciences would

loans, and loan guarantees for the construction and modernization of hospitals and other medical facilities under the Hill-Burton Act (Title VI of the Public Health Service Act; 42 U.S.C. 291 *et seq.*), that they will provide a reasonable volume of care to persons unable to pay therefor.

The proposal would amend § 53.111 in two respects:

1. Subparagraph (f)(1) would be revised. The current language of § 53.111 (f)(1), the so-called "billing provision", was recently declared invalid by the United States District Court for the Southern District of New York in *Corum, et al. v. Beth Israel Medical Center, et al.*, 373 F. Supp. 557, S.D.N.Y. (1974). The current paragraph (f)(1) would permit Hill-Burton-aided facilities to include as uncompensated services those services for which determination of inability to pay had been made after a bill had been rendered so long as no further collection effort was made. In declaring that provision invalid, the court in the *Corum* case stated:

In view of the strong interest of plaintiffs in a preadmission determination of inability to pay, and in the absence of any valid reason for postponement of the decision, we hold that it must be made before rendition of services \* \* \*.

The revised language of paragraph (f)(1) would require that a determination of indigency be made prior to the provision of the service except in certain specified circumstances.

2. In order that persons who are or may be unable to pay for services may be made aware of the obligation of recipients of Hill-Burton assistance to provide a reasonable volume of care to persons unable to pay therefor in accordance with § 53.111, a new paragraph (i) would be added, requiring that Hill-Burton-assisted facilities post notices informing the public of that obligation.

The proposed amendments to § 53.111 were approved by the Federal Hospital Council on November 12, 1974.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to § 53.111 to the Division of Facilities Utilization, Health Resources Administration, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20852, on or before April 7, 1975. Comments received will be available for public inspection at Room 12-11 Parklawn Building, during regular business hours.

It is therefore proposed to amend 42 CFR 53.111 as set forth below.

Dated: January 27, 1975.

CHARLES C. EDWARDS,  
Assistant Secretary for Health.

Approved: February 27, 1975.

CASPAR W. WEINBERGER,  
Secretary.

In § 53.111, paragraph (f)(1) is revised, paragraphs (i) and (j) are reded-

signed as paragraphs (j) and (k) respectively, and a new paragraph (i) is added as follows:

§ 53.111 Services for persons unable to pay.

(f) *Qualifying services.* (1) In determining the amount of uncompensated services provided by an applicant, there shall be included only those services provided to an individual with respect to whom the applicant has made a written determination prior to the provision of such services that such individual is unable to pay therefor under the criteria established pursuant to 42 CFR 53.111 (g), except that:

(i) such determination may be made after the provision of such services in the case of services provided in emergency departments of applicants: *Provided*, That when billing is made for such service, such billing must be accompanied by substantially the information required in the posted notice under paragraph (f) 2 of this section; and

(ii) such determination may be made after the provision of such services in the case of a change in circumstances as a result of the illness or injury occasioning such services (e.g., the patient's financial condition has changed due to a loss of wages resulting from the illness) or in case of insurance coverage or other resources being less than anticipated or the costs of services being greater than anticipated. *Further*, in all cases where such determination was not made prior to the provision of services, such services may not be included as uncompensated services if any collection effort has been made other than the rendering of bills permissible in the above exceptions: *Provided*, That such a determination may be made at any time if the determination was hindered or delayed by reason of erroneous or incomplete information furnished by or in behalf of the patient.

(i) *Posted notice.* The applicant shall post notice (which shall be multilingual where the applicant serves a multilingual community), in substantially the following form, in appropriate areas within the facility (admissions, office, emergency department and business office) for the purpose of informing patients or potential patients that criteria for eligibility and applications are available upon request:

NOTICE OF HILL-BURTON OBLIGATION

Under the Hill-Burton program, this hospital is obligated to render a reasonable volume of services at no cost or less than full charges to persons meeting eligibility criteria. Should you believe you may be eligible for such services, you should contact our business office (or designated person or other office). If you are dissatisfied with the determination in your case you may contact the State Hill-Burton agency (supply address).

[FR Doc.75-5962 Filed 3-6-75;8:45 am]

have sufficient time to undertake and report on a study, the results of which are expected to help in assessing the potential impact of the 1972 legislation on teaching hospitals and their health care delivery systems.

Also, the 1973 legislation restricts the availability of the more favorable cost reimbursement provisions of the 1972 legislation to hospitals that elect cost payments in lieu of any reasonable charge reimbursement which otherwise would be appropriate. A hospital may make this election only where all of the physicians who render services in the hospital agree in writing not to bill charges under the Medicare program for such services. Where these requirements are satisfied by a hospital, reasonable cost reimbursement is appropriate for all physicians' services provided to Medicare beneficiaries. However, the 1974 legislation provides that except where the hospital makes such an election, the 1972 changes are deferred until hospital cost-reporting periods beginning after June 30, 1976. Therefore, the proposed amendments to Subpart E dealing with the definition of a "private patient" which were published in proposed form in the FEDERAL REGISTER on July 19, 1973, to implement the 1972 legislation, are being withdrawn.

Because of the above described amendments to the Social Security Act in 1973 and 1974 the Commissioner of Social Security and the Secretary of Health, Education, and Welfare have determined that a new notice of proposed rule making should be published to afford interested parties an opportunity to submit within 30 days data, views, or arguments with regard to the proposed amendments. Any comments submitted in connection with the notice of proposed rule making of July 19, 1973, have already been taken into consideration and need not be resubmitted.

The following changes have been made as a result of comments and suggestions received with regard to the July 19, 1973, notice of proposed rule making and as a result of the 1973 and 1974 legislation:

1. The proposed regulations were revised to (a) include, in the base to which the 105 percent limitation applies, certain salary-related taxes and payments as well as physicians' direct salaries and fringe benefits, and (b) emphasize that this limitation applies only where a hospital is unrelated to a medical school and does not pay the medical school for services to all patients. Hospitals related to medical schools by common ownership and control and hospitals that are unrelated to medical schools but pay the medical schools for services to all patients will continue to be permitted reimbursement without regard to this limit, but only, of course, to the extent that the costs are not found to be unreasonable.

2. The proposed regulations were revised to allow physicians who are compensated by the hospital or medical school for some, but not all, of the services they render, to be considered volunteer physicians with respect to some of

their services but with limitations. The payments for donated services will be made provided their compensation from the hospital and medical school is only for other than direct medical and surgical services rendered to individual patients and, during a cost-reporting period, the sum of imputed value of the volunteer services and the physician's actual compensation from the hospital and the medical school does not exceed the rate of \$30,000 per year. A limit is placed on the amount recognized under this provision to avoid claims of reimbursement of the volunteer services of a physician that would be unreasonable in terms of the compensation a hospital would be willing to pay to employ a physician to perform the same services. It is intended that the limitations provided for will be reviewed periodically and may be adjusted.

3. To reflect the effects of Pub. L. 93-233 on the teaching hospital provisions, provision is made (1) for a teaching hospital for cost-reporting periods beginning after June 30, 1973, and before July 1, 1976, to elect cost reimbursement for physicians' direct medical and surgical services, and (2) for a savings clause which deems that Medicare payments are proper if appropriately made under the provisions of Pub. L. 92-603 for services rendered after June 30, 1973 (the effective date of the teaching hospital provision of the law), and prior to the enactment of Pub. L. 93-233.

4. As a result of various comments made concerning the allocation of teaching physician compensation in determining reasonable cost under the proposed amendments, a new paragraph was added to § 405.465(j) to explain the way in which a physician's compensation must be allocated among the various services he performs in a teaching hospital.

5. Some changes have also been made in the interest of clarity.

The following comments, although considered, have not been accepted:

1. Concern was expressed that the "salary equivalent" rate based on the average salary of the full-time physicians in the hospital (to be used as the basis for payment for physicians' volunteer services) would not be adequate. However, the law and the Report of the Committee on Finance of the United States Senate clearly prescribe that the "salary equivalent" amount will be derived in this way. Hence, the provision regarding the "salary equivalent" rate is retained.

2. Comments were received concerning the technique to be used in the computation of the costs of physicians' direct medical and surgical services. This technique involves averaging somewhat the per diem cost of such services. Specifically, the comments suggested that the weight given to the day of admission for reimbursement purposes should be the equivalent of 2.0 days rather than 3.5 days. It was suggested that 2.0 days is a more appropriate re-

flection of the intensity of medical care on that day. However, the original provision is retained because, after careful consideration, counting the day of admission as if it were 3.5 days still appears to more adequately reflect the degree of intensity of medical care received in relation to admissions as compared with duration of stay after admission.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue, SW., Washington, D.C. 20201, on or before April 7, 1975.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 1102, 1833(a), 1842(b), 1881, and 1871 of the Social Security Act, section 15 of Public Law 93-233, and section 7 of Public Law 93-368; 49 Stat. 647, as amended, 79 Stat. 302, as amended, 79 Stat. 309, as amended, and 79 Stat. 331, 87 Stat. 965, 88 Stat. 422; 42 U.S.C. 1302, 13951(a), 1395u(b), 1395x, 1395hh, and 1395x note.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance; No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance)

Dated: December 13, 1974.

J. B. CARDWELL,  
Commissioner of Social Security.

Approved: February 24, 1975.

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

Regulations No. 5, Subpart D of the Social Security Administration, as amended (20 CFR Part 405), are further amended as follows:

1. Paragraph (c) of § 405.402 is amended by adding paragraph (c) (9) to read as follows:

§ 405.402- Cost reimbursement; general.

(c) \* \* \*

(9) Reasonable cost of physicians' direct medical and surgical services (including supervision of interns and residents in the care of individual patients) rendered in a teaching hospital may be reimbursed as a provider cost (see § 405.465) where elected as provided for in § 405.521 of this Part.

2. Section 405.465 is added to read as follows:

**§ 405.465 Determining reimbursement for certain physician and medical school faculty services rendered in teaching hospitals.**

(a) *General.* Payments for services of physicians in teaching hospitals rendered to patients will be made by the health insurance program on the basis of reasonable cost where the hospital exercises the election as provided for in § 405.521 of this Part. Where such election is made:

(1) Payments for services donated by volunteer physicians to health insurance program patients will be made to a fund designated by the organized medical staff of the teaching hospital or medical school provided certain conditions are met, and

(2) Reimbursement for certain medical school costs may be made as provided for in paragraph (c) of this section.

(b) *Reasonable cost of direct medical and surgical services (including supervision of interns and residents) rendered in a teaching hospital by physicians on the hospital staff.* Direct medical and surgical services to patients, including supervision of interns and residents, rendered in a teaching hospital by physicians on the hospital staff are reimbursable as provider services on a reasonable-cost basis. For purposes of this paragraph, reasonable cost is defined as the direct salary paid to such physicians, plus applicable fringe benefits. Such costs must be allocated to such services as provided by paragraph (j) of this section and apportioned to program beneficiaries as provided by paragraph (g) of this section. Other allowable costs incurred by the provider related to the services described in this paragraph are reimbursable subject to the requirements applicable to all other provider services.

(c) *Reasonable costs incurred by a teaching hospital for the services rendered by a medical school or related organization in a hospital.* An amount not in excess of the reasonable cost (as defined in paragraphs (c) (1) and (2) of this section) incurred by a teaching hospital for services rendered by a medical school or organization related thereto within the meaning of § 405.427 for certain costs to the medical school (or such related organization) in rendering services in the hospital are reimbursable to the hospital by the health insurance program provided that such costs would be reimbursable if incurred directly by the hospital rather than under such arrangement.

(1) *Reasonable costs of direct medical and surgical services (including supervision of interns and residents in the care of individual patients) rendered in a teaching hospital by physicians on the faculty of a medical school or organization related to the medical school.*

(i) In situations where the medical school (or organization related to the medical school) and the hospital are related by common ownership or control in accordance with § 405.427, the cost of such services are allowable costs to the

hospital under the provisions of § 405.427 and the reimbursable costs to the hospital are determined under the provisions of this section in the same manner as the costs incurred for physicians on the hospital staff and without regard to payments made to the medical school by the hospital.

(ii) Where the medical school and the hospital are not related organizations under the provisions of § 405.427 and the hospital makes payment to the medical school for the costs of such services rendered to all patients, reimbursement will be made by the health insurance program to the hospital for the reasonable cost incurred by the hospital for its payments to the medical school for services to health insurance beneficiaries. Costs incurred under such an arrangement must be allocated to the full range of services provided to the hospital by the medical school physicians on the same basis as provided for under paragraph (j) of this section and cost so allocated to direct medical and surgical services to hospital patients must be apportioned to health insurance beneficiaries as provided for under paragraph (g) of this section. Where the medical school and the hospital are not related organizations under the provisions of § 405.427 and the hospital makes payment to the medical school only for the costs of such services rendered to health insurance program patients, costs of the medical school not to exceed 105 percent of the sum of physicians' direct salaries, applicable fringe benefits, employer's portion of FICA taxes, federal and state unemployment taxes, and workmen's compensation paid by the medical school or an organization related thereto may be recognized as allowable cost of the medical school. Such allowable medical school costs must be allocated to the full range of services rendered by the physicians of the medical school or organization related thereto as provided by paragraph (j) of this section. Costs so allocated to direct medical and surgical services to hospital patients must be apportioned to health insurance program beneficiaries as provided by paragraph (g) of this section.

(2) *Reasonable costs of other than direct medical and surgical services rendered in a teaching hospital by medical school faculty (or organization related to the medical school).* Such costs are determined in accordance with paragraph (c) (1) of this section except that: (i) where the hospital makes payment to the medical school for other than direct medical and surgical services rendered to all patients, such payments are subject to the required cost-finding and apportionment methods applicable to the cost of other hospital services (excepting direct medical and surgical services rendered to patients), or (ii) where the hospital makes payment to the medical school only for such services rendered to health insurance program patients, then the cost of services which are so reimbursed are not subject to cost-finding and apportionment as otherwise

provided by this subpart and the reasonable cost reimbursed by the health insurance program must be determined on the basis of the health insurance ratio(s) used in the apportionment of all other provider costs (excepting physicians' direct medical and surgical services rendered to patients) applied to the allowable medical school costs incurred by the medical school for the services rendered to all patients of the hospital.

(b) *"Salary Equivalent" payments for physicians' direct medical and surgical services rendered to health insurance program patients in a teaching hospital by physicians on the voluntary staff of the hospital (or medical school or organization related thereto under arrangement with the hospital).*

(1) Payments will be made to a fund as defined in § 405.466 for direct medical and surgical services rendered on a regularly scheduled basis by physicians on the unpaid voluntary medical staff of the hospital (or medical school under arrangement with the hospital) to health insurance program patients. Such payments represent compensation for contributed medical staff time which, if not contributed, would have to be obtained through employed staff on a reimbursable basis. Payments for volunteer services are determined by applying to the regularly scheduled contributed time an hourly rate not to exceed the equivalent of the average direct salary (exclusive of fringe benefits) paid to all full-time, salaried physicians (other than interns and residents) on the hospital staff or, where the number of full-time salaried physicians is minimal in absolute terms or in relation to the number of physicians on the voluntary staff, to physicians at like institutions in the area. This "salary equivalent" is a single hourly rate covering all physicians regardless of specialty, and is applied to the actual regularly scheduled time contributed by the physicians in rendering direct medical and surgical services to health insurance program patients including supervision of interns and residents in such care. A physician on the hospital staff or on the medical school faculty who receives any compensation from the hospital or the medical school for direct medical and surgical services rendered to health insurance program patients will not be considered an unpaid voluntary physician for purposes of this paragraph. Where, however, a physician receives compensation from the hospital or medical school or organization related thereto and the time spent by the physician in the hospital and medical school is less than full time, a salary equivalent payment for his regularly scheduled direct medical and surgical services to health insurance program patients of the hospital may be imputed (except where the compensation covers the provision of some direct medical or surgical care). However, the sum of the imputed value for volunteer services and his actual compensation from the hospital and the medical school may not exceed the rate of \$30,000 per year.

(2) The following examples illustrate how the allowable imputed value for volunteer services is determined. In each example, it has been assumed that the average salary equivalent hourly rate is equal to the hourly rate for the individual physician's compensated services.

**Example No. 1.** Dr. Jones received \$3,000 a year from Hospital X for services other than direct medical services to all patients, e.g., utilization review, administrative services, etc. Dr. Jones also voluntarily rendered direct medical services to health insurance program patients. The imputed value of the volunteer services amounted to \$10,000 for the cost-reporting period. The full imputed value of Dr. Jones' volunteer direct medical services would be allowed since the total amount of the imputed value (\$10,000) and the compensated services (\$3,000) does not exceed \$30,000.

**Example No. 2.** Dr. Smith received \$25,000 from Hospital X for services as a department head in a teaching hospital. Dr. Smith also voluntarily rendered direct medical services to health insurance program patients. The imputed value of the volunteer services amounted to \$10,000. Only \$5,000 of the imputed value of volunteer services would be allowed since the total amount of the imputed value (\$10,000) and the compensated services (\$25,000) exceeds the \$30,000 maximum amount allowable for all his services.

**Computation:**

Maximum amount allowable for all services performed by Dr. Smith for purposes of this computation	\$30,000
Less compensation received from hospital X for other than direct medical services to individual patients	25,000

Allowable amount of imputed value for the volunteer services rendered by Dr. Smith

**Example No. 3.** Dr. Brown is not compensated by Hospital X for any services rendered in the hospital. Dr. Brown voluntarily rendered direct surgical services to health insurance program patients for a period of 6 months and the imputed value of these services amounted to \$40,000. The allowable amount of the imputed value for volunteer services rendered by Dr. Brown would be limited to \$15,000 ( $\$30,000 \times 6/12$ ).

(3) The amount of the imputed value for volunteer services applicable to health insurance program beneficiaries and payable to a fund will be determined in accordance with the Aggregate Per Diem Method described in paragraph (g) of this section.

(4) Health insurance payments to a fund will be used by the fund solely for improvement of care of hospital patients or for educational or charitable purposes (which may include but are not limited to medical and other scientific research). Expenses met from contributions made to the hospital from such a fund will not be included as a reimbursable cost when expended by the hospital, and depreciation expense will not be allowed with respect to equipment or facilities donated to the hospital by such a fund or purchased by the hospital from monies in such a fund.

(e) **Requirements for reimbursement for physicians' direct medical and surgical services (including supervision of interns and residents) in the care of**

**individual patients rendered in a teaching hospital.**

(1) **Physicians on the hospital staff.** The requirements under which the costs of physicians' direct medical and surgical services (including supervision of interns and residents) in the care of individual patients rendered to health insurance program patients will be allowed are the same as those applicable to the cost of all other covered provider services except that the costs of these services are separately determined as provided by this section and are not subject to cost-finding as described in § 405.453.

(2) **Physicians on the medical school faculty.** Reimbursement will be made to a hospital by the health insurance program for the costs of these services, provided that in situations where the medical school is not related to the hospital (within the meaning of § 405.427) and the hospital does not make payment to the medical school for services rendered to all patients:

(i) There is a written agreement between the hospital and the medical school or organization related thereto, specifying the types and extent of services to be furnished by the medical school and specifying that the hospital must pay to the medical school an amount at least equal to the reasonable cost (as defined in paragraph (c) of this section) of providing such services to health insurance program patients,

(ii) Such costs are paid to the medical school by the hospital no later than the date on which the cost report covering the period in which the services were rendered is due, and

(iii) Payment for such services furnished under such an arrangement would be made by the health insurance program to the hospital had such services been furnished directly by the hospital.

(3) **Physicians on the voluntary staff of the hospital (or medical school under arrangement with the hospital).** Payments will be made by the health insurance program on a "salary equivalent" basis (as defined in paragraph (d) of this section) to a fund where the conditions outlined in § 405.466 are met.

(f) **Requirements for reimbursement for medical school faculty services other than physicians' direct medical and surgical services rendered in a teaching hospital.** Reimbursement will be made to a hospital by the health insurance program for the costs of medical school faculty services other than physicians' direct medical and surgical services rendered in a teaching hospital where the requirements described in paragraph (e) of this section are met.

(g) **Aggregate per diem methods of apportionment for physicians' direct medical and surgical services (including supervision of interns and residents) in the care of individual patients, rendered in a teaching hospital.**

(1) **Aggregate per diem method of apportionment for the costs of physicians' direct medical and surgical services (including supervision of interns and residents) in the care of individual patients.**

The cost of physicians' direct medical and surgical services rendered in a teaching hospital to health insurance program beneficiaries is determined on the basis of an average cost per diem as defined in paragraph (h)(1) of this section for physicians' direct medical and surgical services to all patients (see § 405.521) for each of the following categories of physicians:

(1) Physicians on the hospital staff.  
(i) Physicians on the medical school faculty.

(2) **Aggregate per diem method of apportionment for the imputed value of physicians' volunteer direct medical and surgical services.** The imputed value of physicians' direct medical and surgical services rendered to health insurance program beneficiaries in a teaching hospital is determined on the basis of an average per diem, as defined in paragraph (h)(1) of this section, for physicians' direct medical and surgical services to all patients except that the average per diem will be derived from the imputed value of the physician volunteer direct medical and surgical services rendered to all patients.

(h) **Definitions.**—(1) **Average cost per diem for physicians' direct medical and surgical services (including supervision of interns and residents) rendered in a teaching hospital.** Average cost per diem for physicians' direct medical and surgical services rendered in a teaching hospital to patients in each category of physicians' services as described in paragraphs (g)(1)(i) and (ii) of this section means the amount computed by dividing total reasonable costs of such services in each category by the sum of:

(i) Inpatient days (as defined in paragraph (h)(2) of this section) and,

(ii) Outpatient visit days (as defined in paragraph (h)(3) of this section).

(2) **Inpatient days.** Inpatient days will be determined by counting the day of admission as 3.5 days and each day subsequent to a patient's day of admission except the day of discharge, as 1 day.

(3) **Outpatient visit days.** Outpatient visit days will be determined by counting only one visit day for each calendar day that a patient visits the outpatient department.

(4) **Application.** (A) The following illustrates how apportionment based on the Aggregate Per Diem Method for cost of physicians' direct medical and surgical services rendered in a teaching hospital to patients will be determined.

**TEACHING HOSPITAL Y**

<b>Statistical and financial data:</b>	
Total inpatient days as defined in paragraph (h)(2) of this section and outpatient visit days as defined in paragraph (h)(3) of this section	75,000
Total inpatient part A days applicable to program beneficiaries	20,000
Total inpatient part B days applicable to program beneficiaries where part A coverage is not available	1,000
Total outpatient part B visit days applicable to program beneficiaries	5,000

Total cost of direct medical and surgical services rendered to all patients by physicians on the hospital staff as determined in accordance with paragraph (j) of this section.	\$1,500,000
Total cost of direct medical and surgical services rendered to all patients by physicians on the medical school faculty as determined in accordance with paragraph (j) of this section.	1,650,000
Computation of cost applicable to program for physicians on the hospital staff:	
Average cost per diem for direct medical and surgical services to patients by physicians on the hospital staff: \$1,500,000 ÷ 75,000 = \$20 per diem.	
Cost of physicians' direct medical and surgical services rendered to inpatient beneficiaries covered under part A: \$20 per diem × 20,000.	400,000
Cost of physicians' direct medical and surgical services rendered to inpatient beneficiaries covered under part B: \$20 per diem × 5,000.	100,000
Cost of physicians' direct medical and surgical services rendered to outpatient beneficiaries covered under part B: \$20 per diem × 5,000.	100,000
Computation of cost applicable to program for physicians on the medical school faculty:	
Average cost per diem for direct medical and surgical services to patients by physicians on the medical school faculty: \$1,650,000 ÷ 75,000 = \$22 per diem.	
Cost of physicians' direct medical and surgical services rendered to inpatient beneficiaries covered under part A: \$22 per diem × 20,000.	440,000
Cost of physicians' direct medical and surgical services rendered to inpatient beneficiaries covered under part B: \$22 per diem × 1,000.	22,000
Cost of physicians' direct medical and surgical services rendered to outpatient beneficiaries covered under part B: \$22 per diem × 5,000.	110,000

(B) The following illustrates how the imputed value of physicians' volunteer direct medical and surgical services rendered in a teaching hospital applicable to health insurance program patients will be determined.

*Example:* The physicians on the medical staff of Teaching Hospital Y donated a total of 5,000 hours in rendering direct medical and surgical services to patients of the hospital during a cost-reporting period and did not receive any compensation from either the hospital or the medical school. Also, the imputed value for any physician's volunteer services did not exceed the rate of \$30,000 per year per physician.

Statistical and financial data:

Total salaries paid to the physicians of the hospital (excluding interns and residents).	\$800,000
Total physicians who were paid for an average of 40 hours per week or 2,080 (52 weeks × 40 hours per week) hours per year.	20

Average hourly rate equivalent: \$800,000 ÷ 41,600 (2,080 × 20)	\$19.23
Computation of total imputed value of physicians' volunteer services applicable to all patients:	
(Total donated hours × average hourly rate equivalent): 5,000 × \$19.23	\$96,150
Total inpatient days (as defined in paragraph (h)(2) of this section) and outpatient visit days (as defined in paragraph (h)(3) of this section)	75,000
Total inpatient part A days applicable to program beneficiaries	20,000
Total inpatient part B days applicable to program beneficiaries where part A coverage is not available	1,000
Total outpatient part B visit days applicable to program beneficiaries	5,000
Computation of imputed value of physicians' volunteer direct medical and surgical services applicable to program beneficiaries:	
Average per diem for physicians' direct medical and surgical services to patients: \$96,150 ÷ 75,000 = \$1.28 per diem.	
Imputed value of physicians' direct medical and surgical services rendered to inpatient beneficiaries covered under part A: \$1.28 per diem × 20,000.	\$25,600
Imputed value of physicians' direct medical and surgical services rendered to inpatient beneficiaries covered under part B: \$1.28 per diem × 1,000.	1,280
Imputed value of physicians' direct medical and surgical services rendered to outpatient beneficiaries covered under part B: \$1.28 per diem × 5,000.	6,400
<b>Total</b>	<b>33,280</b>

(j) *Allocation of compensation paid to physicians in a teaching hospital.* In determining reasonable cost under this section, the compensation paid by a teaching hospital, or a medical school or related organization under arrangement with the hospital, to physicians in a teaching hospital must be allocated to the full range of services implicit in the physicians' compensation arrangements. (However, see paragraph (d) of this section for the computation of the "salary equivalent" payments for volunteer services rendered to patients.) Such allocation must be made and must be capable of substantiation on the basis of the proportion of each physician's time spent in rendering each type of service to such hospital and/or medical school.

3. Section 405.466 is added to read as follows:

**§ 405.466 Payment to a fund.**

(a) *General.* Payment for certain voluntary services by physicians in teaching hospitals (as such services are described in § 405.521(d)(2)) will be paid on a salary equivalent basis (as described in § 405.465(d)) subject to the conditions and limitations contained in this Part 405 and title XVIII of the Act, to a single fund (as defined in paragraph (b) of this section) designated by the organized

medical staff of the hospital (or, where such services are furnished in such hospital by the faculty of a medical school, to such fund as may be designated by the faculty), if:

(1) The hospital (or medical school furnishing the services under arrangement with the hospital) incurs no actual cost in furnishing the services; and

(2) The hospital has an agreement with the Secretary under § 405.602; and

(3) The intermediary, or the Social Security Administration, as appropriate, has received written assurances that:

(i) The payment will be used solely for the improvement of care of hospital patients or for educational or charitable purposes; and

(ii) Neither the individuals who are furnished the services nor any other persons will be charged for the services (and if charged, provision will be made for the return of any monies incorrectly collected).

(b) *Definition of a fund.* For purposes of paragraph (a) of this section, a fund is an organization which meets either of the following requirements:

(1) Has and retains exemption, as a governmental entity or under section 501(c)(3) of the Internal Revenue Code (nonprofit educational, charitable, and similar organizations), from Federal taxation; or

(2) Is an organization of physicians who, under the terms of their employment by an entity which meets the requirements of paragraph (b)(1) of this section, are required to turn over to that entity all income which the physician organization derives from the physicians' services.

(c) *Status of a fund.* A fund approved for payment under paragraph (a) of this section has all the rights and responsibilities of a provider under title XVIII of the Act except that it does not enter into an agreement with the Secretary under § 405.602.

4. Regulations No. 5, Subpart E of the Social Security Administration, as amended (20 CFR Part 405) is further amended by redesignating the material in § 405.521(d) as § 405.521(d)(1) and adding (d)(2) and (d)(3) to read as follows:

**§ 405.521 Services of attending physicians supervising interns and residents.**

(d) . . .

(2) For cost-reporting periods beginning after June 30, 1973, and before July 1, 1976, a hospital may elect to receive reimbursement on a reasonable cost basis for the direct medical and surgical services of its physicians in lieu of any payment on the basis of reasonable charges which might otherwise be payable for such services. A hospital may make this election to receive cost reimbursement only where all physicians who render services in the hospital which are covered under the health insurance program agree not to bill charges for such services (or where as a condition of employment the physicians are precluded

from billing for such services). Where the requirements of this paragraph (d) (2) are satisfied by a hospital, the reimbursement provisions of § 405.465 are applicable.

(3) Where payments for services of physicians in teaching hospitals rendered after June 30, 1973, and before December 31, 1973, would be improper by virtue of section 15(a) of Pub. L. 93-233 (87 Stat. 965), such payments are deemed proper even though they may not meet the requirements which are based on section 15(a) of Pub. L. 93-233, if they are appropriately made under the provisions of section 227 of Pub. L. 92-603 (86 Stat. 1404).

[FR Doc. 75-5964 Filed 3-6-75; 8:45 am]

## DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 10, 12]

[CGD 74-226]

### LICENSING & CERTIFICATION OF MERCHANT MARINE PERSONNEL

#### Extension of Comment Deadline

The Coast Guard published a notice of proposed rulemaking in the January 29, 1975 issue of the FEDERAL REGISTER (40 FR 3610). This notice of proposed rule-making solicited comments on a new method of qualifications for a license as Third Mate of ocean steam or motor vessels with a rating of "apprentice mate."

A comment has been received requesting that the comment deadline be extended for thirty (30) days. Since this is a reasonable request, the comment deadline for this notice of proposed rule-making is hereby extended 30 days to April 9, 1975.

Dated: March 4, 1975.

W. M. BENKERT,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Merchant Marine Safety.

[FR Doc. 75-6109 Filed 3-6-75; 8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-RM-8]

#### TRANSITION AREA

##### Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate a transition area at Gwinner, N. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station P.O. Box 7213, Denver, Colorado 80207. All communications received on or before April 7, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this

time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 E. 25th Avenue, Aurora, Colorado 80010.

A public instrument approach procedure has been developed using a non-Federal, non-directional radio beacon at Gwinner, No. Dak. It is necessary to establish a transition area to provide controlled airspace protection for aircraft executing this procedure.

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

In Federal Aviation Regulation § 71.181 (40 FR 441) add the following transition area:

#### GWINNER, NO. DAK.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Gwinner Municipal Airport (latitude 46°13'10" N, longitude 97°38'27" W); and that airspace extending upward from 1200 feet above the surface within a 12-mile radius of the Gwinner Municipal Airport, and within 9.5 miles west and 4.5 miles east of the 167°T bearing from the Gwinner NDB (latitude 46°13'24" N, longitude 97°39'35" W), extending from the 12-mile radius area to 18.5 miles south of the NDB.

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

Issued in Aurora, Colorado, on March 11, 1975.

M. M. MARTIN,  
Director, Rocky Mountain Region.

[FR Doc. 75-5999 Filed 3-6-75; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-GL-8]

#### TRANSITION AREA

##### Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Ottawa, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before April 7, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated

at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing, in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new instrument approach procedure has been developed for the Putnam County Airport based on a non-Federal non-directional radio beacon. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new procedure by designating a transition area at Ottawa, Ohio.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

#### OTTAWA, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Putnam County Airport (Latitude 41°02'08" N, Longitude 83°59'01" W); within 3 miles each side of the 090° bearing from the airport extending from the 5-mile radius area to 8.5 miles east of the airport.

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

Issued in Des Plaines, Illinois, on February 18, 1975.

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

[FR Doc. 75-6000 Filed 3-6-75; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-RM-6]

#### TRANSITION AREA

##### Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the control zone and transition area at Laramie, Wyoming.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colorado 80207. All communications received on or before April 7, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division

Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

A public instrument approach procedure has been developed to permit a straight-in approach to Runway 30 at Laramie, Wyoming. Additional airspace is required to protect aircraft conducting this new IFR procedure.

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

In Federal Aviation Regulation § 71.171 (40 FR 354), the description of the Laramie, Wyoming, control zone is amended to read:

Within a 5-mile radius of General Brees Field, Laramie, Wyoming (Lat. 41°18'50" N, Long. 105°40'25" W); within 4 miles each side of the Laramie VORTAC 301° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC and within 4.5 miles each side of the Laramie VORTAC 126° radial, extending from the 5-mile radius zone to 20 miles southeast of the VORTAC.

In Federal Aviation Regulation § 71.181 (40 FR 441), the description of the Laramie, Wyoming, 700-foot transition area is amended to read:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of General Brees Field, Laramie, Wyoming (Lat. 41°18'50" N, Long. 105°40'25" W); within 5 miles each side of the Laramie VORTAC 301° radial, extending from the 9-mile radius area to 11.5 miles northwest of the VORTAC and within 5 miles each side of the Laramie VORTAC 126° radial, extending from the 9-mile radius area to 21 miles southeast of the VORTAC.

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

Issued in Aurora, Colorado, on March 7, 1975.

M. M. MARTIN,  
Director,  
Rocky Mountain Region.

[FR Doc. 75-6001 Filed 3-6-75; 8:45 am]

#### Federal Railroad Administration

[29 CFR Part 1910]

[Docket No. ROS-1, Notice 1]

#### RAILROAD OCCUPATIONAL SAFETY STANDARDS

##### Advance Notice of Proposed Rule Making

The Federal Railroad Administration (FRA) proposes to amend Chapter II of Subtitle B of Title 49 Code of Federal Regulations by adding a Part 219 prescribing railroad occupational safety and health standards under the Federal Railroad Safety Act of 1970 (84 Stat. 971; 45 U.S.C. 421 et seq.). The proposed

standards would apply to working conditions and work places for railroad employees which are reasonably related to railroad safety.

This advance notice of proposed rule making is being issued to provide for early public participation in this rule making proceeding and in the development of specific railroad occupational safety and health standards. FRA believes that early public participation will be useful in the development of standards to supplement existing railroad safety regulations.

The regulations would apply to railroads that are part of the general railroad system of transportation. A violation of a railroad occupational safety standard would subject the railroad involved to a penalty of at least \$250 but not more than \$2,500 for each offense.

The working conditions and work places to be covered by the railroad occupational safety and health standards refer to the specific areas of the railroad industry which will be covered by regulations in the interest of safety and which directly affect railroad transportation operations. Areas covered will include rail roadways, rolling stock, yards and terminals and repair and maintenance facilities located on or adjacent to the roadway, yards and terminals. The proposed regulations would supplement the existing FRA safety regulations.

#### BACKGROUND

FRA has extensive authority to regulate railroad safety to protect railroad employees, passengers and the public. The Federal Railroad Safety Act of 1970 provides that FRA may prescribe and enforce, as necessary, appropriate standards "for all areas of railroad safety". Other specific railroad safety acts, not repealed by the 1970 Act, provide authority for promulgation and enforcement of regulations for the protection of railroad employees and safety. These laws include the Safety Appliance Acts, 45 U.S.C. 1 et seq; Locomotive Inspection Act, 45 U.S.C. § 22-34; Hours of Service Act, 45 U.S.C. 61-64; and Signal Inspection Act, 49 U.S.C. 26. Regulations have been issued under these Acts to insure the safety of railroad employees. 49 CFR Part 213 et seq.

The Accident Reporting Act, 45 U.S.C. 38-43, requires the reporting of all accidents and injuries related to the performance of transportation business by a railroad. Regulations issued pursuant to this Act, 49 CFR Part 225, were extensively revised effective January 1, 1975.

The railroad occupational standards to be proposed under this advance notice will be issued pursuant to the authority of the Railroad Safety Act of 1970 and will supplement the existing railroad safety standards previously adopted under the older safety statutes.

Even though FRA has broad authority to regulate railroad occupational safety and health, it does not now propose to adopt railroad occupational safety standards for all railroad working conditions or work places. FRA will adopt,

as necessary, standards regarding occupational safety and health conditions of railroad employees whose work place or activities are related to the operation of the rail transportation system.

#### EXTENT OF PROPOSED STANDARDS

FRA proposes to adopt and enforce railroad occupational safety standards regarding occupational safety and health conditions of railroad employees whose work place or activities are related to the performance of rail transportation service such as train operations and maintenance of rail equipment and roadway.

Specifically, FRA proposes to adopt standards for the following railroad work places, properties, facilities, structures, and equipment:

1. Roadway, including track, roadbed, track appliances and related devices, and structures and facilities (except general offices) located on the right-of-way;

2. Rolling stock including locomotives, freight and passenger cars, cabooses, track motor cars, high rail vehicles, and work equipment;

3. Railroad yards and terminals including all devices, structures and facilities, except general offices;

4. Signal and communication devices and facilities which monitor and control rail movements and operations including towers, block stations, dispatchers offices and yard offices; and

5. Railroad support facilities for construction, assembling, servicing, maintaining, repairing and storing railroad rolling stock and equipment.

FRA does not propose to consider or adopt standards for the following railroad work places, properties, facilities, structures and equipment:

A. General offices; and living quarters which are not located adjacent to or within a rail roadway, support facility or yard;

B. Roadway and related facilities located within an installation which is not part of the general railroad system of transportation and rail equipment which operates only on track within such installations (such as steel mills, lumber yards, mines, manufacturing plants and other essentially "non-railroad" installations); and

C. Motor carrier, water carrier, manufacturing, hotel, mining, lumber, and other commercial activities engaged in by railroads which are not related to the performance of rail transportation services.

In developing railroad occupational safety standards the FRA will consider relevant existing safety data and standards. FRA will consider existing Department of Labor occupational safety standards contained in 29 CFR Part 1910—Occupational Safety and Health Standards to determine whether they are necessary or appropriate for the railroad environment.

FRA has made a preliminary review of the occupational safety standards adopted by the Department of Labor and standards proposed to be adopted. This

review was made to make an initial determination as to the Department of Labor standards that may have a significant application to working conditions on railroads. Appendices A and B to this notice set forth:

1. Those standards which FRA believes should be adopted as railroad occupational safety and health standards without substantial change. (Appendix A)

2. Those standards which FRA believes should be adopted as railroad occupational safety and health standards only after substantive change to reflect working conditions in the railroad industry, and those standards which FRA believes should not be adopted as railroad occupational and health standards. (Appendix B)

#### PUBLIC ADVICE AND PARTICIPATION REQUESTED

The purpose of this advance notice is to request public advice on the priorities for and content of railroad occupational safety and health standards. FRA solicits public participation in the development of the most effective approach for adoption of specific standards. FRA intends to expedite consideration of all comments received in response to this notice. Notices of Proposed Rule Making will be developed and issued separately as each subpart is completed relating to specific railroad employee working conditions and work places.

Specific advice and recommendations are requested to identify:

1. Standards adopted by the Department of Labor which may have significant application to working conditions on railroads;

2. Standards adopted by the Department of Labor which should be adopted by FRA without change;

3. Department of Labor occupational safety and health standards which should be modified or revised for the railroad industry;

4. Department of Labor occupational safety and health standards which should not be adopted by FRA for the railroad industry;

5. Occupational safety standards not adopted by the Department of Labor which may be necessary or appropriate for the railroad industry;

6. Railroad occupational safety standards necessary and appropriate for adoption by FRA to supplement existing railroad safety standards promulgated by FRA.

7. The most serious occupational safety and health problems existing in the railroad industry.

8. Priorities FRA should adopt in the promulgation of railroad occupational safety and health standards.

Communications should identify the docket number and notice number and be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before April 30, 1975, will be considered by FRA in

development of a notice of proposed rule making.

Comments received after that date will be considered so far as practicable. All comments will be available both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C.

This advance notice is issued under the authority of sec. 202, 84 Stat. 971, 45 U.S.C. 431; sec. 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR § 1.49(n).

Issued in Washington, D.C. on March 3, 1975.

ASAPH H. HALL,  
Deputy Administrator.

#### APPENDIX A

Occupational Safety and Health Standards, 29 CFR 1910, Which Can Be Adopted by FRA Without Substantive Change

#### Subpart A—General

Sec.

1910.101(a)

1910.2 Definitions.

1910.2(f) Standard.

#### Subpart D—Walking-Working Surfaces

1910.21 Definitions.

1910.22 General requirements.

1910.22(a) Housekeeping.

1910.22(b) Aisles and passageways.

1910.22(d) Floor loading protection.

1910.23 Guarding floor and wall openings and holes.

1910.23(a) Protection for floor openings.

1910.23(b) Protection for wall openings and holes.

1910.23(d) Stairway railings and guards.

1910.23(e) Railing, toe boards, and cover specifications.

1910.24 Fixed industrial stairs.

1910.25 Portable wood ladders.

1910.26 Portable metal ladders.

1910.27 Fixed ladders.

1910.28 Safety requirements for scaffolding.

1910.29 Manually propelled mobile ladder stands and scaffolds (towers).

1910.30 Other working surfaces.

1910.30(a) Dockboards.

1910.30(b) Forging machine area.

#### Subpart E—Means of Egress

1910.35 Definitions.

1910.35(b) Exit access.

1910.35(c) Exit.

1910.35(e) Low hazard contents.

1910.35(f) High hazard contents.

1910.35(g) Ordinary hazard contents.

1910.35(h) Approved.

1910.36 General requirements.

1910.37 Means of egress general.

#### Subpart F—Powered Platforms, Man Lifts, and Vehicle-Mounted Work Platforms

Powered platforms for exterior building maintenance.

Vehicle-mounted elevating and rotating work platforms.

Manlifts.

#### Subpart G—Occupational Health and Environmental Control

1910.93 Air contaminants.

1910.93a Asbestos.

1910.93b Coal tar pitch volatiles; Interpretation of term.

1910.94 Ventilation.

1910.95 Occupational noise exposure.

1910.97 Nonionizing radiation.

#### Subpart H—Hazardous Materials<sup>1</sup>

1910.101 Compressed gases (general requirements).

1910.102 Acetylene.

1910.103 Hydrogen.

1910.104 Oxygen.

1910.106 Flammable and combustible liquids.

1910.106(a) Definitions.

1910.106(b) Tank storage.

1910.106(c) Piping valves and fittings.

1910.106(d) Container and portable tank storage.

1910.106(e) Industrial plants.

(1) Scope.

(2) Incidental storage or use of flammable and combustible liquids.

(4) Tank vehicle and tank car loading and unloading.

(5) Fire control.

(6) Sources of ignition.

(7) Electrical.

(8) Repairs to equipment.

(9) Housekeeping.

<sup>1</sup> The term "Dangerous Materials" will be used by FRA in lieu of "Hazardous Materials" appearing in Subpart H to avoid confusion with DOT hazardous materials regulations.



Sec.	
1910.106(g)	Service Stations.
1910.107	Spray finishing using flammable and combustible materials.
1910.107(a)	Definitions.
1910.107(b)	Spray booths.
1910.107(c)	Electrical and other sources of ignition.
1910.107(d)	Ventilation.
1910.107(e)	Flammable and combustible liquids—storage and handling.
1910.107(f)	Protection.
1910.107(g)	Operations and maintenance.
1910.107(h)	Fixed electrostatic apparatus.
1910.107(i)	Electrostatic hand spraying equipment.
1910.107(j)	Drying curing or fusion apparatus.
1910.107(m)	Organic peroxides and dual component coatings.
1910.107(n)	Scope.
1910.108	Dip tanks containing flammable or combustible liquids.
1910.108(a)	Definitions applicable to this section.
1910.108(b)	Ventilation.
1910.108(c)	Construction of dip tanks.
1910.108(d)	Liquids used in dip tanks, storage and handling.
1910.108(e)	Electrical and other sources of ignition.
1910.108(f)	Operations and maintenance.
1910.108(g)	Extinguishment.
1910.108(h)	Special dip tank applications. (1) Hardening and tempering tanks.
1910.109	Explosives and blasting agents.
1910.110	Storage and handling of liquefied petroleum gases.
	<b>Subpart I—Personal Protective Equipment</b>
1910.132	General requirements.
1910.133	Eye and face protection.
1910.134	Respiratory protection.
1910.135	Occupational head protection.
1910.136	Occupational foot protection.
1910.137	Electrical protective devices.
	<b>Subpart J—General Environmental Controls</b>
1910.141	Sanitation.
1910.142	Temporary labor camps.
1910.143	Nonwater carriage disposal systems.
1910.144	Safety color code for marking physical hazards.
1910.145	Specifications for accident prevention signs and tags.
	<b>Subpart K—Medical and First Aid</b>
1910.151	Medical services and first aid.
	<b>Subpart L—Fire Protection</b>
1910.156	Definitions applicable to this subpart.
1910.157	Portable fire extinguishers.
1910.158	Standpipe and hose systems.
1910.159	Automatic sprinkler systems.
1910.160	Fixed dry chemical extinguishing systems.
1910.161	Carbon dioxide extinguishing systems.
1910.163	Local fire alarm signaling systems.
	<b>Subpart M—Compressed Gas and Compressed Air Equipment</b>
1910.166	Inspection of compressed gas cylinders.
1910.167	Safety relief devices for compressed gas cylinders.
1910.168	Safety relief devices for cargo and portable tanks storing compressed gases.
1910.169	Air receivers.
	<b>Subpart N—Material Handling and Storage</b>
1910.176	Handling materials—general.
1910.178	Powered industrial trucks.
1910.179	Overhead and gantry cranes.
1910.180	Crawler locomotive and truck cranes.
1910.181	Derricks.
	<b>Subpart O—Machinery and Machine Guarding</b>
1910.211	Definitions.
1910.211(a)	As used in § 1910.213 and .214 (wood working machinery terms).
1910.211(b)	As used in § 1910.215 (abrasive wheel machinery terms).
1910.211(d)	As used in § 1910.217 (mechanical power presses terms).
1910.211(e)	As used in § 1910.218 (forging and hot metal terms).
1910.211(f)	As used in § 1910.219 (mechanical power-transmission guarding terms).
1910.212	General requirements for all machines.
1910.213	Woodworking machinery requirements.
1910.213(a)	Machine construction general.
1910.213(b)	Machine controls and equipment.
1910.213(c)	Hand-fed rip saws.
1910.213(d)	Hand-fed crosscut table saws.
1910.213(e)	Circular resaws.
1910.213(f)	Self-feed circular saws.
1910.213(g)	Swing cutoff saws.
1910.213(h)	Radial saws.
1910.213(i)	Bandsaws and band resaws.

## PROPOSED RULES

- Sec.  
 1910.213(j) Jointers.  
 1910.213(k) Tenoning machines.  
 1910.213(l) Boring and mortising machines.  
 1910.213(m) Wood shapers and similar equipment.  
 1910.213(n) Planning, molding, sticking and matching machines.  
 1910.213(o) Profile and swing-head lathes and wood heel turning machine.  
 1910.213(p) Sanding machines.  
 1910.213(r) Miscellaneous woodworking machines.  
 1910.213(s) Inspection and maintenance of woodworking machines.  
 1910.215 Abrasive wheel machinery.  
 1910.217 Mechanical power presses.  
 1910.217(b) Mechanical power press guarding and construction, general.  
 1910.217(c) Safeguarding the point of operation.  
 1910.217(d) Design, construction, setting and feeding of dies.  
 1910.217(e) Inspection, maintenance, and modification of presses.  
 1910.217(f) Operation of power presses.  
 1910.218 Forging machines.  
 1910.219 Mechanical power-transmission apparatus.
- Subpart P—Hand and Portable Powered Tools and Other Hand-Held Equipment**
- 1910.241 Definitions.  
 1910.242 Hand and portable power tools and equipment, general.  
 1910.243 Guarding of portable powered tools.  
 1910.244 Other portable tools and equipment.
- Subpart Q—Welding, Cutting and Brazing**
- 1910.251 Definitions.  
 1910.252 Welding, cutting and brazing.  
 1910.252(a) Installation of oxygen-fuel gas systems for welding and cutting.  
 1910.252(b) Application, installation and operation of arc welding and cutting equipment.  
 1910.252(c) Installation and operation of resistance welding equipment.  
 1910.252(d) Fire prevention and protection.  
 1910.252(e) Protection of personnel.  
 1910.252(f) Health protection and ventilation.  
 1910.252(g) (2) Industrial applications—mechanical piping systems.
- Subpart S—Electrical**
- 1910.303 Application.  
 1910.309(a) National Electric Code.

## APPENDIX B

Occupational Safety and Health Standards, 29 CFR 1910, which can be adopted by FRA only after substantive change (R—Revision; D—Deletion, partial).

## Subpart A—General

- Sec.  
 1910.108(h) (3)  
 1910.1 Purpose and scope—R.  
 1910.2 Definitions.  
 1910.2(a) Act—R.  
 1910.2(b) Assistant Secretary of Labor—R.  
 1910.2(c) Employer—R.  
 1910.2(d) Employee—R.  
 1910.2(e) Commerce—D.  
 1910.2(g) Nation Consensus standard—R.  
 1910.2(h) Established Federal standard—R.  
 1910.3 Petition for the issuance, amendment, or repeal of a standard.  
 1910.3(a) R (no title).  
 1910.3(b) (1) D (no title).  
 1910.3(b) (2) R (no title).  
 1910.5 Applicability of standards.  
 1910.5(a) R (no title).  
 1910.5(b) R (no title).  
 1910.5(c) D (no title).  
 1910.5(d) D (no title).  
 1910.5(e) D (no title).  
 1910.5(f) D (no title).
- Subpart D—Walking-Working Surfaces**
- 1910.22 General requirements.  
 1910.22(c) Covers and guardrails—R.  
 1910.23 Guarding floor and wall openings.  
 1910.23(c) Protection of open-sided floors, platform and runways—R.  
 1910.30 Other working surfaces.  
 1910.30(c) Veneer machinery—D.  
 1910.31 Sources of standards—R.  
 1910.70 Standards organizations—R.
- Subpart E—Means of Egress**
- 1910.35 Definitions.  
 1910.35(a) Means of egress—R.  
 1910.35(d) Maintenance—R.  
 1910.39 Sources of standards—R.  
 1910.40 Standards organizations—R.

**Subpart F—Powered Platforms, Man Lifts and Vehicle-Mounted Work Platforms**

- Sec. 1910.69 Sources of standards—R.
- 1910.32 Standards organizations—R.

**Subpart G—Occupational Health and Environmental Control**

- 1910.99 Source of standards—R.
- 1910.100 Standards organizations—R.

**Subpart H—Hazardous Materials—R**

- 1910.106 Flammable and combustible liquids.
- 1910.106(e) Industrial plants.
- 1910.106(e) (3) D (no title).
- 1910.106(f) Bulk plants—D.
- 1910.107 Spray finishing using flammable and combustible materials.
- 1910.107(k) Automobile undercoating in garages—D.
- 1910.107(l) Powder coating—D.
- 1910.108 Dip tanks containing flammable or combustible liquids.
- 1910.108(h) Special dip tank applications.
- 1910.108(h) (2) Flow coat; general—D.
- 1910.108(h) (3) Electrostatic apparatus—D.
- 1910.108(h) (4) Roll coating—D.
- 1910.115 Sources of standards—R.
- 1910.116 Standards organizations—R.

**Subpart I—Personal Protective Equipment**

- 1910.139 Sources of standards—R.
- 1910.140 Standards organizations—R.

**Subpart J—General Environmental Control**

- 1910.147 Sources of standards—R.
- 1910.148 Standards organizations—R.

**Subpart K—Medical and First Aid**

- 1910.153 Sources of standards—R.

**Subpart L—Fire Protection**

- 1910.165 Effective dates.
- 1910.165(a) R (no title).
- 1910.165(b) R (no title).

**Subpart M—Compressed Gas and Compressed Gas Equipment**

- 1910.170 Source of standards—R.
- 1910.171 Standards organizations—R.

**Subpart N—Materials Handling and Storage**

- 1910.183 Sources of standards—R.
- 1910.184 Standards organizations—R.

**Subpart O—Machinery and Machine Guarding**

- 1910.211 Definitions.
- 1910.211(c) D (no title).
- 1910.213 Woodworking machinery requirements.
- 1910.217 Mechanical power presses.
- 1910.217(a) General requirements—R.
- 1910.221 Sources of standards—R.
- 1910.222 Standards organizations—R.
- 1910.246 **Subpart P—Hand and Portable Power Tools and Other Hand-Held Equipment**
- 1910.247 Sources of standards—R.
- Standards organizations—R.

**Subpart Q—Welding, Cutting and Brazing**

- 1910.252 Welding, cutting and brazing.
- 1910.252(g) Industrial applications.
- 1910.252(g) (1) Transmission pipe line—D.
- 1910.253 Sources of standards—R.
- 1910.254 Standards organizations—R.

**Subpart S—Electrical**

- 1910.309 National Electrical Code.
- 1910.309(c) D (no title).
- 1910.309(d) D (no title).

[FR Doc.75-6003 Filed 3-6-75;8:45 am]

**Urban Mass Transportation Administration**

[ 49 CFR Part 609 ]

[Docket No. 74-03, Notice 2]

**ELDERLY AND HANDICAPPED TRANSPORTATION SERVICES**

**Hearings Locations**

The Urban Mass Transportation Administration (UMTA) published a combined notice of proposed rulemaking and notice of hearings on transportation services for elderly and handicapped persons on February 26, 1975, at 40 FR 8314. At the time of the above publication the addresses for the hearings were not yet determined. The specific locations have now been established as follows:

Monday, April 7, 1975—Los Angeles, California—Los Angeles Convention Center, 1201 South Figueroa Ave.

Wednesday, April 9, 1975—Denver, Colorado—Denver RTD Auditorium, 1325 South Colorado Blvd.

Friday, April 11, 1975—Chicago, Illinois—City Hall, City Council Chambers, 121 North LaSalle St.

Tuesday, April 15, 1975—St. Petersburg, Florida—Eckerd College, 5400 34th St. South, Fox Hall.

Thursday, April 17, 1975—Boston, Massachusetts—John F. Kennedy Federal Building, Room 2003, Government Center.

Tuesday, April 22, 1975—Washington, D.C.—Department of Health, Education, and Welfare, North Building, Auditorium, 330 Independence Ave. SW. (wheelchair-accessible entrance is located on C Street SW.).

Each hearing will have a daytime session beginning at 9:30 a.m. and an evening session beginning at 7:30 p.m. The February 26, 1975, FEDERAL REGISTER notice should be consulted for details on the conduct of the hearings, including preregistration procedures. Copies of that notice may be obtained by writing to the following address: Urban Mass Transportation Administration, Office of the Chief Counsel, Docket No. 74-03, Room 9320, 400 7th Street SW., Washington, D.C. 20590.

Issued on March 7, 1975.

FRANK C. HERRINGER,  
Urban Mass Transportation  
Administrator.

[FR Doc.75-5978 Filed 3-6-75;8:45 am]

# notices

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

## DEPARTMENT OF THE TREASURY

### Customs Service

#### COUNTERVAILING DUTY PETITIONS

##### Notice of Receipt; Amendment

The "Notice of Receipt of Countervailing Duty Petitions" with respect to specified commodities from various countries published in the FEDERAL REGISTER of January 15, 1975 (40 FR 2718 FR Doc. 75-1572), is hereby amended by inserting the words, "Steel Products" under the heading of "Commodity" and "Italy" under the heading of "Country."

[SEAL] G. R. DICKERSON,  
Acting Commissioner of Customs.

Approved: February 28, 1975.

DAVID R. MACDONALD,  
Assistant Secretary of the Treasury.

[FR Doc.75-5982 Filed 3-6-75;8:45 am]

#### DRIED APPLES FROM ITALY

##### Termination of Countervailing Duty Investigation

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718). The notice announced that petitions had been received, including, among others, a petition alleging that certain payments, bestowals, rebates or refunds granted by the Government of Italy upon the manufacture, production, or exportation of dried apples constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

Subsequent to the publication of the above-mentioned notice in the FEDERAL REGISTER, the complaint concerning this merchandise was withdrawn. For this reason, I hereby announce the termination of the countervailing duty investigation with respect to dried apples from Italy.

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

[SEAL] VERNON D. ACREE,  
Commissioner of Customs.

Approved: February 28, 1975.

DAVID R. MACDONALD,  
Assistant Secretary of the Treasury.

[FR Doc.75-5983 Filed 3-6-75;8:45 am]

## DEPARTMENT OF DEFENSE

### Corps of Engineers

#### ARMY HISTORICAL ADVISORY COMMITTEE

##### Notice of Meeting

MARCH 3, 1975.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

*Name.* Department of the Army Historical Advisory Committee.

*Date.* 4 April 1975.

*Place.* Conference Room, Wing 2, Second Floor, Tempo C, 2d & R Streets SW, Washington, D.C. 20315.

*Time.* 1000-1140, 1345-1515.

*Proposed agenda.* 1000-1140, review of historical activities; 1345-1515, discussion of activities and executive session of the committee.

*Purpose meeting.* The committee will review the past year's historical activities based on report and manuscripts received throughout the year and formulate recommendations to the Secretary of the Army for advancing the purposes of the Army Historical Program.

Meetings of the Advisory Committee are open to the public. Public attendance depending on available space, may be limited to those persons who have notified the Advisory Committee Management Office in writing, at least five days prior to the meeting of their intention to attend the April 4 meeting.

Any member of the public may file a written statement with the Committee before, during or after the meeting. To the extent that time permits the Committee Chairman may allow public presentations of oral statements at the meeting.

All communications regarding this Advisory Committee should be addressed to LTC D. A. Roberts, Advisory Committee Management Officer for the Chief of Military History, Room 2009, Tempo C, 2d & R Streets SW., Washington, D.C. 20315.

By authority of the Secretary of the Army.

BRUCE T. BATTEY,  
Major, U.S. Army,  
Plans Officer, TAGO

[FR Doc.75-6036 Filed 3-6-75;8:45 am]

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration IMPORTATION OF CONTROLLED SUBSTANCES

#### Notice of Registrations

On November 19, 1974, a notice was published in the FEDERAL REGISTER, 39 FR 40593, listing manufacturers who had made application to the Drug Enforcement Administration to be registered as importers of certain basic classes of controlled substances in Schedules I and II, under section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958). The firms which submitted applications, and the substances enumerated in the applications of each firm, were listed as follows:

Abbott Laboratories, 14th and Sheridan Rd., N. Chicago, Ill. 60064 (June 1, 1974).

Drug:	Schedule
Methamphetamine .....	II
Pentobarbital .....	II

A. H. Robins Co., Inc., 1407 Cummings Dr., Richmond, Va. 23220 (May 17, 1974).

Drug:	Schedule
Codeine .....	II
Opium powders .....	II

Applied Science Laboratories, Inc., 139 N. Gill St., Box 440, State College, Pa. 16801 (May 17, 1974).

Drug:	Schedule
Bufofenine .....	I
Dimethyltryptamine .....	I
3,4-Methylenedioxy-amphetamine .....	I
Pimindoline .....	I

Arnar-Stone Laboratories, Inc., 601 E. Kensington Rd., Mount Prospect, Ill. 60056 (May 14, 1974).

Drug:	Schedule
Codeine .....	II
Methaqualone .....	II
Pentobarbital .....	II

Beecham-Massengill Pharmaceuticals, Division of Beecham Inc., 501-551 5th St., Bristol, Tn. 37620 (June 6, 1974).

Drug:	Schedule
Codeine .....	II
Hydrocodone .....	II
Methamphetamine .....	II
Morphine .....	II
Opium extracts .....	II
Pentobarbital .....	II
Secobarbital .....	II

Center for Studies of Narcotic and Drug Abuse, DHEW, HSA, Supply Service Center, Perry Point, Md. 21902 (Aug. 1, 1974).

Drug:	Schedule
Alphacetylmethadol	I
Bufotenine	I
Codeine	II
Hydrocodone	II
Lysergic acid diethylamide	I
Mescaline	I
3,4-Methylenedioxy amphetamine	I
3,4,5-Trimethoxy amphetamine	I

Ciba-Geigy Corp., Old Mill Rd., Suffern, N.Y. 10901 (Aug. 6, 1974).

Drug:	Schedule
Methylphenidate	II
Phenmetrazine	II

Cord Laboratories, Inc., 19191 Filer, Detroit, Mich. 48234 (July 18, 1974).

Drug:	Schedule
Amphetamine	II
Codeine	II
Hydrocodone	II
Methylphenidate	II
Opium powders	II
Opium tinctures	II
Pentobarbital	II
Secobarbital	II

Elkins-Sinn, Inc., Subsidiary of Medical Electroscience and Pharmaceuticals, 2 Esterbrook Lane, Cherry Hill, N.J. 08003 (Aug. 31, 1974).

Drug:	Schedule
Codeine	II
Dihydromorphinone	II
Morphine	II
Pentobarbital	II
Pethidine	II
Secobarbital	II

First Chemical Products, Inc., 377 Crane St., Orange, N.J. 07051 (Aug. 5, 1974).

Drug:	Schedule
Amobarbital	II
Amphetamine	II
Methamphetamine	II
Methylphenidate	II
Pentobarbital	II
Phenmetrazine	II
Secobarbital	II

Hoffman-LaRoche, Inc., 340 Kingsland St., Nutley, N.J. 07110 (May 6, 1974).

Drug:	Schedule
Levorphanol	II

J. H. Delamar and Son, Inc., 4507-11 N. Kedzie Ave., Chicago, Ill. 60625 (June 3, 1974).

Drug:	Schedule
Amphetamine	II
Methylphenidate	II
Phenmetrazine	II

National Institute on Drug Abuse, DHEW, 11400 Rockville Pike, Rockville, Md. 20852 (June 5, 1974).

Drug:	Schedule
Alphacetylmethadol	I
Codeine	II
Ethylmorphine	II
Hydrocodone	II
Hydromorphone	II
Lysergic Acid Diethylamide	I
Mescaline	I
3,4-Methylenedioxy Amphetamine	I
3,4,5-Trimethoxy Amphetamine	I

Sigma Chemical Co., 3500 DeKalb St., St. Louis, Mo. 63118 (Jan. 18, 1974).

Drug:	Schedule
Amobarbital	II
Amphetamine	II
Bufotenine	I
Dimethyltryptamine	I
Mescaline	I
Methamphetamine	II
Pentobarbital	II
Secobarbital	II

Wyeth Laboratories, Inc., Lancaster Pike and Morehall Rd., P.O. Box 861, Paoli, Pa. 19301 (May 31, 1974).

Drug:	Schedule
Secobarbital	II

In addition, on December 24, 1974, notice of application for registration for the importation of codeine (Schedule II) by McNeil Laboratories, Inc., Camp Hill Road, Fort Washington, Pennsylvania was published in the FEDERAL REGISTER (39 FR 44465).

In response to the above notices, several comments and objections were received, specifically:

(a) Arenol Chemical Corporation, Long Island City, New York (a currently registered domestic bulk manufacturer of methamphetamine and amphetamine), commented that the applications relating to the importation of amphetamine or methamphetamine should be denied because (1) there are presently domestic manufacturers with production capacity sufficient to provide adequate supply "under uninterrupted and competitive conditions" and (2) importation would increase the area for possible diversion.

(b) Mallinckrodt, Inc., St. Louis, Missouri (a currently registered domestic bulk manufacturer of codeine and morphine) commented, through its attorney of record, upon the applications for registration to import codeine and morphine. Mallinckrodt deferred to DEA to make the assessments of the applicants' ability to meet various criteria to determine that the registration was consistent with the public interest, but noted "that notwithstanding registration, importers . . . are subject to the restriction of section 1002 (a) of the Controlled Substances (Import and Export) Act" with reference to determinations to be made by the Attorney General prior to the importation of Schedule II substances.

(c) Knoll Pharmaceutical Co., Whippany, New Jersey (a currently registered bulk manufacturer of dihydromorphinone), commented upon the applications for registration to import dihydromorphinone (hydromorphone) and reserved the right to a hearing until such time as any application to import this substance may be filed.

Knoll commented that under section 1002 of the Controlled Substances Import and Export Act, the criteria of an emergency shortage of supply or a lack of availability of domestic competition for dihydromorphinone have not been met. Knoll stated that the domestic supply was adequate.

(d) Regis Chemical Company, Morton Grove, Illinois (a currently registered bulk manufacturer of mescaline, dimethyltryptamine and bufotenine) filed objections to the importation of mescaline, dimethyltryptamine or bufotenine on the grounds that the domestic source of supply is adequate to meet domestic needs.

The Administrator, in reviewing the above comments, notes that, under section 1002(a)(2) of the Controlled Substances Import and Export Act, the Administrator may authorize the importation

of any controlled substance in Schedules I and II if he finds that the substance is necessary to provide for the medical, scientific, or other legitimate needs of the United States (A) during an emergency in which domestic supplies of such substance are found to be inadequate, or (B) in any case in which it is found that competition among domestic manufacturers is inadequate and will not be rendered adequate by the registration of additional manufacturers under section 303 of the Controlled Substances Act.

The Administrator, in exercising the control provided in section 1002 will not permit the importation of the above substances for which comments were filed until 1) a request for import is filed, 2) either of the above criteria (section 1002 (a)(2)(A) or (B) are demonstrated to him, and 3) domestic manufacturers have had an opportunity to object to such determination, as provided under section 1008(h).

The Administrator acknowledges the above comments in recognition of the determinations which must be made prior to approving such an importation. However, since the comments consist only of objections to the actual importation of controlled substances, rather than the registration of these applicants, the Administrator has determined that registrations should be granted to all of the applicants previously listed in this Notice.

Therefore, under the authority vested in the Attorney General by section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958), and redelegated to the Administrator of the Drug Enforcement Administration by § 0.100, as amended, Title 28, Code of Federal Regulations, the Administrator hereby grants registrations as importers of controlled substances to Abbott Laboratories; A. H. Robins Co., Inc.; Applied Science Laboratories, Inc.; Arnar-Stone Laboratories, Inc.; Beecham-Massengill Pharmaceuticals, Division of Beecham, Inc.; Center for Studies of Narcotic and Drug Abuse, DHEW, HSA, Supply Service Center; Ciba-Geigy Corp.; Cord Laboratories, Inc.; Elkins-Sinn, Inc., subsidiary of Medical Electroscience and Pharmaceuticals; First Chemical Products, Inc.; Hoffman-LaRoche, Inc.; J. H. Delamar and Son, Inc.; National Institute on Drug Abuse, DHEW; Sigma Chemical Co.; Wyeth Laboratories, Inc.; and McNeil Laboratories, Inc., such individual registrations being limited to only those particular basic classes and schedules of controlled substances for which each registrant specifically applied, as indicated in the lists reproduced previously in this notice, and as published in the FEDERAL REGISTER in notices on November 19, 1974, at 39 FR 40593 and on December 24, 1974, at 39 FR 44465.

Dated: March 3, 1975.

JOHN R. BARTELS, JR.,  
Administrator,

Drug Enforcement Administration,  
[FR Doc.75-6032 Filed 3-6-75; 8:45 am]

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MANAGER, LAKE STATES OFFICE  
EASTERN STATES OFFICE

## Authority Redesignation

Pursuant to the authority of Bureau Order 701, dated July 23, 1964, as amended, the Manager, Lake States Office of the Eastern States Office of the Bureau of Land Management is authorized to perform in his area of responsibility and in accordance with the existing policies, regulations, and procedures of this Department, and under the direct supervision of the Director, Eastern States, those functions listed in Part I of Bureau Order 701 and specified below, subject to the limitations listed in Part I, together with any limitations specified.

## AUTHORITY IN SPECIFIED MATTERS

SECTION 1.2 General and miscellaneous matters. On matters in which he is authorized to act, the Manager, Lake States Office, may take all actions on:

(b) Cancellations or surrenders of contracts.

(c) Copies of records.

(1) Acquisition of lands or interest in lands.

Sec. 1.3 Fiscal affairs. On matters in which he is authorized to act, the Manager may take all actions on:

(a) Bonds and forfeitures.

(c) Repayments.

(d) Trespass. Determine liability for trespass on public lands when of amount. Dispose of resources recovered in trespass cases for not less than the appraised value thereof.

Sec. 1.6 Minerals. The Manager may take all actions on:

(m) Oil and gas exploration operations.

Sec. 1.7 Range management. The Manager may take all the listed actions on:

(b) Grazing leases.

(c) Appropriation of water.

(d) Soil and moisture conservation.

(e) Controlled brush burning. In accordance with plans and specifications approved by the Director, Eastern States.

(f) Protection of wild free-roaming horses and burros.

Sec. 1.8 Forest management. The Manager may take all the actions on:

(a) Disposition of forest products, not exceeding \$5,000 in value.

Sec. 1.9 Land use. The Manager may take all the listed action on:

(g) Disposition of material other than forest products, not exceeding \$2,000 in value.

(m) Temporary rights-of-way. Grant rights-of-way over public and acquired lands pursuant to 43 CFR 2811.

(o) Special land-use permits.

(z) Recreation.

Sec. 1.10 Designation of Acting Officials. The Manager, Lakes States Office may designate by written order, any qualified employees in his office to perform the functions of the Manager in his absence. The Director, Eastern States may at any time temporarily reserve, restrict or withhold any portion of the

above delegated authority. This order will become effective March 7, 1975.

Dated: February 27, 1975.

LOWELL J. UBY,  
Director, Eastern States.

Approved:

GEORGE L. TURCOTT,  
Associate Director.

[FR Doc.75-6037 Filed 3-6-75;8:45 am]

Fish and Wildlife Service  
ENDANGERED SPECIES PERMIT  
Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:

Walter O. Stieglitz  
Refuge Manager  
San Francisco Bay National Wildlife Refuge  
U.S. Fish and Wildlife Service  
3849 Peralta Boulevard, Suite D  
Fremont, California 94536

To Division of Law Enforcement, USFWS  
Washington, DC.

From: Refuge Manager, San Francisco Bay National Wildlife Refuge, Fremont, CA.  
Subject: Application for Permit for Scientific Research on the California Clapper Rail (*Rallus longirostris oboletus*).

This is a request for a permit to conduct scientific research on the California clapper rail as required by the Endangered Species Act of 1973 and under the provisions of Part 13—General Permit Procedures of 50 C.F.R. 13.

1. Walter O. Stieglitz, Refuge Manager, San Francisco Bay National Wildlife Refuge, U.S. Fish and Wildlife Service, 3849 Peralta Boulevard, Suite D, Fremont, CA 94536, Telephone: (415) 702-0222.

2. Not applicable.

3. Director Lynn A. Greenwalt, U.S. Fish and Wildlife Service, Washington, DC 20240.

4. San Francisco Bay Region and Elkhorn Slough, California.

5. Type of Permit: Endangered wildlife, scientific. To collect up to 10 eggs of the California clapper rail for pesticide analysis and eggshell thickness determinations.

Total numbers of the California clapper rail have declined significantly in recent years. Census data collected during 1971 in south San Francisco Bay, which contains the highest quality remaining rail habitat, indicated a population of 2,400 to 2,900. Based on 1973-1974 data, it is estimated that the rail population in the same area has declined to approximately 600 to 700. There is no obvious factor present to account for the population decline. One potential causal factor may be the effects of pesticides on reproduction. It is proposed that 10 clapper rail eggs be collected from 10 different nests during the 1975 nesting season for analysis. These collections should not significantly affect the rail population. The average clutch size is 7.62 (San Francisco Bay data) and the hatchability of eggs in successful nests is 87.3 percent (New Jersey data).

Eggs collected will be analyzed for residues of chlorinated hydrocarbons, PCB's, and heavy metals. Eggshell thickness data will be obtained and comparisons made with earlier collections.

It is requested that the permit authorize collections by the permittee and others working under his direction and supervision.

6. Not applicable.

7. I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

8. Effective date April 1, 1975. Termination of permit December 31, 1975.

9. January 20, 1975.

10. Walter O. Stieglitz.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments on or before April 7, 1975, will be considered.

Dated: March 3, 1975.

MARSHALL L. STINNETT,  
Acting Chief, Division of Law  
Enforcement, U.S. Fish and  
Wildlife Service.

[FR Doc.75-6018 Filed 3-6-75;8:45 am]

National Park Service  
CONSULTING COMMITTEE TO THE NATIONAL SURVEY OF HISTORIC SITES AND BUILDINGS

## Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Consulting Committee to the National Survey of Historic Sites and Buildings will be held at 8:30 a.m., e.d.t., on March 24 and 25, 1975, in Conference Room 7000 B in the Department of the Interior Building, Washington, D.C.

The purpose of the Consulting Committee is to review and evaluate studies, of potential national historic landmarks prepared by the National Survey. The Committee's evaluation is the initial screening of potential historic landmarks. Its recommendations are forwarded to the Secretary of the Interior's Advisory Board on National Parks, Historic Sites, Buildings, and Monuments for a final review.

The members of the Consulting Committee are:

Dr. Richard H. Howland (Chairman)  
Washington, D.C.

Dr. John O. Brew  
Cambridge, Massachusetts

Mr. Herbert E. Kahler  
Alexandria, Virginia

Dr. Walter L. Creese  
Urbana, Illinois

Professor Frederick D. Nichols  
Charlottesville, Virginia

Dr. Henry A. Millon  
Cambridge, Massachusetts

Mr. James Biddle  
Washington, D.C.

Mr. Charles E. Lee  
Columbia, South Carolina  
Dr. Dorothy B. Porter  
Washington, D.C.  
Dr. John W. Huston  
Annapolis, Maryland

The subjects that are to be evaluated are:

1. "Political and Military Affairs, 1865-1914."
2. A portion of the subtheme "Science and Invention."
3. A group of studies done by the Afro-American Bicentennial Corporation within three themes: "Political and Military Affairs," "Westward Expansion, 1763-1898," and "America at Work."
4. A segment of the theme "Architecture."

There will also be the following Special Studies:

1. The United States Mint, New Orleans, Louisiana.
2. The Governor's Mansion, Jackson, Mississippi.
3. A special study of major 19th-century suspension bridges.

The meeting will be open to the public. However, facilities and space for accommodating the public are limited. It is expected that not more than 10 persons will be able to attend the sessions. Any member of the public may file with the Consulting Committee a written statement on the subjects to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Dr. A. R. Mortensen, Director, Office of Archeology and Historic Preservation, 202-523-5275. Minutes of the meeting will be available for public inspection six weeks after the meeting at the Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, Washington, D.C.

Date: February 25, 1975.

A. R. MORTENSEN,  
Director, Office of Archeology  
and Historic Preservation, National  
Park Service.

[FR Doc.75-6083 Filed 3-6-75;8:45 am]

Office of the Secretary  
**ENERGY RESEARCH AND  
DEVELOPMENT ADMINISTRATION**  
GOVERNMENT/INDUSTRY OIL SHALE  
IN-SITU CONFERENCE  
Meeting

Notice is hereby given that the U.S. Department of the Interior and the U.S. Energy Research and Development Administration will jointly host a meeting with representatives from industry interested in *in situ* oil shale development. The meeting will be held Wednesday, March 19, 1975, at 9:30 a.m. in the Department of the Interior Auditorium, 18th and C Streets, NW, Washington, D.C. The meeting will be open to the public to the extent that space and facilities permit.

The purpose of the meeting is to discuss the accelerated oil shale *in situ* program of the Government administered by the two agencies.

Further information with respect to the meeting may be obtained from Mr. Harry R. Johnson, Acting Director, Office of Research and Development, U.S. Department of the Interior, Washington, D.C., telephone number (202) 343-8944.

Dated: March 5, 1975.

JACK W. CARLSON,  
Assistant Secretary  
of the Interior.

S. WILLIAM GOUSE, JR.,  
Deputy Assistant Administrator,  
Fossil Fuels Energy Research  
& Development Administration.

[FR Doc. 75-6082 Filed 3-6-75; 8:45 am]

**DEPARTMENT OF COMMERCE**  
Domestic and International Business  
Administration

[File No. 3-170-B; Case No. 365]

SCHIFTER & CO., ET AL.

Order Conditionally Restoring Export  
Privileges

By an Order effective May 21, 1964 (29 FR 6697) as supplemented by an Order dated May 25, 1964 (29 FR 7163), Schifter & Company, Herbert E. Schifter, Alice Helm, and Dr. Franz Helm of Vienna, Austria, were denied U.S. export privileges for an indefinite period. By letters dated May 30, 1974, and June 6, 1974, the respondents have filed applications for removal from the Table of Denial and Probation Orders. The applications were referred to the Hearing Commissioner and duly considered by him. He has reported that it appears from the respondents' representations in their written submissions and orally in the hearing held on October 4, 1974, and otherwise from information in the possession of the Compliance Division, Office of Export Administration, that conditional and limited restoration of the respondents' export privileges is consistent with the purposes of the export administration program. The Hearing Commissioner has recommended that an Order be entered conditionally restoring export privileges to the respondents, limiting restoration to the export of general license commodities and placing the respondents on probation for the duration of export controls.

The undersigned has considered the record herein and concurs with the Hearing Commissioner that conditional restoration of the respondents' export privileges, limiting such restoration to the export of general license commodities and placing them on probation for the duration of export controls is consistent with the purposes of the U.S. Export Administration Act of 1969, as amended and extended, and the regulations issued thereunder.

Accordingly, it is hereby ordered:

The export privileges of the respondents, Schifter & Company, Herbert E. Schifter, Alice Helm, and Dr. Franz Helm, are restored conditionally and the respondents are placed on probation for

the duration of export controls. The conditions of the restoration on probation are as follows: (1) The respondents shall fully comply with all of the requirements of the Export Administration Act of 1969, as amended and extended, and all regulations, licenses, and orders issued thereunder. (2) The respondents' export privileges will be limited to general license commodities. (3) This Order shall extend not only to the respondents, but also to their partners, representatives, agents, employees, and assigns, and to any person, partnership, corporation, or other business organization with which the respondents now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or other services connected therewith. (4) The respondents shall, upon request of the Office of Export Administration or a representative of the United States Government acting on its behalf, promptly and fully disclose the details of participation in any and all transactions involving U.S.-origin commodities or technical data, including information as to the disposition or intended disposition of such commodities or technical data and shall, upon request, furnish all records and documents relating to such matters. Further, on request, the respondents shall promptly disclose the names and addresses of partners, agents, representatives, employees, and other persons associated with them in trade or commerce.

While this Order is in effect, no United States citizen and no other person, firm, corporation, partnership or other business organization in the United States, shall make any exportation to the respondents, or participate in any way in making or effecting an exportation to the respondents, of any commodity or technical data requiring a validated export license.

Upon a finding by the Director, Office of Export Administration, or such other official as may be exercising the duties now exercised by the Director, that the respondents have failed to comply with any of the conditions of probation, the Director or such other official, with or without prior notice to the respondents, may by supplemental order, revoke the probation of any or all of the respondents and deny all export privileges for such period as is deemed appropriate. Such supplementary order shall not preclude the Bureau of East-West Trade from taking further action as may be warranted for any violation.

This order shall become effective forthwith and supersedes the denial orders previously issued against the respondents and will remain in effect until modified or vacated by a subsequent order.

Dated: February 25, 1975.

RAUER H. MEYER,  
Director,  
Office of Export Administration.

[FR Doc.75-6035 Filed 3-6-75;8:45 am]

**National Bureau of Standards  
ADVISORY COMMITTEE FOR INTERNA-  
TIONAL LEGAL METROLOGY**

**Meeting**

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Advisory Committee for International Legal Metrology will be held in Lecture Room A, Building 101, at the National Bureau of Standards, Gaithersburg, Md., from 1 p.m. to 5 p.m. on April 29 and from 9 a.m. to 5 p.m. on April 30, 1975.

The purpose of the Committee is to advise the Secretary of Commerce through the Director, National Bureau of Standards, on technical and policy matters relating to the Department's general responsibility for the development of U.S. positions on technical issues arising in the International Organization of Legal Metrology (OIML).

The Committee is composed of approximately 20 members representing government, professional metrology societies, national standards bodies, and industry and trade associations.

The Agenda for the meeting will include a discussion of U.S. held technical committee secretariats within OIML and Work Plans for these secretariats. The Committee will also review the Agenda for the June meeting of the International Committee for Legal Metrology to be held in Paris, France, and will recommend U.S. positions on various draft OIML Recommendations.

The meeting will be open to the public; applications for admission will be accepted and granted on a first come-first served basis. These applications should be sent to Mr. David E. Edgerly, Committee Secretary, Advisory Committee for International Legal Metrology, Building 101, Room A413, National Bureau of Standards, Washington, D.C. 20234, telephone (301) 921-3662.

Dated: February 28, 1975.

RICHARD W. ROBERTS,  
*Director.*

[FR Doc.75-5985 Filed 3-6-75;8:45 am]

**COMMERCIAL STANDARD  
Action on Proposed Withdrawal**

*Correction*

In FR Docs 75-5534 and 75-5535, in the issue for Monday, March 3, 1975, appearing at page 8845, the headings should read as set forth above.

**Maritime Administration**

[Docket No. S-439]

**ACHILLES MARINE SHIPPING CO. ET AL.**

**Notice of Amended Applications**

In FR Doc. 74-24338, appearing in the FEDERAL REGISTER on October 18, 1974 (39 FR 37229), notice was given that Achilles Marine Shipping Company, Ajax Marine Shipping Company and

Athena Marine Shipping Company, Delaware corporations, had filed applications with the Maritime Subsidy Board requesting long term operating-differential subsidy on six (two each) new (to be constructed) diesel-powered tanker vessels of approximately 51,000 deadweight tons each. Said Notice stated that such vessels will be operated in worldwide carriage of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States not subject to the presently existing cargo preference statutes of the United States including, but not limited to 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a.

Subsequently, the application of Achilles Marine Shipping Company has been withdrawn and new applications (one ship each) have been submitted in lieu thereof by Aeron Marine Shipping Company and Achilles Marine Company. In addition, the applications of Ajax Marine Shipping Company and Athena Marine Shipping Company have now been amended to conform with the service description contained in the applications of Aeron Marine Shipping Company and Achilles Marine Company. Therefore:

Notice is hereby given that Ajax Marine Shipping Company, Athena Marine Shipping Company, Aeron Marine Shipping Company (Delaware corporations) and Achilles Marine Company (a New York limited partnership) have filed applications with the Maritime Subsidy Board pursuant to Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended (the Act), requesting long term operating-differential subsidy on six (two each for Ajax Marine Shipping Company and Athena Marine Shipping Company and one each for Aeron Marine Shipping Company and Achilles Marine Company) new (to be constructed) diesel-powered tanker vessels of approximately 51,000 deadweight tons each. Such vessels will be operated in world-wide carriage of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States not subject to the cargo preference statutes of the United States including, but not limited to, 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a, but without prejudice to any rights which Applicants may have to carry petroleum or petroleum products under any legislation hereinafter enacted requiring that a portion of all such cargoes transported on ocean vessels for import into the United States shall be transported on United States-flag commercial vessels, in conformity with rules or regulations promulgated thereunder by the Secretary of Commerce.

Any person having an interest in the granting of one or any of such applications and who would contest a finding by the Maritime Subsidy Board that the service now provided by vessels of United

States registry for the world-wide carriage of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States as proposed must, on or before March 27, 1975, notify the Board's Secretary, in writing, of his interest and his position and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201).

Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605 (c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing. Further, each such statement shall identify the applicant or applicants against which the intervention is lodged.

In the event that a section 605(c) hearing is ordered to be held with respect to any of the applications identified hereinabove the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for world-wide movement of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States is inadequate and whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

Dated: March 4, 1975.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,  
*Secretary.*

[FR Doc.75-6054 Filed 3-6-75;8:45 am]

**Office of the Secretary  
CTAB PANEL ON SULFUR OXIDE  
CONTROL TECHNOLOGY**

**Meetings**

The Panel on Sulfur Oxide Control Technology was formed under the U.S. Department of Commerce Technical Advisory Board (CTAB) to provide the Secretary an assessment of how the utility industry in the Northeastern United States can best utilize sulfur-bearing Appalachian coal in meeting energy needs while complying with the Clean Air Act of 1970. This notice provides the schedule for the following meeting.

Date	Time	Purpose	Meeting place
Apr. 7, 1975	8:30 a.m. to 5 p.m.	Critique of draft panel report	Room 6802, Main Commerce Bldg., Washington, D.C.
Apr. 8, 1975	do	Critique and rewrite of draft panel report	Room 4833, Main Commerce Bldg., Washington, D.C.
Apr. 9, 1975	do	Rewrite of draft and assignments	Room 4830, Main Commerce Bldg., Washington, D.C.
Apr. 10, 1975	do	do	Room 6802, Main Commerce Bldg., Washington, D.C.



A limited number of seats will be available to the press and to the public. Written statements or inquiries may be filed with the Chairman before or after any of these meetings.

Persons desiring further information on the Panel or on individual meetings should contact Dr. Bruce B. Robinson, Room 3877, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC. 20230.

Dated: February 28, 1975.

BETSY ANCKER-JOHNSON,  
Assistant Secretary for Science  
and Technology, U.S. Department  
of Commerce.

[FR Doc.75-6029 Filed 3-6-75;8:45 am]

Social and Economic Statistics  
Administration

**CENSUS ADVISORY COMMITTEE ON THE  
SPANISH ORIGIN POPULATION FOR  
THE 1980 CENSUS**

Establishment

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) and Office of Management and Budget Circular A-63 (revised March 27, 1974), and after consultation with OMB, the Secretary of Commerce has determined that the establishment of the Census Advisory Committee on the Spanish Origin Population for the 1980 Census is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee will provide an organized and continuing channel of communication between the Spanish origin population and the Bureau of the Census on the problems and opportunities of the Twentieth Decennial Census as they relate to the Spanish origin population of the United States. Experience has shown that there is a special need for such communication. Major efforts to improve statistics on the Spanish origin population are necessary since decennial census data are widely used for such critical matters as legislative apportionment, allocation of government funds, and public and private program planning.

Having an established channel of communication will be helpful to the Census Bureau in its efforts to develop the techniques and approaches which might yield the necessary improvements. To the extent that these efforts are successful, there will be direct and substantial gain to both the Census Bureau and the Spanish origin population.

The Committee will draw on the knowledge and insight of its members to provide advice during the planning of the 1980 Census of Population and Housing on such elements as improving the accuracy of the population count, developing definitions and terminology for improved identification and classification of the Spanish origin population, suggesting areas of research, recommending subject content and tabulations of par-

ticular use to the Spanish origin population, expanding the dissemination of census results among present and potential users of census data in the Spanish origin community, and generally maximizing the usefulness of the census product to the Nation's second largest minority group and other users.

The Committee will consist of 21 members appointed by the Secretary of Commerce from among a broad spectrum of community leaders, scholars, and other appropriate persons. The Committee will report and be responsible to the Director, Bureau of the Census. The Committee will function solely as an advisory body, and in compliance with the Federal Advisory Committee Act and Office of Management and Budget Circular A-63 (revised March 27, 1974).

The Charter for the Committee will be filed under the Act, 15 days after publication of this notice.

Dated: February 11, 1975.

GUY W. CHAMBERLIN, Jr.,  
Acting Assistant Secretary  
for Administration.

[FR Doc.75-5989 Filed 3-6-75;8:45 am]

United States Travel Service  
**TRAVEL ADVISORY BOARD**  
Meeting

The Travel Advisory Board of the U.S. Department of Commerce will meet on April 8, 1975, at 9:30 a.m., in Room 4830, of the Main Commerce Building, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230.

Established in July, 1968, the Travel Advisory Board consists of senior representatives of 15 U.S. travel industry segments who are appointed by the Secretary of Commerce to serve two year terms.

Members advise the Secretary of Commerce and Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purposes of the International Travel Act of 1961, as amended. A detailed agenda for the meeting will be published in the Federal Register in advance of the meeting.

A limited number of seats—approximately 14—will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available the presentation of oral statements will be allowed.

Robert Jackson, Director of Information Services, of the United States Travel Service, Room 1525, U.S. Department of Commerce, Washington, D.C. (telephone 202/967-4987) will respond to public requests for information about the meeting.

C. LANGHORNE WASHBURN,  
Assistant Secretary for Tourism,  
U.S. Department of Commerce.

[FR Doc.75-5981 Filed 3-6-75;8:45 am]

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Food and Drug Administration  
ADVISORY COMMITTEES

Meetings

Correction

In FR Doc. 75-4282, appearing at page 7112 in the issue of Wednesday, February 19, 1975, make the following change:

The words "transformer, surface materials (conduc-)" should follow the sixth line of text in column two.

Office of Education

IMPROVEMENT OF UNDERGRADUATE  
INSTRUCTION

Notice of Allotment Ratios

Pursuant to section 602 of the Higher Education Act of 1965, Pub. L. 89-329, as amended (79 Stat. 1261, 20 U.S.C. 1122), which provides for financial assistance for the improvement of undergraduate instruction, and on the basis of the average of the incomes per person of each of the States and of all the States for the three most recent consecutive calendar years for which satisfactory data are available from the Department of Commerce, notice is hereby given that the following allotment ratios for the States are effective with the respect to the allotment of such funds as are appropriated for the fiscal year ending June 30, 1975.

Alabama	0.6242
Alaska	.4186
Arizona	.5310
Arkansas	.6324
California	.4401
Colorado	.5006
Connecticut	.3963
Delaware	.4257
Florida	.5213
Georgia	.5717
Hawaii	.4308
Idaho	.5832
Illinois	.4277
Indiana	.5179
Iowa	.5280
Kansas	.5093
Kentucky	.6023
Louisiana	.6081
Maine	.5933
Maryland	.4574
Massachusetts	.4551
Michigan	.4046
Minnesota	.5173
Mississippi	.6618
Missouri	.5212
Montana	.5612
Nebraska	.5194
Nevada	.4332
New Hampshire	.5269
New Jersey	.4138
New Mexico	.6050
New York	.4082
North Carolina	.5854
North Dakota	.5900
Ohio	.4948
Oklahoma	.5775
Oregon	.5265
Pennsylvania	.5011
Rhode Island	.5002
South Carolina	.6192
South Dakota	.5983
Tennessee	.5999
Texas	.5526

Utah	5871
Vermont	5824
Virginia	5290
Washington	4975
West Virginia	6067
Wisconsin	5232
Wyoming	5245
District of Columbia	3333
American Samoa	6667
Guam	6667
Puerto Rico	6667
Virgin Islands	6667

(20 U.S.C. 1122)

(Catalog of Federal Domestic Assistance Number 13.518; Higher Education Instructional Equipment)

Dated: March 3, 1975.

**T. H. BELL,**  
U.S. Commissioner of Education.  
[FR Doc.75-6042 Filed 3-6-75;8:45 am]

### NATIONAL ADVISORY COUNCIL FOR CAREER EDUCATION

#### Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the meeting of the National Advisory Council for Career Education will be held on March 31 and April 1, 1975, from 9 a.m. to 4:30 p.m., at 400 Maryland Avenue, SW., Room 3000, Washington, D.C.

The National Advisory Council for Career Education is established under section 406 of the Education Amendments of 1974, Pub. L. 93-380. (88 Stat. 552, 553). The Council is directed to:

Advise the Commissioner of Education on the implementation of section 406 of the Education Amendments of 1974 and carry out such advisory functions as it deems appropriate, including reviewing the operation of this section and all other programs of the Division of Education pertaining to the development and implementation of career education, evaluating their effectiveness in meeting the needs of career education throughout the United States, and in determining the need for further legislative remedy in order that all citizens may benefit from the purposes of career education as described in Section 406. The Council with the assistance of the Commissioner shall conduct a survey and assessment of the current status of career education programs, projects, curricula and materials in the United States and submit to Congress, not later than November 1, 1975, a report on such survey. The report should include recommendations of the Council for new legislation designed to accomplish the policies and purposes set forth in subsections (a) and (b) of Section 406.

The meeting of the Council shall be open to the public. The proposed agenda includes:

Introduction and Oath of Office for Council Members  
National Evaluation  
Current Status of Career Education  
Review of Mission Consistent with Statutes

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of Career

Education located in Room 3100, 7th and D Streets, SW, Washington, D.C. 20202).

**JOHN LINDIA,**  
Deputy Director  
for Career Education.

[FR Doc.75-6043 Filed 3-6-75;8:45 am]

### National Institutes of Health

#### STUDY SECTIONS

#### Notice of Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the following study sections for April 1975 and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to Study Section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in sections 552(b) (4), 552(b) (5) and 552(b) (6), Title 5, U.S. Code and

section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of study section members on individual applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Richard Turlington, Chief, Grants Inquiries Office of the Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20014, telephone area code 301-496-7441 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each Executive Secretary whose name, room number, and telephone number are listed below each study section. Anyone planning to attend a meeting should contact the Executive Secretary to confirm the exact meeting time.

Study section	April 1975 meetings	Time	Location
Allergy and immunology, Dr. Mischa E. Friedman, room 320, telephone 301-496-7380.	19 to 22	8:45	Holiday Inn, Chevy Chase, Md.
Applied physiology and bioengineering, Mrs. Ileen E. Stewart, room 318, telephone 301-496-7581.	11 to 13	8:30	Philadelphia Sheraton Hotel, Philadelphia, Pa.
Bacteriology and mycology, Dr. Milton Gordon, room A-27, telephone 301-496-7340.	10 to 12	do	Holiday Inn, Chevy Chase, Md.
Biochemistry, Dr. Irving Simos, room 350, telephone 301-496-7516.	17 to 20	Noon	Linden Hill, Bethesda, Md.
Biomedical communications, Mrs. Ileen E. Stewart, room 318, telephone 301-496-7581.	24 to 25	9:00	Bldg. 31, Bethesda, Md.
Biophysics and biophysical chemistry A, Dr. Irvin Fuhr, room 4A-06, telephone 301-496-7000.	25 to 26	do	Mayflower Hotel, Washington, D.C.
Biophysics and biophysical chemistry B, Dr. John B. Wolf, room 4A-07, telephone 301-496-7070.	25 to 27	8:30	Holiday Inn, Bethesda, Md.
Cardiovascular and pulmonary, Dr. Berton J. Leach, room 330, telephone 301-496-7901.	9 to 12	do	Do.
Cardiovascular and renal, Dr. Floyd O. Atchley, room 339, telephone 301-496-7901.	do	8:30	Do.
Cell biology, Dr. Evelyn A. Horenstein, room 4A-04, telephone 301-496-7020.	24 to 27	9:00	Do.
Communicative sciences, Mr. Frederick J. Gutter, room 321, telephone 301-496-7550.	16 to 18	8:30	Do.
Computer and biomathematical sciences, Dr. Bernice S. Lipkin, room 310, telephone 301-496-7588.	23 to 25	9:00	Mayflower Hotel, Washington, D.C.
Oral biology and medicine, Dr. Thomas M. Turpley, Jr., room 4A-08, telephone 301-496-7818.	29 to May 2	do	Holiday Inn, Bethesda, Md.
Developmental behavioral sciences, Dr. Bertie H. R. Woolf, room 4A-10, telephone 301-496-7471.	21 to 23	do	Do.
Endocrinology, Mr. Morris M. Graff, room 333, telephone 301-496-7316.	7 to 10	7 p.m.	Sheraton Inn, Silver Spring, Md.
Epidemiology and disease control, Mr. Glenn G. Lamson, Jr., room 4A-11, telephone 301-496-7080.	9 to 11	8:30	Santa Ynez Inn, Pacific Palisades, Calif.
Experimental psychology, Dr. A. Keith Murray, room 220, telephone 301-496-7004.	23 to 26	9:30	Shoreham Hotel, Washington, D.C.
Experimental therapeutics, Dr. Anne R. Bourke, room 319, telephone 301-496-7829.	9 to 12	2 p.m.	Bldg. 31, Bethesda, Md.
General medicine A, Dr. Harold M. Davidson, room 354, telephone 301-435-7707.	30 to May 2	9:00	Bellevue Stratford Hotel, Philadelphia, Pa.
General medicine B, Dr. William F. Davis, Jr., room 322, telephone 301-496-7730.	20 to 23	1 p.m.	Chase Park Plaza Hotel, St. Louis, Mo.
Genetics, Dr. Katherine S. Wilson, room 349, telephone 301-496-7771.	23 to 26	9:00	Bldg. 31, Bethesda, Md.
Hematology, Dr. Joseph E. Hayes, Jr., room 355, telephone 301-496-7508.	20 to 24	do	Holiday Inn, Chevy Chase, Md.
Human embryology and development, Dr. Samuel Moss, room 221, telephone 301-496-7597.	13 to 16	1 p.m.	Denver Hilton Hotel, Denver, Colo.
Immunobiology, Dr. James H. Turner, room A-25, telephone 301-496-7780.	23 to 25	9:00	Connecticut Inn, Washington, D.C.
Medicinal chemistry A, Dr. Asher A. Hyatt, room 222, telephone 301-496-7286.	10 to 12	do	Marriott Motor Motel, Crystal City, Va.
Medicinal chemistry B, Mr. Richard P. Bratzel, room 222, telephone 301-496-7286.	11 to 13	do	Benjamin Franklin Hotel, Philadelphia, Pa.
Metabolism, Dr. Robert M. Leonard, room 218, telephone 301-496-7091.	23 to 26	8:30	Holiday Inn, Bethesda, Md.
Microbial chemistry, Dr. Gustave Silber, room 327, telephone 301-496-7130.	24 to 27	do	Bldg. 31, Bethesda, Md.
Molecular biology, Dr. Donald T. Disque, room 328, telephone 301-496-7830.	17 to 19	do	Club Room B, Shoreham Hotel, Washington, D.C.
Neurology A, Dr. William E. Morris, room 326, telephone 301-496-7085.	23 to 26	9:00	Holiday Inn, Chevy Chase, Md.

Study section	April 1975 meetings	Time	Location
Neurology B, Dr. Willard L. McFarland, room 2A-10, telephone 301-496-7422.	17 to 19.....	8:30.....	Embassy Row Hotel, Washington, D.C.
Nutrition, Dr. John R. Schubert, room 204, telephone 301-496-7178.	23 to 25.....	do.....	Holiday Inn, Bethesda, Md.
Pathology A, Dr. William B. Savchuck, room 337, telephone 301-496-7305.	11 to 13.....	9:00.....	Sheraton Inn, Silver Spring, Md.
Pathology B, Dr. James K. MacNamee, room 352, telephone 301-496-7244.	24 to 26.....	8:30.....	Linden Hill, Bethesda, Md.
Pharmacology, Dr. Joseph A. Kaiser, room 334, telephone 301-496-7408.	27 to May 1..	9:00.....	Bldg. 31, Bethesda, Md.
Physiological chemistry, Dr. Robert L. Ingram, room 338, telephone 301-496-7837.	10 to 12.....	do.....	Do.
Physiology, Dr. Clara E. Hamilton, room 213, telephone 301-496-7878.	24 to 26.....	do.....	Do.
Population research, Miss Carol A. Campbell, room 210, telephone 301-496-7140.	17 to 19.....	do.....	Washington Plaza, Seattle, Wash.
Radiation, Dr. Robert L. Straube, room 309, telephone 301-496-7510.	21 to 24.....	8:30.....	Linden Hill, Bethesda, Md.
Reproductive biology, Dr. Robert T. Hill, room 307, telephone 301-496-7318.	23 to 25.....	do.....	Holiday Inn, Bethesda, Md.
Surgery A, Dr. Raymond J. Helvig, room 336, telephone 301-496-7771.	17 to 18.....	do.....	Bldg. 31, Bethesda, Md.
Surgery B, Dr. Joe W. Atkinson, room 348, telephone 301-496-7506.	do.....	do.....	Do.
Toxicology, Dr. Rob S. McCutcheon, room 226, telephone 301-496-7570.	11 to 13.....	8:30.....	Benjamin Franklin Hotel, Philadelphia, Pa.
Tropical medicine and parasitology, Dr. George W. Luttermoser, room 319, telephone 301-496-7404.	23 to 26.....	8:30.....	Bldg. 31, Bethesda, Md.
Virology, Dr. Claire H. Winestock, room 340, telephone 301-496-7128.	17 to 19.....	9:00.....	Holiday Inn, Bethesda, Md.
Visual sciences A, Dr. Orvil E. A. Bolduan, room 2A-05, telephone 301-496-7183.	24 to 27.....	2 pm.....	St. Armand's Inn, Sarasota, Fla.
Visual sciences B, Dr. Marie A. Jakus, room 353, telephone 301-496-7251.	24 to 27.....	9:00.....	Lido Biltmore Hotel, Sarasota, Fla.

(Catalog of Federal Domestic Assistance Program Nos. 13.333, 13.349, 13.393-13.396, 13.836-13.844, 13.846-13.871, 13.876, National Institutes of Health, DHEW)

Dated: February 28, 1975.

SUZANNE L. FREMEAUX,  
Committee Management  
Officer, NIH.

[FR Doc.75-5886 Filed 3-6-75;8:45 am]

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Office of the Secretary

[Docket No. D-75-309]

**SECRETARY OF HEALTH, EDUCATION, AND WELFARE**

Authority Delegation

Pursuant to the authority vested in me to exercise certain of the powers and authorities of the President with respect to Federal disaster assistance pursuant to section 1 of the Executive Order entitled, "Delegating Disaster Relief Functions Pursuant to the Disaster Relief Act of 1974" (E.O. 11795, 39 FR 25939, dated July 11, 1974), I hereby delegate to the Secretary of Health, Education, and Welfare, subject to the general policy guidance and coordination of the Administrator of the Federal Disaster Assistance Administration:

1. The authority, functions, and powers granted by Section 413 of the Disaster Relief Act of 1974 (88 Stat. 143, 42 USC 5121 Note.) to provide professional counseling services to victims of major disasters in order to relieve mental health problems caused or aggravated by such major disaster or its aftermath (with the exception of financial assistance to State or local agencies or private mental health organizations to provide such services or training of disaster workers, which has been delegated to the Administrator of the Federal Disaster Assistance Administration); and

2. With the concurrence of the Administrator of the Federal Disaster Assistance Administration, the authority to issue such rules and regulations as may be necessary and appropriate to effectuate this delegation.

(Disaster Relief Act of 1974, 88 Stat. 143, 42 U.S.C. 5121n.; sec. 7.(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); Executive Order 11795, signed July 11, 1974, 39 FR 25939)

Effective date. This delegation shall be effective March 7, 1975.

Dated: October 29, 1974.

Issued at Washington, D.C. on this date.

JAMES T. LYNN,  
Secretary,  
Housing and Urban Development.

I consent:

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

[FR Doc.75-6050 Filed 3-6-75;8:45 am]

**ADMINISTRATIVE CONFERENCE OF THE UNITED STATES**

**COMMITTEE ON COMPLIANCE AND ENFORCEMENT PROCEEDINGS**

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Compliance and Enforcement Proceedings of the Administrative Conference of the United States, to be held at 10 a.m., April 7, 1975 in the offices of the Chairman of the Administrative Conference of the United States, Suite 500, 2120 L Street NW., Washington, D.C.

The Committee will meet to consider: (1) A report and recommendation by Professor Jerry Mashaw on Private En-

forcement of Federal Regulatory Statutes: The Citizen Suit; (2) A report and recommendation by William R. Shaw on the procedures to ensure compliance by Federal facilities with environmental quality standards; and (3) Other business.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact William R. Shaw (phone 202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,  
Executive Secretary.

MARCH 3, 1975.

[FR Doc.75-6034 Filed 3-6-75;8:45 am]

**CIVIL AERONAUTICS BOARD**

[Docket 24694]

**MIAMI-LOS ANGELES COMPETITIVE NONSTOP CASE**

Change in Date for Oral Argument

Notice is hereby given that the oral argument in this proceeding, heretofore scheduled to be held before the Board on April 2, 1975 (40 FR 8850, March 3, 1975), has been postponed to April 3, 1975, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., March 3, 1975.

[SEAL] ROBERT L. PARK,  
Chief Administrative Law Judge.

[FR Doc.75-6044 Filed 3-6-75;8:45 am]

**COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED**

PROCUREMENT LIST 1975

Addition to Procurement List

Notice of proposed addition to Procurement List 1975, November 12, 1974 (39 FR 39964) was published in the FEDERAL REGISTER on May 21, 1974 (39 FR 17883).

Pursuant to the above notice the following service is added to the Procurement List.

Keypunch and verification (OT)

Interstate Commerce Commission, Washington, D.C.

	Price per card		
	Same day service	1-day service	All other services
Keypunch.....	\$0.085	\$0.050	\$0.040
Verify.....	0.045	0.040	0.030
Keypunch and verify.....	0.095	0.090	0.070

By the Committee.

E. R. ALLEY Jr.,  
Acting Executive Director.

[FR Doc.75-6021 Filed 3-6-75;8:45 am]

#### PROCUREMENT LIST 1975

##### Proposed Additions

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 commodity and service to Procurement List 1975, November 12, 1974 (39 FR 39964).

CLASS 7510

Clip, Paper, 7510-00-161-4292.

INDUSTRIAL CLASS 7641

Furniture Rehabilitation, State of Maryland.

Comments and views regarding these proposed additions may be filed with the Committee on or before April 7, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

E. R. ALLEY, Jr.,  
Acting Executive Director.

[FR Doc.75-6020 Filed 3-6-75;8:45 am]

#### PROCUREMENT LIST 1975

##### Proposed Additions

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 Military Resale Commodities to Procurement List 1975, November 12, 1974 (39 FR 39964).

##### Item Number and Description

###### Garden tools:

- 600..... Transplanter Trowel.
- 601..... Regular Trowel.
- 602..... Cultivator.
- 603..... Weeder.
- 604..... Grass Shears.
- 605..... Pruning Shears.

###### Paint roller covers:

###### Polyester fiber:

- 720..... Paper core, 7"x3/8".
- 721..... Paper core, 9"x3/8".
- 722..... Plastic core, 7"x3/8".
- 723..... Plastic core, 9"x3/8".
- 724..... Plastic core, 7"x1/2".
- 725..... Plastic core, 9"x1/2".
- 726..... Plastic core, 7"x3/4".
- 727..... Plastic core, 9"x3/4".
- 728..... Dacron fiber, 7"x5/16".
- 729..... Dacron fiber, 9"x5/16".
- 730..... Dacron fiber, 9"x1 1/4".
- 731..... Dacron fiber, 7"x1 1/4".
- 732..... Mohair fiber, 7"x1/4".
- 733..... Mohair fiber, 9"x1/4".
- 736..... Trimmer cover refill, 3"x3/8".

###### Paint rollers:

- 741..... Frame assembly, 7".
- 742..... Frame assembly, 9".
- 746..... Trimmer paint roller, 3"x3/8".

Comments and views regarding these proposed additions may be filed with the Committee on or before April 7, 1975. Communications should be addressed to

the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,  
Executive Director.

[FR Doc.75-6022 Filed 3-6-75;8:45 am]

#### CONSUMER PRODUCT SAFETY COMMISSION

##### PUBLIC PLAYGROUND EQUIPMENT

##### Proceeding To Develop Safety-Related Requirements Under the Federal Hazardous Substances Act

The purpose of this notice is to commence a proceeding to develop safety-related requirements that may be used as the basis of a proposed regulation under the Federal Hazardous Substances Act (FHSA), applicable to public playground equipment, in order to eliminate or reduce the unreasonable risks of injury presented by such equipment.

On April 18, 1974, Elayne Butwinick of Washington, D.C., petitioned the Consumer Product Safety Commission under section 10 of the Consumer Product Safety Act (15 U.S.C. 2059) to commence a proceeding for the development of a consumer product safety standard for public playground equipment, including the surface on which the playground equipment is placed. A second petition was filed with the Commission on May 24, 1974, by Theodora Sweeney, on behalf of an *ad hoc* Playground Committee of the Coventry School PTA, Cleveland Heights, Ohio, which also requested that the Commission develop mandatory guidelines for playground equipment and surfaces.

On July 11, 1974, Butwinick amended her petition by requesting the Commission to regulate playground equipment under the Federal Hazardous Substances Act (15 U.S.C. 1261), rather than the Consumer Product Safety Act. The Commission had previously determined that playground equipment was a "toy or other article intended for use by children" and as such was subject to regulation under the FHSA.

Section 2(f)(1)(D) of the Federal Hazardous Substances Act (15 U.S.C. 1261(f)(1)(D)) provides for the classification of any toy or other article intended for use by children as a hazardous substance if the Commission determines by regulation, in accordance with section 3(e) of that Act, that a toy or other article presents an electrical, mechanical or thermal hazard as those terms are defined in section 2(r), (s), and (t) of the Act.

Under section 2(q)(1)(A) of the Act (15 U.S.C. 1261(q)(1)(A)), classification of a toy or other article intended for use by children as a hazardous substance also makes the toy or article a "banned hazardous substance".

The Commission has concluded that in order to define and enumerate what constitutes mechanical and other hazards associated with public playground equip-

ment, the development of safety-related requirements under the Federal Hazardous Substances Act is appropriate and necessary. Accordingly, it has granted the amended petition submitted by Elayne Butwinick. The Commission has determined that the best means of developing safety-related requirements for public playground equipment is to utilize a procedure similar to that specified in section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) whereby interested members of the public develop recommended consumer product safety standards for the Commission or submit appropriate previously issued or adopted standards to the Commission as recommended consumer product safety standards. These recommended standards may then be used as the basis of a proposed regulation under the FHSA. Therefore, this notice is issued to invite any person to submit to the Commission (1) an offer to develop safety related requirements for public playground equipment or (2) previously developed standards that may be used as the basis of a proposed regulation under the FHSA.

The safety-related requirements to be developed should include a definition of Public Playground Equipment. However, as a working definition for purposes of defining the scope of the recommended safety-related requirements being solicited in this FEDERAL REGISTER notice, the following will be used:

Public Playground Equipment includes those types of heavy-duty, institutional-type play and recreational apparatus, structures, equipment and devices designed, manufactured, and purchased or rented for installation and use in park and school play areas, institutions, housing developments, private recreational facilities and any other areas where public use may occur. It also includes the surfaces upon which the apparatus is installed. Custom designed and/or manufactured equipment falling within the above working definition will be included within the universe of those items to be covered by the safety-related requirements solicited in this notice. Such equipment does not include light quality, less durable play equipment normally intended for individual, residential "backyard" use. Also not included are amusement park-type rides, equipment or devices which are driven or fueled by electricity, gas, oil and/or any other, similar energy sources.

Products which fall within this definition include the following items, or variations and combinations thereof, as found in parks, playgrounds, and other public areas: climbing apparatus, seesaws, slides, swings, gliders, rings, trapeze and monkey bars, merry-go-rounds and other type of whirling and rotating apparatus, rocking and bouncing (animals on springs, etc) balancing, jumping and exercise apparatus and equipment, surfaces, etc.

It is anticipated that safety-related requirements developed as a result of these proceedings or previously developed standards that are found acceptable, may be used as the basis for a proposed regulation under section 3(e)(1) of the FHSA to ban those items of public playground equipment which present me-

chemical hazards by virtue of their not complying with the developed requirements. This notice, however, does not constitute a step in the rulemaking procedure and no regulation will be adopted without further notice and opportunity for comment as provided in section 3(e) (1) of the FHSA (15 U.S.C. 1262(e) (1)) and (5 U.S.C. 553).

The period for developing safety-related requirements applicable to public playground equipment shall end 120 days after acceptance of an offer made in response to this solicitation for offers. The Commission, however, may extend the development time if it finds, for good cause, that a longer period of time is appropriate. Any such extension will be announced by a notice in the FEDERAL REGISTER. An offeror who believes that 120 days after acceptance of an offer is inadequate may submit an estimate of the time required to develop the requirements, including a detailed schedule for each phase of the development period and an explanation why the offeror cannot develop the requirements within 120 days.

**A. Nature of the risk of injury.** Information about injuries associated with public playground equipment indicating a need for remedial action has been presented by the petitioners and has been developed by Commission staff and other sources. This includes:

1. The petitions submitted by Butwinick and Sweeney.

2. Hazard analysis of in-depth investigations conducted originally by the Food and Drug Administration, and later by the Consumer Product Safety Commission, of injuries which occurred from July 1, 1971, through December 31, 1973.

3. National Electronic Injury Surveillance System (NEISS) data reported for the calendar year 1973 projecting that over 55,000 persons receiving injuries associated with public playground equipment would require emergency room treatment.

4. Hearings of the National Commission on Product Safety, 1968-1970, Volume 2, pp. 278-286.

Copies of the above items are available for inspection in the Office of the Secretary.

The hazards associated with public playground equipment include, being struck by, falling from, being entrapped within, being cut by, breakage of and other contact with such equipment, component parts or the surfaces thereunder. The types of injuries sustained include amputation, fracture, contusions, abrasions, lacerations, concussions, strains, sprains, strangling, and death. The parts of the body involved include the head, trunk extremities, skeleton, and internal organs and vessels.

The causes of such injuries include:

1. Poorly designed and/or poorly placed equipment.
2. Poorly assembled equipment.
3. Poorly maintained equipment.
4. Rough-housing and misuse of equipment.

The safety-related requirements should address such equipment components and problem areas as exposed nuts and bolts (unshielded protrusions) and sharp points; suspending or attaching hooks, particularly open-ended hooks—such as "S-hooks;" sharp edges or sharp and rough surfaces (surface finish); enclosed openings; height of slide sides; steepness of slide bed; swing seats (weight, composition, rounded edges); optimum seat height; ground clearance; spacing between adjacent equipment components (as between adjacent swings and between swing and end or internal support beams); adjacent moving parts (such as pinch and crush points on gliders, etc.); splintering of wooden components; durability of components; step height, width, depth, and angle of inclination of ladder steps; slip-resistance; spacing of steps and stairs; hand rail locations on slides; structural integrity of all components; "V" braces and joints; installation, maintenance and repair instructions; and sources of original replacement parts. The requirements should also address the hazard of children falling from public playground equipment and striking non-energy absorbing surfaces.

**B. Existing Standards.** Although there is no nationwide mandatory product safety standard for public playground equipment and the surfaces thereunder, the Commission has received information about the existence and, in three cases, the provisions of the following standards that may be relevant to this proceeding:

1. "Proposed Technical Requirements for Heavy-Duty Playground Equipment Regulations" (Revised 1974). This standard, still in draft form, was developed originally through the sponsorship of the Playground Equipment section of the National School Supply and Equipment Association (NSSEA), working in conjunction with a specially assembled Safety Task Force of the National Recreation and Park Association (NRPA).

2. "Safety Requirements for Recreational Equipment Intended for Parks and Public Playgrounds" (February 1974). This standard was developed by the United States Testing Co., Inc., at the request of an independent company (a member of NSSEA), Game Time, Inc., a subsidiary of the Toro Company. This standard is based on and is a derivative of the standards-development efforts of the NSSEA and NRPA as described above.

3. "BS 3178, 1959," a British standard for public playground equipment. Commission staff have not yet reviewed this standard.

4. "Specifications for Continuing Service Contract for Furnishing and Installing Protective Surface Cushion Mats prepared by Maintenance Branch, Business Division, Board of Education of the City of Los Angeles, California, 1425 South San Pedro Street, Los Angeles, California—June 1973." This set of purchase (contract) specifications consists of standards-like provisions, criteria and performance tests for the purchase of

"protective surface cushion mats" for use under playground and physical education equipment.

With regard to these standards, the Commission makes the following observations:

1. *U.S. Testing Co.—Game Time, Inc./NSSEA-NRPA Standards:* Since the former standard is a derivative of the latter standard with some modifications, additions and/or deletions of items, the following comments will apply to both standards.

a. The standards use subjective terms such as "adequate" and "accessible" (reference to hand holds for walking or climbing platforms) without further defining or explaining these terms.

b. The standards lack detailed testing methods or criteria directed toward assuring structural integrity, durability, and resistance to deterioration or degradation of equipment and/or components thereof.

c. The standards do not include objective tests to establish whether edges and surfaces present laceration hazards (sharpness, etc.) or whether the juncture of components moving relative to one another present "pinch and crush points".

d. The standards lack accompanying technical rationale which present the background for establishing loading tests, spacing of swinging components, maximum and minimum ground clearance, allowances for maximum hardware protrusions and projections, setting of tensile strengths for various components, etc.

e. In the specification for "hardware" the allowable maximum protrusion length for bolts may create a clothing catch point.

f. The exclusive requirement of the use of "welded" links for suspension chain would not allow for suitable alternatives already in existence or to be developed in the future.

g. No rationale is provided for the static load requirement for chain. No shock load or energy absorption test is provided although suspension chain is subject to impulse loads.

Details of the above comments and additional inadequacies are included in the staff Briefing Package to the Commission of August 6, 1974 (revision of 11-21-74). This Briefing Package was prepared by the Commission staff in connection with the petition submitted by Elayne Butwinick. This package is available for public inspection in the Office of the Secretary.

2. *The City of Los Angeles Purchase Specifications for Protective Surface Cushion Mats:*

a. It appears that many of the technical requirements have been arrived at on a "best judgment basis." Nevertheless, technical rationales and/or justifications for the requirements are not given. In some cases, there is no clear relationship of a requirement to safety considerations.

b. Performance tests are lacking in many cases. Some terms are too subjective, such as the unqualified use of such

terms as "visual evidence of cracking, warping, checking, rippling, etc."

Details of these inadequacies are spelled out in the above mentioned staff Briefing Package of August 6, 1974 (revision of 11-21-74).

c. *Supplemental Information.* Also included in this Briefing Package is a report prepared by the University of Iowa's Institute of Agricultural Medicine of that University's College of Medicine. This report, written in accordance with a contract initiated by the Commission's predecessor, Food and Drug Administration, consists of findings and recommendations on the safety problems of playground equipment. The report presents a collation of injury statistics and investigations, reviews human factors of use and misuse patterns and discusses anthropometric considerations of typical user-equipment interface and psychological/physiological relationship injury-behavior patterns. In addition, the report sets forth an engineering evaluation relating construction quality and design factors of playground equipment which could account for established injury patterns. The report also makes recommendations concerning the need for and usefulness of anthropometric data and design considerations.

Prospective offerors are encouraged to refer to this "Iowa Study" for guidance in covering the described problem areas in their development offers.

The Commission is also in possession of an interim report of anthropometric data developed by the University of Michigan. This report may be helpful in developing safety related requirements for public playground equipment. This report is entitled "Source Data of Infant and Child Measurements, Interim Data, 1972". A copy of this is also on file with the Office of the Secretary and is available for public inspection.

D. *Invitation to all Persons.* An invitation is hereby extended to all standards writing organizations, trade associations, consumer organizations, professional or technical societies, testing organizations and laboratories, 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 April 7, 1975, either of the following:

1. One or more previously developed standards (as specified in section "E" below) that address one or more of the mechanical hazards identified in this notice and that could be used as the basis for a proposed regulation under the FHSA.

2. An offer to develop one or more safety-related requirements (as specified in section "F" below), applicable to public playground equipment that address one or more of the mechanical hazards identified in this notice and that could be used as the basis for a proposed regulation under the FHSA.

Persons who are not members of an established organization may form a group for the express purpose of sub-

mitting offers and developing safety-related requirements for public playground equipment that could be used as the basis for a proposed regulation under FHSA. Such groups are referred to as ad hoc associations.

An offer by an ad hoc association may be submitted by an individual member if the offer states that it is being 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 and every other member.

E. *Submission of Existing Standards.* Any person may submit a standard previously developed by any private or public organization or agency, domestic or foreign, any international standards organization or any person, that contains safety-related requirements that the person believes are appropriate for inclusion in a proposed regulation under the FHSA and which would prevent or reduce one or more of the mechanical hazards presented by public playground equipment and/or the surfaces upon which such equipment is installed.

To be considered for publication as a proposed regulation under the FHSA, standards previously developed should consist of one or more of the following: (1) requirements as to performance, composition, contents, design, construction, finish, or packaging, or (2) requirements that a regulated product be marked with or accompanied by clear and adequate warnings or instructions, or requirements respecting the form of warnings or instructions, or (3) any combination of (1) and (2).

The submission should, to the extent possible:

1. Identify the specific portions of the previously developed standard that are appropriate for inclusion in a proposed regulation under the FHSA.

2. Be accompanied, to the extent that such information is available, by a description of the procedure used to develop the standard and a listing of the persons or organizations that participated in the development and adoption 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 Federal Hazardous Substances Act or by private testing facilities.

5. Include data and information to demonstrate that compliance with the specific portions of the standard that are appropriate for inclusion in a proposed regulation issued under the FHSA would be technologically practicable.

6. Include data and information, to the extent that it can reasonably be obtained, on the potential economic effect of those portions of the standard appropriate for inclusion in a proposed

regulation under the FHSA, 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 regulations; (b) the probable effect of the regulation on the utility, cost, and availability of the products; (c) any potential adverse effects of the regulation on competition; and (d) the regulation's potential for disruption or dislocation, if any, of manufacturing and other commercial practices.

7. Include information, to the extent that it can reasonably be obtained, concerning the environmental impact of those portions of the standard appropriate for inclusion in a proposed regulation under the FHSA applicable to public playground equipment.

F. *Offers to Develop Safety-Related Requirements.*

1. Any person may submit an offer to develop safety-related requirements that could be used as the basis for a proposed regulation under the FHSA for public playground equipment. Each offer shall include a detailed description of the procedure the offeror will utilize in developing the safety-related requirements (hereinafter referred to as requirements). 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 consumers, manufacturers, distributors, retailers, importers, trade 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 requirements. It is the Commission's desire that all interested consumers be afforded an opportunity to participate fully in the development of requirements.

b. A description of the method whereby both use-oriented and technically-oriented consumers will be afforded an opportunity to participate fully in the development process;

c. 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 requirements; and

d. A realistic estimate of the time required to develop the requirements, including a detailed schedule for each phase of the development period.

2. Each offeror shall submit with the offer the following information to supplement the description of the development procedure:

a. A statement listing the number and experience of the personnel, including voluntary participants, the offeror intends to utilize in developing the requirements. 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 requirements should also be included in the statement. This list should include only those persons who will be directly involved in the development process.

b. A statement describing the type of facilities or equipment the offeror plans to utilize in developing the requirements and how the offeror plans to gain access to the facilities or equipment.

3. Prior to accepting an offer to develop requirements, the Commission may require minor modifications of the offer as a condition of acceptance.

**G. Contribution Towards the Offeror's Costs.** It is the Commission's intent that contribution towards the offeror's costs 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 towards the offeror's costs in developing safety-related requirements in any case in which the Commission determines:

a. That a contribution is likely to result in a more satisfactory safety-related requirement than could 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 safety-related requirements for public playground equipment, the offeror must submit with the offer to develop these requirements:

a. A request for a specific contribution with an explanation as to why such a contribution is likely to result in more satisfactory requirements than would be developed without a contribution;

b. A statement asserting that the offeror will employ an adequate accounting system that is in accordance with generally accepted accounting principles in being resigned to record development costs and expenditures; and

c. A request for an advance payment of funds if necessary to enable the offeror to meet operating expenses during the development period.

In addition to the specific provisions enumerated above, the policies, principles, and procedures included in 16 CFR 1105.1(a), (d), (e), (f), (g), 1105.2, 1105.6, and 1105.7 (39 FR 16206) issued under Section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) shall be followed as guidelines in this proceeding.

**H. Submission Information.** All submissions, offers, 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 April 7, 1975, to be considered in this proceeding.

Dated: March 3, 1975.

SADYE E. DUNN,  
Secretary,  
Consumer Product Safety Commission.  
[FR Doc.75-5991 Filed 3-6-75; 8:45 am]

## COUNCIL ON ENVIRONMENTAL QUALITY

### ENVIRONMENTAL IMPACT STATEMENTS Availability

Environmental impact statements received by the Council on Environmental Quality from February 24 through February 28, 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 21, 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

Chattooga River Unit, Georgia, North Carolina, and South Carolina, February 24: The statement concerns the 10-year management plan of the 104,586-acre Chattooga River Unit of the Chattahoochee, Nantahala, and Sumter National Forests. The plan includes development for recreation, timber harvests, establishment of cultural and unusual areas for possible individual management, and construction of roads and parking lots. Adverse impacts include construction disruption and degradation to visual aesthetics due to timber harvests. (ELR Order No. 50266.)

Rainy Day Planning Unit, Nezperce National Forest, Idaho County, Idaho, February 28: The statement concerns a multiple use plan for the 45,300-acre Rainy Day Planning Unit of Nezperce National Forest. The most likely alternative includes plans for protection of the Ten-Mile Watershed, limited mining, and timber harvesting (229 pages). (ELR Order No. 50289.)

##### Final

Cedar Creek Unit, Clark National Forest, Boone and Callaway Counties, Mo., February 24: Proposed is a plan for the management direction of the Cedar Creek Purchase Unit, Clark National Forest. The Unit will be managed for recreational, wildlife, grazing, and timber values. The acquisition of land will require some displacement of people. There will be social, ecological, and economic impact from the proposal (191 pages). Comments made by: USDA, EPA, and State and local agencies. (ELR Order No. 50261.)

##### Final

Timber Plan Gifford Pinchot National Forest, Wash., February 24: The state-

ment refers to a proposed revised timber management plan for the Gifford Pinchot National Forest. The plan will cover the period July 1, 1974 through June 30, 1984. A potential yield of 5,274.5 million board feet is proposed for the 10 year period; the program harvest schedule is 345.5 million board feet. There will be some road construction, including some in presently roadless areas. There will be impact to air, soil, water, and wildlife values. Comments made by: DOD, DOC, EPA, DOI, State and local agencies, and concerned citizens. (ELR Order No. 50265.)

Boulder Lake Country Transmission, Bridger-Teton N., Sublette County, Wyo., February 25: The statement refers to the proposed construction of an underground electrical power line to the Boulder Lake Country Estates Subdivision. Approximately 82,822 feet of the line will be on lands administered by BLM; 6,700 feet of the line will be on Forest Service Inventoried Roadless Area Number 50. There will be some soil disturbance and vegetation clearance as a result of the action (29 pages). Comments made by: USDA, DOI, one local agency, and one individual. (ELR Order No. 50274.)

#### RURAL ELECTRIFICATION ADMINISTRATION

##### Final

Transmission Lines, Colorado-Ute Association, several counties, Colorado, February 24: Proposed is the granting of loans to the Colorado-Ute Electric Association for the financing of 42 miles of 115 kV transmission line from Bayfield to Pagosa Springs, and 16.5 miles of 115 kV line from Basalt to Aspen, along with related work. There will be negative visual impact, especially in the crossing of the Piedra River, which has been nominated for designation as a "Scenic River". The lines will cross both the San Juan and White River National Forests. Soil erosion may affect nearby waterways, and minor limitations will be placed on use of adjacent lands. Comments made by: DOI, EPA, DOT, PPC, USDA, COE, State and local agencies, and concerned citizens. (ELR Order No. 50262.)

#### SOIL CONSERVATION SERVICE

##### Draft

Cottonwood-Walnut Creek Watershed, Chaves and Eddy Counties, N. Mex. February 27: The statement concerns the watershed protection, flood prevention, and recreational development in Chaves and Eddy Counties, New Mexico. The project provides for land treatment on 140,000 acres of rangeland and 20,000 acres of irrigated cropland, 11 floodwater retarding structures, dams and reservoirs, spillways, floodwater diversions, channels, and recreation facilities, with 2,400 additional acres interrupted by flooding. (ELR Order No. 50282.)

#### DEPARTMENT OF DEFENSE

#### ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-7168.

##### Draft

Savannah Harbor Modification, Chatham County, Ga., February 25: Proposed is the enlargement of the King's Island turning basin, the construction of a turning basin adjacent to Elba Island, and the incorporation of the Georgia Ports Authority LASH (Lighter Aboard Ship) turning basin adjacent to Cockspur Island for purposes of improved navigation and safety for Liquefied

Natural Gas tankers. Adverse impacts include increase in turbidity and water pollution, loss of aquatic and tidal wildlife habitat and the loss of 28 acres of buffer zone adjacent to the Savannah National Wildlife Refuge (Savannah District). (ELR Order No. 50276.)

Mount Morris Flood Control Project, Livingston County, N.Y., February 25: The statement refers to the operation and maintenance of Mount Morris Dam, Lake, and Reservation. Activities include daily gage readings, periodic structural repair and landscaping, removal of floating and sunken debris and sediment. Approximately 40,000 cubic yards of sediment and debris require removal at the present time. Adverse impacts include disruption of 2,850 acres of terrestrial habitat and water pollution from dredging activities (Buffalo District). (ELR Order No. 50279.)

Olcott Small Boat Harbor, Niagara County, N.Y., February 25: The statement concerns small boat harbor improvements for recreation craft on southern Lake Ontario at the hamlet of Olcott. The proposed improvement would consist of arrowhead breakwaters, modification of the existing lake entrance navigation channel, and dredging an inner harbor navigation channel. Approximately 5.0 acres of benthic habitat would be disturbed and 2.2 acres would be eliminated. A 1.5 acre pond would be lost when the site is used for the disposal of polluted dredged materials (Buffalo District). (ELR Order No. 50281.)

Coos Bay (Supplement), Coos County, Oreg., February 24: Proposed is the construction of a channel across the outer bar of Coos Bay 45 feet deep and 700 feet wide, reducing gradually to 35 feet deep and 300 feet wide, and a 15-mile long inner channel. The project also includes the enlarging of existing turning basins. Construction will involve blasting, dredging, and disposal of an estimated 8,550,000 cubic yards of material at sea, in-Bay, and on land. Construction disruption and disturbance of 125 acres of ocean and estuarine bottom area and 437 acres of land disposal area, would result. When the project is completed, the area will require about 1 to 2 months additional dredging time each dredging interval (Portland). (ELR Order No. 50267.)

Atlantic Intracoastal Waterway, South Carolina and Florida, February 25: Proposed is the annual maintenance dredging of the Atlantic Intracoastal Waterway from Port Royal Sound, S.C. to Cumberland Sound, Florida. Approximately one million cubic yards of shoal material will be removed from this 181-mile section of the Waterway to facilitate continued navigation. The disposal areas include 17 unconfined (marshland) sites, two diked areas, and four open water disposal areas. The project will result in temporarily increased water pollution and displacement of animal and bird species utilizing selected disposal areas (Savannah District). (ELR Order No. 50273.)

Lower Granite Project, Snake River, Washington and Idaho, February 25: Proposed is the completion of a dam, generators, and navigation lock at river mile 107.5 on the Snake River, and operation of the Lower Granite project. The dam will have a power capacity of 810,000 kilowatts when all six generators are operational. The project also includes completion of highway, railroad, and utility relocations, beautification of the levees, and implementation of fish and wildlife compensation measures (Walla Walla District). (ELR Order No. 50273.)

#### Final

Homer Small Boat Harbor, Alaska, February 25: Proposed is the maintenance dredging of the harbor to its authorized dimensions. There will be adverse impact to marine biota (Anchorage District). Comments made

by: DOI, DOC, USCG, EPA, and State agencies. (ELR Order No. 50272.)

#### ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630 Water-side Mall, Washington, D.C. 20460, 202-755-0940.

#### Draft

O'Hara Wastewater Conveyance System, Cook County, Ill., February 28: The statement concerns a system of conveyance tunnels and drop shafts to intercept and convey wastewater from a 58.2 square mile service area in the Northwest region of the Metropolitan Sanitary District of Greater Chicago to the proposed O'Hara Water Reclamation Plant. Occasional exfiltration into groundwater aquifers might occur, and a groundwater well monitoring program is planned to discover any problems which may develop. (ELR Order No. 50286.)

O'Hare Water Reclamation Plant, Cook County, Ill., February 28: Proposed is the construction of the O'Hare Water Reclamation Plant for the O'Hare Service Area. The plant will treat sewage in a two stage process, discharging effluent into Higgins Creek. Process solids remaining would be transported via a pipeline to the MSDGC Salt Creek Water Reclamation Plant for further treatment. Occasional odors and temporary construction disruption will result. (ELR Order No. 50287.)

#### GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW, Washington, D.C. 20405, 202-343-4161.

#### Draft

Border Patrol Sector Headquarters, Marfa, Presidio County, Tex., February 25: Proposed is the construction of a 4-building, 29,000 square foot complex to house the operation of the Border Patrol, a branch of the Immigration and Naturalization Service. The complex will include facilities for vehicle repair and storage and a parking lot for 35 vehicles. The existing buildings on the 8.2-acre site will be used until completion of the new facility, and then removed. Construction disruption will result. (ELR Order No. 50275.)

Drug Enforcement Administration Lease Facility, Dallas County, Tex., February 28: The action proposes the lease construction of a facility for sole occupancy by the Drug Enforcement Administration, an agency of the US Department of Justice. Although no site has been selected, the most favorable location would be in a 14 sq. mile area just North of the Dallas Central Business District encompassing Love Field. The building will supply 51,500 square feet of space, including office space, a laboratory, fire-arms range, and a helicopter landing pad. (ELR Order No. 50288.)

#### DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7280, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

#### BONNEVILLE POWER ADMINISTRATION

#### Draft

Satsop Integrating Transmission (Supplement), Thurston, Lewis and Grays Harbor, Counties, Wash., February 27: The statement is a draft supplement concerning facility location evaluations on the proposal for Satsop Integrating Transmission. Six alternative route locations are considered. Depending upon the final route chosen, between 62 and 73 miles of 500-kV transmission line between the proposed Satsop Substation and Olympia and Paul Substation over existing,

parallel, and new right-of-way would be required. The project would clear from 560 to 1,180 acres of timber and remove from production 25 to 4 acres of agricultural land. In addition, approximately 30 acres of land would be required for the substation. (ELR Order No. 50284.)

#### NATIONAL AERONAUTICS AND SPACE ADMIN.

Contact: Mr. Nathaniel Cohen, Director, Office of Policy Analysis, National Aeronautics and Space Administration, 400 Maryland Avenue, Washington, D.C. 20546, 202-755-8433.

#### Final

Viking 1975 Program, February 27: The statement refers to the Viking Program, which is part of an overall NASA program designed to explore the planet Mars with automated spacecraft. In 1975 two Viking spacecraft, with Lander Capsule and Orbiter, will be launched from the Air Force Eastern Test Range by Titan/Centaur vehicles, to conduct orbital, upper atmospheric, and surface investigation of Mars. Comments made by: AEC, DOD, EPA, STAT, and State of Florida. (ELR Order No. 50283.)

#### NUCLEAR REGULATORY COMMISSION

Contact: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, P-722, NRC, Washington, D.C. 20545, 301-973-7373.

#### Final

Indian Point Station, Unit 3, Westchester County, N.Y., February 27: Proposed is the issuance of an operating license to the Consolidated Edison Company for Unit 3 of the Station. The Unit will employ a pressurized water reactor to produce 3,025 MWT and 965 MWe (net); future levels of 3,216 MWT and 1,033 MWe are anticipated. Exhaust steam will be condensed by a once-through flow of water from the Hudson River. The statement considers the environmental impact from simultaneous operation of all three units of the station, (two volumes). Comments made by: USDA, DOC, HEW, DOI, DOT, EPA, FPC, State and local agencies, and concerned citizens. (ELR Order No. 50285.)

#### 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

Boston-Logan International Airport, Suffolk County, Mass., February 25: The proposed project entails the construction of a new runway 15-33, 100' x 3,830'; extension of runway 9, 150' x 1,855'; extension of runway 4L, 150' x 2,020', with associated taxiways, lighting and marking. The improvements will be located on the existing Bird Island Flats, pollution and loss of wildlife habitat. Increases in air and noise pollution will occur (approximately 300 pages). Comments made by: USDA, AEC, DOI, EPA, HUD, and State and local agencies. (ELR Order No. 50280.)

#### FEDERAL HIGHWAY ADMINISTRATION

#### Draft

561 North-South Facility and U.S. 61-Bypass, Davenport, Iowa, Scott County, February 24: Proposed is the addition of traffic facilities in the 5.5 mile north-south corridor and the 4.5 mile east-west corridors of Davenport, Iowa, which are now served by U.S. 61 and other local streets. The major environmental impacts are displacement of families and businesses, possible acquisition of publicly-owned parks, and possible displacement of



historical sites, depending upon the alternative selected. A 4(f) statement is included (182 pages). (ELR Order No. 50269.)

Railroad Relocation Demonstration Project, Elko County, Nev., February 24: Proposed is the relocation and consolidation of 5.4 miles of main line Southern Pacific and Western Pacific track from the downtown area of Elko, Nevada. This demonstration railway-road grade crossing elimination project will require approximately 46 acres of land, displacing from 65 to 115 families and from 13 to 24 commercial units, depending upon the alternative selected. (ELR Order No. 50263.)

#### Final

Alabama 87, Morgan County, Ala., February 24: Proposed is the reconstruction of 9.4 miles of Alabama 87 east of Decatur from two to four lanes. Adverse impact will include the displacement of 4 businesses and 10 families, and the temporary increases of air and noise pollution levels during construction (86 pages). Comments made by: HUD, DOT, USDA, TVA, DOI, HEW, EPA, COE, and State agencies. (ELR Order No. 50264.)

Inner Belt Loop, Charlotte, Mecklenburg County, N.C., February 24: The project proposes to provide a four-lane thoroughfare in the southeastern quadrant of the Charlotte urban area. The facility, which will extend from York Road (NC 49) to Central Avenue, is approximately 8.4 miles in length. Adverse impacts include acquisition of right-of-way, displacement of 9 families, loss of aesthetic quality by tree removal and erosion and siltation. Comments made by: USDA, COE, EPA, FPC, GSA, HEW, DOI, AHP, and State and local agencies. (ELR Order No. 50268.)

Madison Street Underpass, Eau Claire, Eau Claire County, Wis., February 25: The project involves construction of a railroad grade separation structure and associated street reconstruction in the City of Eau Claire. Adverse impacts include the removal of 21 buildings, acquisition of 2 to 3 acres of land, removal of 200 to 300 trees, displacement of 19 families and 4 businesses, and temporarily increased noise levels due to construction (75 pages). Comments made by: DOI, EPA, and State agencies. (ELR Order No. 50278.)

GARY L. WIDMAN,  
General Counsel.

[FR Doc.75-5092 Filed 3-6-75; 8:45 am]

## ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION GOVERNMENT/INDUSTRY OIL SHALE IN-SITU CONFERENCE Meeting

CROSS REFERENCE: For a document giving notice of a joint meeting by the Office of the Secretary, Department of the Interior and the Energy Research and Development Administration, see FR Doc. 75-6082, supra.

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/202; FRL 341-7]

### RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of  
Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR

31862) its interim policy with respect to the administration of section 3(c) (1) (D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before May 6, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c) (1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after May 6, 1975.

Dated: February 28, 1975.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

#### APPLICATIONS RECEIVED (32000/202)

EPA File Symbol 1029-REL Aidex Corp., 1024 N. 17th St., Omaha NE 68102. CARBEX BAIT INSECTICIDE CONTAINS 5% SEVIN WITH APPLE PUMICE ATTRACTANT. Active Ingredients: Carbaryl (1-naphthyl methylcarbamate) 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 3583-LL Alkerm. A Div. of Alrkwad Indus., Inc., 111 Commerce Rd., Carlstadt NJ 07072. A-33 DISINFECTANT DETERGENT AND ODOR COUNTERACTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5.8%; Essential Oils 1.0%; Tetrasodium ethylene diamine tetracetate 1.0%; Sodium Carbonate 0.5%. Method of Support: Application proceeds under 2(a) of interim policy. PM31.

EPA File Symbol 5481-RIL Amvac Chem. Corp., 4100 E. Washington Blvd., Los Angeles CA 90023. PARATHION 25 W. Active Ingredients: Parathion; 0,0-diethyl 0-p-nitrophenyl phosphorothioate 25%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 1526-LNE Chemical Distributors dba Arizona Agrochemical Co., PO Box 21537, Phoenix AZ 85036. AGRO-CHEM BRAND ZM 8% FUNGICIDE DUST. Active Ingredients: Manganese 1.6%; Zinc 0.2%; Ethylene bisdithiocarbamate ion 6.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.

EPA File Symbol 839-AG. Bell Chem. Co., 1421 Levee St., Dallas TX 75207. AQUA-KLEER. 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 2620-AO. C-Z Chem. Co., Inc., Argyle Rd., Beloit WI 53511. "F.E.S." PLUS CLEANER #540 (FOOD EQUIPMENT SANITIZER). Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C-18) dimethyl benzyl ammonium chlorides 5.0%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5.0%; Phosphoric Acid 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 27029-G. Central Pool Supply Inc., 1519 Pioneer Parkway W., Peoria IL 61614. POOL PRIDE 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 27029-E. Central Pool Supply Inc., 1519 Pioneer Parkway W., Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 100-LIR. Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro NC 27409. AATREX RP4L. Active Ingredients: Atrazine [2-chloro-4-(ethylamino) -6 - (isopropylamino) -s - triazine] 40.8%; Related Compounds 2.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 33368-L. Culligan Water Conditioning Co., 1242 Market St., Chattanooga TN 37402. M-3008. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methylidithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 33368-U. Culligan Water Conditioning Co. M-2010. 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 33368-G. Culligan Water Conditioning Co. M-3017 FOR COOLING TOWERS. Active Ingredients: Disodium cyanodithioimidocarbonate 7.35%; Potassium N-methylidithiocarbamate 10.15%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 33368-E. Culligan Water Conditioning Co. SPA-10. 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 11741-O. D. W. Davies & Co., Inc., 3200 Phillips Ave., Racine WI 53403. TRIPLE KLEEN 100. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasilicate 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.
- EPA File Symbol 36309-R. Dept. of Health, Education and Welfare, Ofc. of Surplus Property Utilization, Washington DC 20201. CONTACT HERBICIDE. Active Ingredients: Sodium Cacodylate 26.3%; Dimethylarsinic Acid (Cacodylic Acid) 4.7%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.
- EPA File Symbol 192-RR1. Dexol Industries, 1450 W. 228th St., Torrance CA 90501. DEXOL TOMATO BLOOM. Active Ingredients: p-Chlorophenoxyacetic Acid 0.005%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.
- EPA File Symbol 192-RR0. Dexol Industries, 1450 W. 228th St., Torrance CA 90501. DEXOL SYSTEMIC HOUSE PLANT INSECTICIDE. Active Ingredients: 0,0-Diethyl S-[2-(ethylthio) ethyl] phosphorothioate 2%. Method of Support: Application proceeds under 2(c) of interim policy. PM14.
- EPA File Symbol 5736-UT. DuBois Chem., 3630 E. Kemper Rd., Sharonville OH 45241. HFC-11 DISINFECTANT-CLEANER-SANITIZER-FUNGICIDE-DEODORANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.5%; Sodium metasilicate 3.0%; Tetrasodium salt of ethylene diamine tetraacetic acid 1.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.
- EPA File Symbol 11694-AA. Dyson, Inc., 3401 Kansas Ave., PO Box 6175, Kansas City KS 66106. LOCK VALVE FOR CONTINUOUS SPRAYING FOR EXPEL. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.500%; Related compounds 0.063%; Aromatic petroleum hydrocarbons 0.662%; Petroleum distillate 13.750%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.
- EPA File Symbol 11694-AL. Dyson Inc. SYNTHA MIST. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Aromatic petroleum hydrocarbons 0.331%; Petroleum distillate 99.375%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.
- EPA File Symbol 11694-AN. Dyson, Inc. INSECTICIDE DEODORANT GRANULES. Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 0.93%; Related Compounds 0.07%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.
- EPA File Symbol 11694-AU. Dyson, Inc. AIR SANITIZER AND ODOR CONTROL. Active Ingredients: Isopropyl Alcohol 29.20%; Triethylene Glycol 4.70%; Propylene Glycol 4.40%; n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 0.10%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.10%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.
- EPA File Symbol 6621-AG. Eagle Chem. Co., 2819 W. Lake St., Chicago IL 60612. MISTI-CIDE DISINFECTANT. Active Ingredients: n-Alkyl (60% C12, 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(c) of interim policy. PM31.
- EPA File Symbol 279-GNNG. FMC Corp., Agricultural Chem. Div., 100 Niagara St., Middleport NY 14105. INTERMEDIATE CONC. 7.8-12.0-8.0 INSECTICIDE-FOR MANUFACTURING USE ONLY. Active Ingredients: Pyrethrins 7.8%; Piperonyl Butoxide, Technical (Equivalent to 9.6% (butylcarbityl) (6-propylpiperonyl) ether and 2.4% related compounds) 12.0%; N-octyl bicycloheptene dicarboximide 8.0%; Petroleum Distillate 72.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.
- EPA File Symbol 279-GNNR. FMC Corp., Agricultural Chem. Div., 100 Niagara St., Middleport NY 14105. PYRENONE DURSBAN DUAL E.C. RESIDUAL INSECTICIDE. Active Ingredients: Pyrethrins 3.33%; Piperonyl Butoxide, Technical (Equivalent to 13.31% (butylcarbityl) (6-propylpiperonyl) ether and to 3.33% related compounds) 16.64%; Petroleum Distillate 13.33%; Chlorpyrifos [0,0-Diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 31.99%; Aromatic Petroleum Derivative Solvent 27.64%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.
- EPA File Symbol 5905-UUN. Helena Chem. Co., 5100 Poplar Ave., Memphis TN 38137. HELENA 2% LIQUID GIB A GIBBERELLIN PLANT GROWTH SUBSTANCE. Active Ingredients: Potassium Gibbelleate 2%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.
- EPA File Symbol 2693-RNT. International Paint Co., Inc., Elmwood & Morris Aves., Union NJ 07083. FIBERGLASS BOTTOM-KOTE ANTIPOULING PAINT 779 BLACK. Active Ingredients: Cuprous Oxide 42.75%. Method of Support: Application proceeds under 2(c) of interim policy. PM22.
- EPA File Symbol 25881-L. Lispar, Ltd., 3236 N. 11th St., Philadelphia PA 19140. LISPAR ALGAECIDE 10%. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 8.4%; n-di-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) methyl benzyl ammonium chlorides 1.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.
- EPA File Symbol 299-ROG. C. J. Martin Co., 606 W. Main St., Naacogdoches TX 75961. DIAZINON PECAN AND FRUIT TREE SPRAY. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 12.5%; Aromatic petroleum Derivative Solvent 79.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM14.
- EPA File Symbol 259-LG. Missouri-Kansas Chem. Co., 1708-16 Campbell St., Kansas City MO 64108. PLUS GERMICIDE-FUNGICIDE-DISINFECTANT-DEODORANT. Active Ingredients: n-Alkyl (C14 50%, C12 40%, C18 10%) Dimethyl Benzyl Ammonium Chloride 6.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.
- EPA File Symbol 9855-GG. Mobil Chem. Co., PO Box 250, Maintenance & Marine Coatings Dept., Edison NJ 08817. SHIPBOTTOM PAINT COASTAL SERVICE ANTI-FOULING 59-R-5 KR. Active Ingredients: Cuprous Oxide 37.3%; Copper Naphthenate 1.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM22.
- EPA File Symbol 33370-G. Morton Herman Co., 207 W. University Dr., Arlington Hts IL 60004. SUPER HERMOX 11 CLEANER, DISINFECTANT, DEODORIZER, FUNGI-CIDE. 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 3624-RAL. Nova Products Inc., PO Box 5088, Kansas City KS 66119. NOVA FOGGING CONCENTRATE 3-6-10. Active Ingredients: Pyrethrins 3.00%; Piperonyl Butoxide, Technical (Equivalent to 4.8% (butylcarbityl) (6-propylpiperonyl) ether and 1.2% related compounds) 6.00%; N-octyl bicycloheptene dicarboximide 10.00%; Petroleum distillate 12.00%; Mineral oil 69.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.
- EPA File Symbol 11620-A. Olsen Chem. Co., 62-64 E. 26th St., Paterson NJ 07614. MICRO B1 N4. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methylthiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.
- EPA File Symbol 11620-L. Olsen Chem. Co. MICRO B1 N3. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methylthiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.
- EPA File Symbol 11620-U. Olsen Chem. Co. MICRO B1 N2. Active Ingredients: Disodium cyanodithioimidocarbonate 7.35%; Potassium N-methylthiocarbamate 10.15%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.
- EPA File Symbol 35905-R. Polysciences, Inc., Paul Valley Indus. Park, Warrington PA 18976. GERMASONIC DISINFECTANT-ULTRASONIC CLEANER. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 5.0%; Tetrasodium salt of ethylene diaminetetraacetic acid 2.5%; Sodium carbonate 2.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.
- EPA File Symbol 6811-LN. Research Products Co., 2423 Merrell Rd., Dallas TX 75229. ZONE RESIDUAL INSECTICIDE. Active Ingredients: Pyrethrins 0.050%; Piperonyl Butoxide, Technical (Equivalent to 0.08% (butylcarbityl) (6-propylpiperonyl) ether and 0.02% related compounds) 0.100%; N-octyl bicycloheptene dicarboximide 0.166%; Baygon, 2-(1-methylethoxy) phenol methylcarbamate 0.500%; Petroleum distillates 91.730%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.
- EPA File Symbol 201-GIR. Shell Chem. Co., Suite 200, 1025 Conn. Avenue, NW., Washington DC 20036. RABON INSECTICIDE FLOWABLE MANUFACTURING BASE CONCENTRATE. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 94%. Method of Support: Application proceeds under 2(b) of interim policy. PM14.
- EPA File Symbol 6720-EUU. Southern Mill Creek Products Co., Inc., PO Box 1096, Tampa FL 33601. SMCP PYRETHRINS ULV FOGGING CONCENTRATE. Active Ingredients: Pyrethrins 3%; Piperonyl butoxide, technical (Consists of 4.8 (butylcarbityl) (6-propylpiperonyl) ether and 1.2% other related compounds) 6%; N-octyl bicycloheptene dicarboximide 10%; Petroleum distillate 81%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 11715-UA. Speer Products, Inc., 105 S. Parkway W., Memphis TN 38109. SPEER INSECTICIDE, PYRETHRUM SPACE SPRAY SYNERGIZED PYRETHRINS. Active Ingredients: Pyrethrins 0.4%; Technical Piperonyl Butoxide (6-Propylpiperonyl) Ether and 0.32% related compounds) 1.6%; Deodorized Kerosene 98.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 10562-RG. Vasco Chem., PO Box 238, Hanford CA 93230. VASCO POOL PROTECTOR. 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(c) of interim policy. PM31.

EPA File Symbol 1270-ROU. Zep Mfg. Co., PO Box 2015, Atlanta GA 30301. ZEP X-1075 HOSPITAL GRADE DISINFECTANT, DEODORANT, SANITIZER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl benzyl ammonium chlorides 5.0%; n-Alkyl (68% C12, 32% C14) Dimethyl ethylbenzyl ammonium chlorides 5.0%; Ethyl alcohol 2.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 10238-RO. Zimmite Corp., 810 Sharon Dr., Cleveland OH 44145. CHEMTROL 22. Active Ingredients: Disodium cyanodithioimidocarbonate 7.35%; Potassium N-methyldithiocarbamate 10.15%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 10238-RI. Zimmite Corp., 810 Sharon Dr., Cleveland OH 44145. CHEMTROL 23. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

[FR Doc.75-6011 Filed 3-6-75;8:45 am]

[FRL 342-2]

#### UPJOHN CO.

#### Establishment of Temporary Tolerances

The Upjohn Co., Kalamazoo, MI 49001, submitted a petition (PP 5G1558) requesting establishment of a temporary tolerance for the combined residues of the insecticide N'-(2,4-dimethylphenyl)-N-[(2,4-dimethylphenyl)imino]methyl-N-methylmethanimidamide and its metabolites N'-(2,4-dimethylphenyl)-N-methylmethanimidamide and N-(2,4-dimethylphenyl)formamide in or on the raw agricultural commodities apples and pears, intended for the fresh fruit market only, at 1 part per million.

It has been determined that these temporary tolerances for residues of the insecticide in or on apples and pears at 1 part per million will protect the public health. They are therefore established as requested on condition that the insecticide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Upjohn Co. name.

These temporary tolerances expire February 28, 1976. Residues remaining in or on the above raw agricultural commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term, and in accordance with pro-

visions of the temporary permit/tolerances.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: February 28, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.75-6012 Filed 3-6-75;8:45 am]

### FEDERAL COMMUNICATIONS COMMISSION

[Report No. 743]

#### COMMON CARRIER SERVICES INFORMATION<sup>1</sup>

##### Domestic Public Radio Services Applications Accepted for Filing<sup>2</sup>

MARCH 3, 1975.

Pursuant to §§ 1.227(b) (3) and 21.30 (b) of the Commission's rules, and application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application

<sup>1</sup> All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

<sup>2</sup> The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

#### APPLICATIONS ACCEPTED FOR FILING

##### DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

- 21178-CD-P-(2)-75, A. W. Brothers (NEW) C.P. for a new station to operate on 152.21 MHz. to be located 2 mi. NW on Red Mountain, Boulder City, Nevada.
- 21179-CD-P-75, Communication Specialists Company, Inc. (NEW) C.P. for a new station to operate on 152.030 MHz. to be located at 1845 Southwest Highway 101, Lincoln City, Oregon.
- 21180-CD-P-75, Allegheny Mobile Telephone Company, Inc. (KGA252), C.P. to change antenna system operating on 152.09 MHz. at Loc. #3: 1725 Washington Road, Bethel, Pennsylvania.
- 21181-CD-TC-75, B and C Mobile Communications, Inc., Consent to Transfer of Control from Chester G. Cruikshank, TRANSFEROR to William O. Broyles, TRANSFEREE. Station: KUO572, Lamar, Colorado.
- 21182-CD-P-75, The Pacific Telephone and Telegraph Company (KMB302), C.P. to change antenna height operating on 35.38 MHz. at Loc. #1: Holly Sugar Co. 4.5 Miles SSW of Brawley, California.
- 21183-CD-P-75, Radio Relay Corp.—California (KME438), C.P. to relocate facilities operating on 35.22 MHz. at Loc. #2: 500 Newport Center Drive East, Newport Beach, California.
- 21184-CD-P-75, South Central Bell Telephone Company (KUC910), C.P. for additional Air-Ground facilities to operate on 459.675 MHz. to be located approximately 1.0 mile NE of Troy, Alabama.
- 21185-CD-P-(2)-75, South Central Bell Telephone Company (NEW), C.P. for a new station to operate on 454.425 and 454.525 MHz. to be located at 351 West Madison Avenue, Bastrop, Louisiana.
- 21186-CD-P-75, Eastex Mobilephone Company (NEW), C.P. for a new station to operate on 152.12 MHz. to be located 0.66 mi. SE of Center, Center, Texas.
- 21187-CD-P-75, Radiophone of Sedalia, Inc. (KRS633), C.P. to relocate facilities and change antenna system operating on 152.21 MHz. located at 1819 West Main Street, Sedalia, Missouri.
- 21188-CD-P-75, Central Mobile Radio Phone Service (KQK595), C.P. to change antenna system operating on 152.12 MHz. located at Commodore Perry Hotel, 505 Jefferson Ave., Toledo, Ohio.

##### RURAL RADIO

- 60286-CR-P-75, South Central Bell Telephone Company (NEW), C.P. for a new rural subscriber station to operate on 157.77, 157.83 & 158.01 MHz. to be located 4.7 miles southeast of Sweet Lake, Louisiana.

##### POINT-TO-POINT MICROWAVE RADIO SERVICE

- 2465-CF-P-75, Southwestern Bell Telephone Company (KKW21), 401 North Broadway, Corpus Christi, Texas. Lat. 27°47'35" N., Long. 97°23'48" W. C.P. to add frequencies 3710H and 4190H MHz toward a new point of communication at Bayside, Texas on azimuth 25 degrees/09 minutes; add 4050V MHz toward Rabb, Texas on azimuth 279 degrees/11 minutes.

- 2466-CF-P-75, Same (KOA59), 5 Miles NE of Floresville, Texas. Lat. 29°11'21" N., Long. 98°06'20" W. C.P. to add frequency 3730V MHz toward Ecleto, Texas on azimuth 115 degrees/50 minutes.
- 2467-CF-P-75, Same (KOA60), Ecleto, 5.2 Miles SE of Gillett, Texas. Lat. 29°02'50" N., Long. 97°46'23" W. C.P. to add frequencies 3770V MHz toward Choate, Texas on azimuth 175 degrees/01 minute; add 3930V MHz toward Floresville, Texas on azimuth 296 degrees/00 minutes.
- 2468-CF-P-75, Same (KOA61), Choate, 9 Miles SE. of Kenedy, Texas. Lat. 28°43'28" N., Long. 97°44'28" W. C.P. to add frequencies 3730V MHz toward Beeville, Texas on azimuth 190 degrees/31 minutes; add 3890V MHz toward Ecleto, Texas on azimuth 355 degrees/02 minutes.
- 2469-CF-P-75, Same (KOA62), 4 Miles SW of Beeville, Texas. Lat. 28°23'14" N., Long. 97°48'43" W. C.P. to add frequencies 3770V MHz toward Orange Grove, Texas on azimuth 207 degrees/53 minutes; add 3930V MHz toward Choate, Texas on azimuth 10 degrees/29 minutes.
- 2470-CF-P-75, Same (KOA63), 7.2 Miles NW of Orange Grove, Texas. Lat. 28°00'50" N., Long. 98°02'04" W. C.P. to add frequencies 4130V MHz toward Rabb, Texas on azimuth 121 degrees/59 minutes; add 3890V MHz toward Beeville, Texas on azimuth 27 degrees/47 minutes.
- 2471-CF-P-75, Same (KOA64), Rabb, 5 Miles NW of Robstown, Texas. Lat. 27°50'21" N., Long. 97°43'13" W. C.P. to add frequencies 4170V MHz toward Corpus Christi, Texas on azimuth 99 degrees/02 minutes; add 4090V MHz toward Orange Grove, Texas on azimuth 302 degrees/08 minutes.
- 2472-CF-P-75, Same (NEW), 209 North Bridge, Victoria, Texas. Lat. 28°48'03" N., Long. 97°00'23" W. C.P. for a new station on frequencies 3750H and 4198H MHz toward a new point, of communication at Vidauri, Texas on azimuth 197 degrees/25 minutes.
- 2473-CF-P-75, Same (NEW), 2 Miles NW of Bayside, Texas. Lat. 28°06'44" N., Long. 97°13'39" W. C.P. for a new station on frequencies 3750H and 4198H MHz toward a new point of communication at Vidauri, Texas on azimuth 14 degrees/01 minute; 3750H and 4198H MHz toward Corpus Christi, Texas on azimuth 205 degrees/14 minutes.
- 2474-CF-P-75, Southwestern Bell Telephone Company (NEW), Vidauri, 12 Miles NE of Refugio, Texas. Lat. 28°26'11" N., Long. 97°08'09" W. C.P. for a new station on frequencies 3710H and 4190H MHz toward a new point of communication at Victoria, Texas on azimuth 17 degrees/22 minutes; 3710H and 4190H MHz toward a new point of communication at Bayside, Texas on azimuth 194 degrees/04 minutes.
- 2758-CF-P-75, American Telephone and Telegraph Company (KJK38), 400 S.W. Second Avenue, Gainesville, Florida. Lat. 29°39'03" N., Long. 82°19'45" W. C.P. to add frequency 3810H MHz toward Archer, Florida on azimuth 234 degrees/57 minutes.
- 2759-CF-P-75, Same (KVD94), 3.4 Miles SW of Archer, Florida. Lat. 29°30'14" N., Long. 82°34'06" W. C.P. to change azimuth and add frequency 3850H MHz toward Gainesville, Florida on azimuth 54 degrees/50 minutes; add 3850H MHz toward Chiefland, Florida on azimuth 276 degrees/52 minutes.
- 2760-CF-P-75, Same (KSV32), 3.8 Miles North of Chiefland, Florida. Lat. 29°31'50" N., Long. 82°49'26" W. C.P. to add frequency 3810H MHz toward Archer, Florida on azimuth 96 degrees/44 minutes.
- 2770-CF-P-75, Same (KYN90), 9.5 Miles NNE of Boone, Iowa. Lat. 42°09'55" N., Long. 93°47'37" W. C.P. to add frequency 3890V MHz toward Radcliffe, Iowa on azimuth 63 degrees/33 minutes.
- 2771-CF-P-75, Same (KAS43), 1.0 Mile SSE of Radcliffe, Iowa. Lat. 42°18'06" N., Long. 93°25'22" W. C.P. to add frequency 3930V MHz toward Hampton, Iowa on azimuth 13 degrees/14 minutes.
- 2772-CF-P-75, Same (KAS44), 5.0 Miles WSW of Hampton, Iowa. Lat. 42°42'55" N., Long. 93°17'27" W. C.P. to add frequency 3890H MHz toward Nora Springs, Iowa on azimuth 15 degrees/03 minutes.
- 2783-CF-P-75, The Lincoln Telephone and Telegraph Company (KYJ60), 1.25 Miles West, 3 Miles North of Memphis, Nebraska (Approximately 7 Miles SSE of Mead, Nebraska) Lat. 41°08'18" N., Long. 96°27'19" W. C.P. to add frequency 6360.3H MHz toward Omaha UNO, Nebraska Azimuth 70 degrees/30.8 minutes.
- 2761-CF-P-75, American Telephone and Telegraph Company (KJM98), 415 Clay Street, Jacksonville, Florida. Lat. 30°19'51" N., toward Omaha UNO, Nebraska on azimuth and distance, and add frequency 3990V MHz toward Middleburg, Florida on azimuth 216 degrees/20 minutes.
- 2762-CF-P-75, Same (KJW72), 3.5 Miles NE of Middleburg, Florida. Lat. 30°06'41" N., Long. 81°50'55" W. C.P. to change azimuth and distance, and add frequencies 3950V MHz toward Jacksonville 2, Florida on azimuth 36 degrees/15 minutes; add 3950V MHz toward Goldhead, Florida on azimuth 202 degrees/15 minutes.
- 2763-CF-P-75, American Telephone and Telegraph Company (KJK38), 400 S.W. Second Avenue, Gainesville, Florida. Lat. 29°39'03" N., Long. 82°19'45" W. C.P. to change azimuth and distance, and add frequency 3950V MHz toward Goldhead, Florida on azimuth 58 degrees/59 minutes.
- 2791-CF-P-75, Same (KJW71), Goldhead, 4.7 Miles NE of Keystone Heights, Florida. Lat. 29°50'03" N., Long. 81°58'43" W. C.P. to change azimuth and distance and add frequencies 3990V MHz toward Middleburg, Florida on azimuth 22 degrees/11 minutes; add 3990V MHz toward Gainesville, Florida on azimuth 239 degrees/09 minutes.
- 2778-CF-P-75, RCA Alaska Communications, Inc. (WKS47), Bird Point, 6.5 Miles WSW of Girdwood, Alaska. Lat. 60°55'47" N., Long. 149°21'01" W. C.P. to add frequency 2175.4V MHz toward a new point of communication at Bird Creek, Alaska on azimuth 308 degrees/59 minutes.
- 2757-CF-ML-75, Southern Bell Telephone and Telegraph Company (KOC83), 0.1 Mile West of Jupiter, Florida. Lat. 26°56'04" N., Long. 80°06'33" W. Mod. of License to change point of communication to read West Palm Beach, Florida (WDD43) (25.6 Km).
- 2799-CF-P-75, Bell Telephone Company of Nevada (KPF81), 195 East First Street, Reno, Nevada. Lat. 39°31'35" N., Long. 119°48'38" W. C.P. to add frequency 4130V MHz toward McClellan Peak, Nevada on azimuth 161 degrees/50 minutes.
- 2900-CF-P-75, Same (KPR96), McClellan Peak, 3 Miles West of Silver City, Nevada. Lat. 39°15'35" N., Long. 119°41'53" W. C.P. to add antenna and frequencies 4170V MHz toward Reno, Nevada on azimuth 341 degrees/59 minutes; add 3930V MHz toward Eagle Ridge, Nevada on azimuth 52 degrees/39 minutes.
- 2801-CF-P-75, Same (KPF88), Eagle Ridge, 8.8 Miles SW of Farnley, Nevada. Lat. 39°29'01" N., Long. 119°19'04" W. C.P. to add antenna, change polarization from Horizontal to Vertical on frequencies 3810 and
- 3730 MHz toward Black Mtn., Nevada; add 3970V MHz toward McClellan Peak, Nevada on azimuth 232 degrees/53 minutes; add 3890V MHz toward Black Mountain, Nevada on azimuth 147 degrees/01 minute.
- 2802-CF-P-75, Same (KPF89), Black Mountain, 3 Miles NW of Schurz, Nevada. Lat. 38°57'58" N., Long. 118°53'18" W. C.P. to add antenna and change polarization from Horizontal to Vertical on 3850 and 3770 MHz toward Rabbit Springs, Nevada; add 3930V MHz toward Eagle Ridge, Nevada on azimuth 327 degrees/18 minutes; add 3930V MHz toward Rabbit Springs, Nevada on azimuth 124 degrees/26 minutes.
- 2803-CF-P-75, Same (KPF90), Rabbit Springs, 18.5 Miles NW of Luning, Nevada. Lat. 38°39'18" N., Long. 118°18'40" W. C.P. to add antenna and change polarization from Horizontal to Vertical on frequencies 3810 and 3730 MHz toward Columbus, Nevada; add 3890V MHz toward Black Mountain, Nevada on azimuth 304 degrees/47 minutes; add 3890V MHz toward Columbus, Nevada on azimuth 154 degrees/01 minute.
- 2804-CF-P-75, Bell Telephone Company of Nevada (KPF91), Columbus, 10 Miles NW of Coaldale, Nevada. Lat. 38°09'26" N., Long. 118°00'16" W. C.P. to add antenna and change polarization from Horizontal to Vertical on 3850 and 3770 MHz toward Montezuma, Nevada. Add 3930V MHz toward Rabbit Springs, Nevada on azimuth 334 degrees/12 minutes; add 3930V MHz toward Montezuma, Nevada on azimuth 132 degrees/34 minutes.
- 2805-CF-P-75, Same (KPF92), Montezuma, 8 Miles West of Goldfield, Nevada. Lat. 37°42'08" N., Long. 117°22'57" W. C.P. to add antenna and change polarization from Horizontal to Vertical on 3810 and 3730 MHz toward Gold Mtn., Nevada; add 3890V MHz toward Columbus, Nevada on azimuth 312 degrees/57 minutes; add 3890V MHz toward Gold Mountain, Nevada on azimuth 166 degrees/18 minutes.
- 2806-CF-P-75, Same (KVU44), Gold Mountain, 7 Miles SE of Gold Point, Nevada. Lat. 37°18'00" N., Long. 117°15'36" W. C.P. to add antenna and change polarization from Horizontal to Vertical on 3850 and 3770 MHz toward Bare Mtn., Nevada; add 3930V MHz toward Montezuma, Nevada on azimuth 346 degrees/23 minutes; add 3930V MHz toward Bare Mountain, Nevada on azimuth 131 degrees/50 minutes.
- 2807-CF-P-75, Same (KVU45), Bare Mountain, 2 Miles SE of Beatty, Nevada. Lat. 36°52'40" N., Long. 116°40'30" W. C.P. to add antenna and change polarization from Horizontal to Vertical on 3810 and 3730 MHz toward Spotted Range, Nevada; add 3890V MHz toward Gold Mountain, Nevada on azimuth 312 degrees/11 minutes; add 3890V MHz toward Spotted Range, Nevada on azimuth 113 degrees/20 minutes.
- 2808-CF-P-75, Same (KPE96), Spotted Range, 2.2 Miles SE of Mercury, Nevada. Lat. 36°37'58" N., Long. 115°58'35" W. C.P. to add antenna and change polarization from Horizontal to Vertical on 3850 and 3770 MHz toward Angel Peak, Nevada; add 3930V MHz toward Bare Mountain, Nevada on azimuth 293 degrees/45 minutes; add 3930V MHz toward Angel Peak, Nevada on azimuth 133 degrees/28 minutes.
- 2809-CF-P-75, Same (KOT47), Angel Peak, 7 Miles NE of Mt. Charleston, Nevada. Lat. 36°19'15" N., Long. 115°34'14" W. C.P. to add antenna and change polarization from Horizontal to Vertical on 3810 and 3730 MHz toward Las Vegas, Nevada; add 3890V MHz toward Spotted Range, Nevada on azimuth 313 degrees/42 minutes; add 3890V MHz toward Las Vegas, Nevada on azimuth 122 degrees/32 minutes.

2810-CF-P-75, Same (KOP45), 745 East Tropicana Avenue, Las Vegas, Nevada. Lat. 36°06'03" N., Long. 115°08'49" W. C.P. to add antenna and frequency 3930V MHz toward Angel Peak, Nevada on azimuth 302 degrees/47 minutes.

2811-CF-MP-75, American Telephone and Telegraph Company (WAH615), 4.1 Miles SSE of Woodbury, Georgia. Lat. 32°57'09" N., Long. 84°32'45" W. Mod. Permit to change coordinates, azimuth, antenna system and location, and frequencies 11325H, 11485H and 11645H MHz to 5974.8V, 6034.2V and 6152.8V MHz towards Zebulon, Georgia on azimuth 60 degrees/43 minutes.

2812-CF-MP-75, Same (WAH616), 3.5 Miles South of Zebulon, Georgia. Lat. 33°02'58" N., Long. 84°20'25" W. Mod. Permit to change coordinates, azimuths, antenna system and location, and frequencies 10715H, 10875H and 11035H MHz to 6226.9H, 6286.2H and 6404.8H MHz toward Woodbury Junction, Georgia on azimuth 240 degrees/49 minutes.

2813-CF-MP-75, Same (WAH617), 1.0 Mile WSW of Goggins, Georgia. Lat. 33°04'24" N., Long. 84°06'31" W. Mod. Permit to change azimuth to read 263 degrees/05 minutes for frequency 3730V toward Zebulon, Georgia.

2814-CF-ML-75, American Telephone and Telegraph Company (KYN90), 9.5 Miles NNE of Boone, Iowa. Lat. 42°09'55" N., Long. 93°47'37" W. Mod. License to change polarization from Horizontal to Vertical on frequencies 3710, 3790, 3870, 3950, 4030, and 4110 MHz toward Ames, Iowa on azimuth 157 degrees/56 minutes.

2815-CF-ML-75, Same (KAS42), 6.0 Miles SW of Ames, Iowa. Lat. 41°57'07" N., Long. 93°40'40" W. Mod. of License to change polarization from Horizontal to Vertical on frequencies 3750, 3830, 3910, 3990, 4070, and 4150 MHz, and from Vertical to Horizontal on 4010, 4090, and 4170 MHz toward Boone, Iowa on azimuth 338 degrees/01 minute; change from Vertical to Horizontal on 3750, 3830, 3910, 3990, 4070, and 4150 MHz toward Des Moines, Iowa on azimuth 174 degrees/18 minutes.

2816-CF-ML-75, Same (KAA70), Adjacent Lot West of 909 High Street, Des Moines, Iowa. Lat. 41°35'17" N., Long. 93°37'46" W. Mod. of License to change polarization from Vertical to Horizontal on frequencies 3710, 3790, 3870, 3950, 4030, and 4110 MHz, and from Horizontal to Vertical on 3890, 3970, 4050, and 4130 MHz toward Ames, Iowa on azimuth 354 degrees/20 minutes; change from Horizontal to Vertical on 3710, 3790, 3870, 3950, 4030, and 4110 MHz; and from Vertical to Horizontal on 3730, 3810, 3890, 3970, 4050, and 4130 MHz toward Earlham, Iowa on azimuth 257 degrees/37 minutes.

2817-CF-ML-75, Same (KAA95), 3 Miles West of Earlham, Iowa. Lat. 41°29'50" N., Long. 94°10'18" W. Mod. of License to change polarization from Horizontal to Vertical on frequencies 3750, 3830, 3910, 3990, 4070, and 4150 MHz, and from Vertical to Horizontal on 3770, 3850, 3930, 4010, 4090, and 4170 MHz toward Des Moines, Iowa on azimuth 77 degrees/15 minutes.

2818-CF-ML-75, Same (KBI99), 1.2 Miles SSW of Tyro, Kansas. Lat. 37°01'11" N., Long. 95°49'17" W. Mod. of License to change polarization from Vertical to Horizontal on frequencies 3750, 3830, 3910, 3990, 4070, and 4150 MHz, and from Horizontal to Vertical on 3770, 3850, and 4170 MHz toward Herd, Oklahoma on azimuth 244 degrees/47 minutes.

2819-CF-ML-75, American Telephone and Telegraph Company (KRR52), 1.0 Mile NW of Herd, Oklahoma. Lat. 36°51'57" N., Long. 96°13'35" W. Mod. of License to change polarization from Vertical to Horizontal on frequencies 3710, 3790, 3870, 3950, 4030, and 4110 MHz, and from Horizontal to Vertical on 3730, 3810, and 4130 MHz

toward Tyro, Kansas on azimuth 64 degrees/33 minutes; change location of alarm center to read 6.0 Miles NE of La-Cygne, Kansas (KAR84).

2820-CF-ML-75, Same (KKC97), 3.5 Miles WNW of Hardy, Oklahoma. Lat. 36°58'27" N., Long. 96°52'00" W. Mod. of License to change polarization from Vertical to Horizontal on frequencies 3730, 3810, 3890, 3970, 4050, and 4130 MHz, and from Horizontal to Vertical on 3950, 4030, 4110, and 4190 MHz toward Dalton, Kansas on azimuth 314 degrees/22 minutes.

2821-CF-ML-75, Same (KAC86), 2.0 Miles North of Dalton, Kansas. Lat. 37°17'27" N., Long. 97°16'32" W. Mod. of License to change polarization from Vertical to Horizontal on frequencies 3770, 3850, 3930, 4010, 4090, and 4170 MHz, and from Horizontal to Vertical on 3990, 4070, 4150, and 4198 MHz toward Hardy, Oklahoma on azimuth 133 degrees/55 minutes.

2822-CF-ML-75, Same (KAN24), 6.5 Miles South of Red Oak, Iowa. Lat. 40°54'53" N., Long. 94°14'10" W. Mod. of License to change polarization from Horizontal to Vertical on frequencies 3730, 3810, 3890, 3970, 4050, and 4130 MHz, and from Vertical to Horizontal on 3750, 3830, 3910, 3990, 4070, and 4150 MHz toward Braddyville, Iowa on azimuth 157 degrees/51 minutes.

2823-CF-ML-75, Same (KAR69), 2.5 Miles NW of Braddyville, Iowa. Lat. 40°36'30" N., Long. 95°04'21" W. Mod. of License to change polarization from Vertical to Horizontal on frequencies 3710, 3790, 3870, 3950, 4030, and 4110 MHz, and from Horizontal to Vertical on 3770, 3850, 3930, 4010, and 4170 MHz toward Red Oak, Iowa on azimuth 337 degrees/57 minutes.

2824-CF-ML-75, Same (KST31), Main & August Streets, Mascoutah, Illinois. Lat. 38°29'23" N., Long. 89°47'18" W. Mod. of License to change polarization from Vertical to Horizontal on frequencies 3750, 3830, 3910, 3990, and 4150 MHz, and from Horizontal to Vertical on 3770, 3850, 3930, 4010, and 4170 MHz toward Highland, Illinois on azimuth 15 degrees/30 minutes.

2826-CF-P-75, Illinois Bell Telephone Company (KXR46), 3 Miles South of Waltonville, Illinois. Lat. 38°09'55" N., Long. 89°02'06" W. C.P. to add antenna and frequencies 11035V and 10795V MHz toward a new point of communication at Mount Vernon, Illinois on azimuth 34 degrees/18 minutes.

2827-CF-P-75, Same (New), 123 South 10th Street, Mt. Vernon, Illinois. Lat. 38°19'01" N., Long. 88°54'13" W. C.P. for a new station on frequencies 11485V and 11245V MHz toward Waltonville, Illinois on azimuth 214 degrees/23 minutes.

2833-CF-P-75, United Wehco, Inc. (New), 2 Miles NE of El Dorado, Arkansas. Lat. 33°14'09" N., Long. 92°38'45" W. C.P. for a new station on 5945.2V MHz toward Farmerville, Louisiana.

2834-CF-P-75, Same (New), 4.5 Miles N of Farmerville, Louisiana. Lat. 32°50'44" N., Long. 92°23'56" W. C.P. for a new station on 6226.9H MHz toward Monroe, Louisiana.

[FR Doc.75-5931 Filed 3-6-75;8:45 am]

## FEDERAL MARITIME COMMISSION

[Docket No. 73-4]

### NON-VESSEL OPERATING COMMON CARRIERS OF USED HOUSEHOLD GOODS

#### Exemption From Federal Maritime Commission Tariff Filing Requirements, Order of Investigation and Hearing

The purpose of this rulemaking proceeding was to provide an exemption

from the Commission's tariff filing requirements to nonvessel operating common carriers by water (NVOCC's) engaged exclusively in providing transportation for used household goods and personal effects. In lieu of the tariff filing requirements of section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844) and sections 18(a) and (b) of the Shipping Act, 1916 (46 U.S.C. 817, 817 (b)), the proposed rule required the submission of a semiannual report covering, inter alia, the number of household goods shipments, the number of complaints concerning rates or service received and settled during the period, and the names of ocean carriers utilized.

Comments were invited from interested persons and were received from what can be characterized as two separate and opposing groups, to wit: (1) NVOCC's and NVOCC associations, and (2) conferences of common carriers by water. The Household Goods Carriers Bureau, Household Goods Forwarders Association of America, North American Van Lines, Inc., United Van Lines, Inc., and its subsidiary United Overseas, Inc., herein collectively referred to as "NVOCC's", supported the proposed exemption, subject to certain changes and/or conditions. The Far East Conferences, North Atlantic Mediterranean Freight Conference, and the U.S. Atlantic and Gulf/Australia New Zealand Conference, herein called VOCC's, unconditionally opposed the rule. Hearing Counsel filed a Reply, which was answered by two of the NVOCC's.

Supplementing their arguments, certain of the VOCC's and Hearing Counsel alternatively urge that an evidentiary hearing be conducted by the Commission to resolve the factual questions raised by this proceeding, e.g.:

- The scope of operations of NVOCC's of used household goods;
- The extent to which NVOCC's of used household goods will be competitive with the underlying carriers for the same goods;
- The possible solutions to the tariff problems faced by the NVOCC's of used household goods;
- The amount of control exercised over NVOCC's of used household goods by the DOD;
- The number of shipments by individuals as opposed to the DOD and National Accounts; and
- The problems household goods shippers incur in the domestic offshore trades as opposed to foreign trades.

In reply, the NVOCC's assert that all the important issues which have been raised have either been adequately commented upon or have not been rebutted. They pointed out that no parties have rebutted the NVOCC's allegations regarding (1) the number of shipments of and the control by both the DOD and National Accounts as concerns used household goods; (2) the fact that there is hardly any "C.O.D." traffic in the overseas/foreign household goods moving market; and (3) the scope of operations of the NVOCC's. Additionally, we are advised that it is irrelevant and unnecessary to embark upon an evidentiary hearing on the matter of the extent to which the VOCC's will compete with the

NVOCC's, especially since this proceeding is concerned with the present and not what might happen in the future.<sup>1</sup>

Although the NVOCC's have presented their reasons why they cannot comply with our filing requirements, we are unable to unequivocally accept their unsupported arguments. We believe that a through consideration of all matters relevant to the proposed exemption is necessary to provide the necessary background upon which to predicate a determination as to whether the requested exemption is necessary and should be granted. Without establishing a more complete record, the granting of an exemption at this time would raise the possibility that such action would run afoul of the requirements of section 35 of the Act.

The requirements of section 35 of the Act only permit an exemption where effective regulation by the Commission would not be substantially impaired or where the exemption would not unjustly discriminate nor be detrimental to commerce. At this stage in the proceedings, we are doubtful that the evidence before us is sufficient to satisfy these requirements. We are hesitant to substitute unsupported allegations for evidence of fact. Moreover, we interpret the legislative mandate behind section 35 of the Act to obligate the Commission to explore every salient facet of the used household goods industry before allowing the NVOCC's to be exempt from compliance with our filing regulations. The tariff filing requirements are an integral part of the Commission's regulatory responsibilities and any exemption therefrom must be shown to be necessary and otherwise in compliance with section 35 of the Act. Consequently, we will withhold any action on the petition for exemption until after an evidentiary hearing, as urged, has been completed.

The NVOCC's have argued that section 4 of the Administrative Procedure Act (5 U.S.C. 553) precludes the Commission from instituting the requested evidentiary hearing. It is their position that this section requires that an evidentiary hearing be held only when it is so required by the controlling statute, a condition allegedly lacking under section 35 of the Act. We do not agree with such a strained interpretation of the Administrative Procedure Act. When read in toto, section 4 states that the procedural requirements for an evidentiary hearing are required "only when the agency statute, in addition to providing a hearing, prescribes explicitly that it be 'on record.'" *Siegal v. AEC*, 400 F. 2d 778, 785 (1968), cited in *U.S. v. Allegheny-Ludlum Steel Corp.*, 406 U.S. 742 (1972). Simply

<sup>1</sup> During the interchange of comments the VOCC's conceded that the unregulated intermodal ratemaking by NVOCC's of used household goods is of minimum threat to VOCC's. However, they qualified their admission by noting that if specific intermodal legislation is passed by Congress, it is not unforeseeable that VOCC's will be in direct competition with NVOCC's for used household goods.

because this proceeding is pursuant to the exercise of legislative rulemaking power, rather than adjudication, and the Act does not require a determination "on the record", does not necessarily mean that the Commission cannot conduct an evidentiary hearing to resolve factual issues raised by the comments if such is deemed necessary and appropriate. For reasons already stated, we have determined to hold such a hearing.

Therefore, it is ordered, That pursuant to section 4, Administrative Procedure Act (5 U.S.C. 553), and sections 22, 35 and 43 of the Shipping Act, 1916 (46 U.S.C. 821, 833a, 841b), an investigation and hearing be, and hereby is, instituted in this proceeding to determine whether an exemption from the Commission's filing requirements should be accorded to NVOCC's engaged exclusively in providing transportation for used household goods and personal effects. Such investigation shall consider, but not be limited to, the following matters:

- The scope of operations of NVOCC's of used household goods;
- The extent to which NVOCC's of used household goods will be competitive with the underlying carriers for the same goods;
- The possible solutions to the tariff problems faced by the NVOCC's of used household goods;
- The amount of control exercised over NVOCC's of used household goods by the DOD;
- The number of shipments by individuals as opposed to the DOD and National Accounts; and
- The problems household goods shippers incur in the domestic offshore trades as opposed to foreign trades; and

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined and announced by the Presiding Administrative Law Judge; and

It is further ordered, That the NVOCC's and VOCC's listed in Appendix B hereto are hereby named respondents in this proceeding; and

It is further ordered, That any person (other than respondents in this proceeding) who desires to participate herein shall file a petition to intervene in accordance with Rule 5(L) (46 CFR 502.72) of the Commission's Rules of Practice and Procedure, with a copy to parties of record; and

It is further ordered, That an Initial Decision be issued containing a recommendation as to whether the proposed exemption should be granted or denied. If the proposed exemption is granted the Initial Decision will also include any proposed additions, deletions and modifications of the proposed exemption; and

It is further ordered, That notice of this order and proposed exemption for nonvessel operating common carriers of used household goods (Appendix A) be published in the FEDERAL REGISTER, and that a copy thereof and notice of hearing be served upon all parties and upon the Commission's Bureau of Hearing Counsel;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties who advise the Secretary, Federal Maritime Commission, Washington, D.C. 20573, of their desire for such notice.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

APPENDIX A

§§ 531.26(f) and 536.14(c) Exemptions.

The exclusive transportation of used household goods and personal effects when carried under a through bill of lading by a nonvessel operating common carrier by water when such transportation: (1) involves an intermodal movement which includes a segment either regulated or specifically exempted from such regulation under Parts 2 or 4 of the Interstate Commerce Act; and (2) is transported by water on vessels of a common carrier by water regulated by the Federal Maritime Commission; provided, however, That the exemption herein granted shall not be effective unless such nonvessel operating common carrier shall on or before February 28, of each year, for the six-month period ending on the preceding December 31, and on or before August 31, for the six-month period ending on the preceding June 30, file with the Federal Maritime Commission, Washington, D.C., the following report.

FEDERAL MARITIME COMMISSION, BUREAU OF COMPLIANCE, WASHINGTON, D. C. 20573

Date: \_\_\_\_\_

SEMI-ANNUAL REPORT OF NONVESSEL OPERATING COMMON CARRIERS ENGAGED IN INTERMODAL TRANSPORTATION OF HOUSEHOLD GOODS AND PERSONAL EFFECTS

For the period: From: \_\_\_\_\_ 19\_\_ to: \_\_\_\_\_ 19\_\_

- Your Legal Business name and the English equivalent if written in a language other than English.
- Form of organization, i.e., individual, partnership, corporation or other (explain).
- State or jurisdiction and date of incorporation or registry.
- Names, residence, citizenship, title of all corporate officers, partnership members, individual proprietors or other principals.
- Name, address, business and relationship of any person controlling, controlled by or under common control with the reporting carrier.
- Address of principal United States Office.
- A full description of the geographical areas served.
- Type of operation within the United States: Motor carrier or freight forwarder.
- Ocean carriers utilized during the period covered by this report.
- (a) Number of individual shipments handled in foreign commerce.  
(b) Number of individual shipments handled in domestic offshore commerce.
- Number of complaints or claims regarding rates or service received during the period covered by this report. (Attach copies of each complaint, together with the actions taken to settle such complaint or claim).

12. Number of complaints or claims settled during the period of this report. (Attach a list identifying the complaint or claim, together with a report of actions taken including the amount claimed and amount of settlement and the reasons therefore).

I certify that the statements contained herein are true and correct to the best of

my knowledge and belief, and that the attachments hereto represent all complaints and claims regarding rates or service and a complete record as to the disposition thereof for the period covered by this report.

By: \_\_\_\_\_  
Signature of proprietor, partner or corporate officer and title.

## APPENDIX B

	<i>Representing attorney</i>
U.S. Atlantic & Gulf/Australia-New Zealand Conference.	Stanley O. Sher, Billig, Sher, & Jones, Suite 300, 1126 16th St. NW., Washington, D.C. 20036.
United Foreign Shipping Co., United Van Lines, Inc., and United Overseas, Inc.	Gregory M. Rebman, 1230 Boatmen's Bank Bldg., St. Louis, Mo. 63102.
North American Van Lines, Inc.	Martin A. Weissert, P.O. Box 988, Fort Wayne, Ind. 46801.
North Atlantic Mediterranean Freight Conference.	Stanley O. Sher, Billig, Sher, & Jones, Suite 300, 1126 16th St. NW., Washington, D.C. 20036.
Household Goods Carriers' Bureau.	Francis L. Wyche, Dabney T. Waring, Jr., 2425 Wilson Blvd., Arlington, Va. 22201.
Household Goods Forwarders Association of America.	Alan F. Wohlstetter, Denning & Wohlstetter, 1700 K St. NW., Washington, D.C. 20006.
Far East Conference.	Elkan Turk, Jr., Burlingham Underwood & Lord, 25 Broadway, New York, N.Y. 10004.
Bekins Van Lines Co., Bekins Moving and Storage Co. of California, and Bekins Moving and Storage Co. of Hawaii.	Thomas E. Stakem, Macleay, Lynch, Bernhard, & Gregg, Commonwealth Bldg., 1625 K St. NW., Washington, D.C. 20006.

[FR Doc.75-6040 Filed 3-6-75;8:45 am]

**SOUTH JERSEY PORT CORP. AND  
RETIA STEAMSHIP CO.  
Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 27, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

**Notice of Agreement Filed by:**

Robert L. Pettegrew, Executive Director, South Jersey Port Corporation, Broadway & Morgan Boulevard, Camden, New Jersey 08104.

Agreement No. T-3066, between the South Jersey Port Corporation (Port) and Retia Steamship Company (Retia) provides for a one-year berthing and operating agreement whereby Retia will endeavor to route a majority of its Delaware River cargo to Port facilities at Camden, New Jersey. Pursuant to this arrangement the parties have agreed to wharfage rates, dockage rates and charges for the hire of gantry cranes, as outlined in the agreement. All other port and terminal services and facilities will be provided at rates as set forth in the Port's current general cargo tariff.

By Order of the Federal Maritime Commission.

Dated: March 4, 1975.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.75-6041 Filed 3-6-75;8:45 am]

**INTERNATIONAL TRADE  
COMMISSION**

[TA-131(b)-1]

**PRESIDENT'S LIST OF ARTICLES WHICH  
MAY BE AFFECTED BY INTERNATIONAL  
TRADE NEGOTIATIONS**

**Names and Locations of Hearing Rooms**

On January 20, 1975, the Commission issued a public notice of investigation and hearings in the above-entitled investigation with respect to the President's list

of articles which may be affected by international trade negotiations to be conducted under authority of section 101 of the Trade Act of 1974 (40 FR 3517).

There follows the names and locations of the hearing rooms in cities other than Washington, D.C.:

Cities:	Dates (1975)
Board Room, International Trade Mart, 2 Canal Street, New Orleans, La.	March 4.
Federal Executive Board Room (Room 556), Federal Building, Peachtree and Baker, Atlanta, Ga.	March 6.
U.S. Tax Court Room, Room 235, 2d Floor, Federal Building, Post Office, 522 N. Central Avenue, Phoenix, Ariz.	March 11.
U.S. Court of Claims Court Room, 450 Golden Gate Avenue, San Francisco, Calif.	March 13.
Viking Club Room, Radisson Hotel, 45 S. 7th, Minneapolis, Minn.	March 18.
Bonneville Power Administration Auditorium, 1002 Northeast Holladay, Portland, Ore.	March 20.
Rooms 205 and 208, McGraw Hill Building, 1221 Avenue of the Americas, New York, N.Y. 10020.	April 1.
J. F. Kennedy Building, Room 2003A, Cambridge and Sudbury, Boston, Mass.	April 3.
U.S. Court of Claims Court Room, 219 South Dearborn, Chicago, Ill.	April 8.
31st Floor Reception Room, A.J.C. Federal Building, 1240 East 9th Street, Cleveland, Ohio.	April 10.
U.S. Tax Court, Room 587, 5th Floor, U.S. Federal Building and Court House, 19th and Stout Streets, Denver, Colo.	April 14.
ICC Hearing Room, Suite 620, Union Pacific Building, 1110 North 14th Street, Omaha, Nebr.	April 16.
Auditorium (Room 140), Federal Office Building, 801 E. 12th Street, Kansas City, Mo.	April 18.

By direction of the United States International Trade Commission.

Issued: March 3, 1975.

KENNETH R. MASON,  
Secretary.

[FR Doc.75-6023 Filed 3-6-75;8:45 am]

**NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION**

[Notice 75-171]

**SPACE PROCESSING AD HOC  
ADVISORY SUBCOMMITTEE**

**Notice of Determination and  
Establishment**

Pursuant to section 9(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), and after consultation with the Office of Management and Budget, the Administrator of NASA has determined

that the establishment of the Space Processing Ad Hoc Advisory Subcommittee is in the public interest and is required for the performance of duties imposed upon NASA by law. This Subcommittee will review proposals for participation in the Space Processing Rocket Experiment Project and the Space Processing Shuttle Payload Definition Study. The Applications Steering Committee, under which the Subcommittee will operate, is a NASA sponsored interagency committee, composed wholly of government employees.

The intent of this Subcommittee procedure is to obtain the advice of the scientific community on the selection of participants for the Space Processing Rocket Experiment Project and the Space Processing Shuttle Payload Definition Study.

DUWARD L. CROW,  
Assistant Administrator for  
DOD and Interagency Affairs,  
National Aeronautics and  
Space Administration.

MARCH 4, 1975.

[FR Doc.75-6038 Filed 3-6-75;8:45 am]

### NATIONAL SCIENCE FOUNDATION ADVISORY PANEL FOR ATMOSPHERIC SCIENCES

#### Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Atmospheric Sciences to be held at 9 a.m. on March 25 and 26, 1975, at 1800 G Street, N.W., Washington, D.C. The sessions will convene each morning in room 338; other room numbers are indicated in the agenda below.

The purpose of this Panel is to advise the Foundation of the impact of its research support program on the scientific community in atmospheric sciences. The agenda for this meeting shall include:

#### MARCH 25—MORNING

- 9:00 Introductory Remarks—Panel Chairman; Record of Actions, 9/24-25, 1974, Meeting—Vice Chairman.
- 9:30 Division Highlights—Division Director, Environmental Sciences.
- 9:45 Overview of Federal Atmospheric Sciences Program FY 1976—Executive Secretary, Interdepartmental Committee for Atmospheric Sciences.
- 10:00 Health of Solar Physics—Program Director, Solar Terrestrial Program; Panel Member Zirin; and Scientific Coordinator, National Center for Atmospheric Research (NCAR).
- 12:00 Recess for Lunch.

#### AFTERNOON

- 1:00 Review of Atmospheric Sciences Program (Rm. 540).
- 3:00 Discussion of Long-Range Plans (Rm. 338).
- 5:30 Adjourn.

#### MARCH 26—MORNING

- 9:00 NCAR Activities—Head, National Centers & Facilities Operations, and Scientific Coordinator, NCAR.

- 10:00 Current Status of NSF Global Atmospheric Research Program (GARP) and Climate Programs—Head, Office for Climate Dynamics, and Program Director, GARP.
- 10:30 Status of International Magnetospheric Study (IMS)—Program Director, Solar Terrestrial Program.
- 11:00 Program Discussions:
  1. Lower Atmosphere, Panel Member (Rm. 338).
  2. Upper Atmosphere, Panel Member (Rm. 511).

#### AFTERNOON

- 1:30 Reassembly of Full Panel (Rm. 338): Panel Discussion on Evaluation of NSF Supported Research, and Comments on NSF Atmospheric Sciences Program.
- 3:30 Adjourn.

This meeting shall be open to the public. Anyone who wishes to attend or would like more information about this Panel should contact Dr. Fred D. White, Section Head, Atmospheric Sciences, Rm. 312, National Science Foundation, Washington, D.C. 20550, telephone 202/632-4198. Summary minutes of this meeting may be obtained from the Committee Management Coordination Staff, MAO, Rm. K-720, National Science Foundation, Washington, D.C. 20550.

FRED K. MURAKAMI,  
Committee Management Officer.

MARCH 4, 1975.

[FR Doc.75-6048 Filed 3-6-75;8:45 am]

### ADVISORY PANEL FOR HUMAN CELL BIOLOGY

#### Meeting

The Advisory Panel for Human Cell Biology will meet at 9 a.m. on March 29, 1975, at the Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Massachusetts, in room E17-614 in the Center for Cancer Research. This Panel functions in accordance with the Federal Advisory Committee Act (Pub. L. 92-463).

The purpose of the Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

From 9 to 11 a.m. the Panel will be reviewing, discussing, and evaluating individual research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b) (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.

The remainder of this meeting shall be open to the public. The Panel will be reviewing the policies, guidelines, and effectiveness of the Human Cell Biology Program. Individuals who wish to attend

or would like more information about this Panel should contact Dr. Herman W. Lewis, Head, Cellular Biology Section, Rm. 326, National Science Foundation, Washington, D.C. 20550, telephone 202/632-4200.

Summary minutes of this meeting may be obtained from the Committee Management Coordination Office, MAO, Rm. K-720, National Science Foundation, Washington, D.C. 20550.

FRED K. MURAKAMI,  
Committee Management Officer.

MARCH 4, 1975.

[FR Doc.75-6049 Filed 3-6-75;8:45 am]

### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-286]

### CONSOLIDATED EDISON CO. OF NEW YORK, INC. (INDIAN POINT NUCLEAR GENERATING UNIT NO. 3)

#### Order Extending Construction Completion Date

Consolidated Edison Company of New York, Inc. is the holder of Provisional Construction Permit No. CPPR-62 issued by the Commission on August 13, 1969, for construction of the Indian Point Nuclear Generating Unit No. 3 presently under construction at the Company's site on the Hudson River in the Village of Buchanan, Westchester County, New York.

On January 18, 1974, the Company filed a request for an extension of the completion date because construction has been delayed due to, among other things, (1) insufficient qualified laborers, (2) delayed shipment of critical materials, and (3) unexpected work resulting from design changes. On April 12, 1974 and February 3, 1975, the Company filed additional information in support of its request. This action involves no significant hazards consideration; good cause has been shown for the delay; and the requested extension is for a reasonable period, the bases for which are set forth in a staff evaluation, dated February 24, 1975.

It is hereby ordered That the latest completion date for CPPR-62 is extended from March 1, 1974 to July 1, 1975.

Date of Issuance: February 28, 1975.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,  
Acting Assistant Director for  
Light Water Reactors Group  
1, Division of Reactor Licensing.

[FR Doc.75-6033 Filed 3-6-75;8:45 am]

### REGULATORY GUIDES

#### Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued two guides in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the



NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.64, Revision 1, "Quality Assurance Requirements for the Design of Nuclear Power Plants," describes a method acceptable to the NRC staff for complying with the Commission's regulations with regard to quality assurance requirements for the design of all types of nuclear power plants. Revision 1 reflects the development of ANSI N45.2.11-1974 from the proposed version referenced in the original issue of this guide to the final version approved by the American National Standards Institute.

Regulatory Guide 1.95, "Protection of Nuclear Power Plant Control Room Operators Against an Accidental Chlorine Release," describes design features and procedures that are acceptable to the NRC staff for the protection of nuclear power plant control room operators against an accidental chlorine release.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guides 1.64 (Rev. 1) and 1.95 will, however, be particularly useful in evaluating the need for early revisions if received by May 2, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copy-righted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

- Prevention of Fracture of Structural Discontinuities in Reactor Pressure Vessel.
- Protection Against Postulated Events and Accidents Outside of Containment.
- Fracture Toughness Requirements for Materials for Class 2 and 3 Components.
- Maintenance of Water Purity in PWR Secondary Systems.
- Criteria for Heatup and Cooldown Procedures.
- Effects of Residual Elements on Predicted Radiation Damage.
- Surveillance Testing and Inservice Inspection of Thermal Barrier and Steam Generator Materials in High-Temperature Gas-Cooled Reactors.

- Surveillance and Postirradiation Examination of Fuel Rods in Lead Assemblies.
- Design Load Combinations for Component Supports.
- Interim Guide on Tornado Missiles.
- Criteria for Plugging Steam Generator Tubes.
- Structural Design Criteria for Fuel Assemblies in Light-Water-Cooled Reactors.
- Overhead Crane Handling Systems for Nuclear Power Plants.
- Recommended Procedure for Resintering Test to Monitor Densification Stability of Production Fuel.
- Tornado Design Classification.
- Overpressure Protection of Low-Pressure Systems Connected to Reactor Coolant Pressure Boundary.
- Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant Conditions During and Following an Accident.
- Investigation of Material Underneath Nuclear Power Plant Foundations.
- Protective Coatings for Light-Water Nuclear Reactor Containment Facilities.
- Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.
- Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel during the Construction Phase of Nuclear Power Plants.
- Assumptions Used for Evaluating the Potential Radiological Consequences of a BWR Radioactive Offgas System Failure.
- Fire Protection Criteria for Nuclear Power Plants.
- Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.
- Quality Assurance Requirements for Control of Procurement of Equipment, Materials, and Services for Nuclear Power Plants.
- Quality Assurance Requirements for Lifting Equipment.
- Maintenance and Testing of Batteries.
- Qualification Test of Class IE Cables, Connections, and Field Splices for Nuclear Power Plants.
- Seismic Qualification of Class I Electric Equipment.
- Design of Main Steam Line Isolation Valve Leakage Control Systems for Direct Cycle Boiling Water Reactor Nuclear Power Plants.
- Fuel Oil Systems for Standby Diesel Generators.
- Quality Assurance Requirements for the Manufacture of Class IE Instrumentation and Electric Equipment for Nuclear Power Plants.
- Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.
- Containment Isolation Provisions.
- Instrument Spans and Setpoints.
- Initial Startup Testing Program for Facility Shutdown from Outside the Control Room.
- Periodic Testing of Diesel Generators.
- Qualification of Inspection, Examination, and Testing Personnel for Nuclear Facilities.
- Quality Assurance Program Requirements for Nuclear Power Plant Fuels.
- Testing of Nuclear Air Cleaning Systems.
- Preoperational and Initial Startup Testing of Feedwater Systems for BWRs.
- Design Criteria for Overload Protection of Motor-Operated Valves.
- Probable Maximum Storm Surge Flooding on Lakes and Sea Shores.
- Protection of Nuclear Power Plants Against Industrial Sabotage.
- Emergency Planning for Nuclear Power Plants.
- Control Room Manning.
- Flood Protection for Nuclear Power Plants.
- Hydrologic Design Criteria for Water Control Structures Constructed for Nuclear Power Plants.

Spill Analysis—Dispersion and Dilution in Surface and Ground Water.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 26th day of February 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,  
Acting Director,  
Office of Standards Development.

[FR Doc. 75-6004 Filed 3-6-75; 8:45 am]

[Dockets Nos. 50-277, 50-278]

**PHILADELPHIA ELECTRIC CO. ET AL.**  
**Issuance of Amendments to Facility Operating Licenses**

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 6 and 4 to Facility Operating Licenses Nos. DPR-44 and DPR-56, respectively issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company and the Atlantic City Electric Company which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station Units 2 and 3, located in Peach Bottom, York County, Pennsylvania. The amendments are effective as of date of issuance.

The amendments delete the provisions in the Technical Specifications which require that the maximum worth of any operable control rod be less than 1.25 percent when the reactor is operated above 30 percent rated power.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment in connection with this action was published in the FEDERAL REGISTER on November 6, 1974 (39 FR 39311). No request for a hearing or petition for leave to intervene was filed following the notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated August 29, 1974, (2) Amendments Nos. 6 and 4 to Licenses Nos. DPR-44 and DPR-56, with Changes Nos. 7 and 4, respectively, 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 Martin Memorial Library, 159 E. Market Street, York, Pennsylvania.

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 28th day of February, 1975.

For the Nuclear Regulatory Commission.

**GEORGE LEAR,**  
Chief Operating Reactors Branch  
#3, Division of Reactor Licensing.

[FR Doc. 75-6006 Filed 3-6-75; 8:45 am]

[License No. 04-16163-01E]

#### ULTRA ELECTRONICS, INC.

##### Issuance of Byproduct Material License

Please take notice that the Nuclear Regulatory Commission has, pursuant to § 32.26 of 10 CFR Part 32, issued License No. 04-16163-01E to Ultra Electronics, Incorporated, 10315 Woodley Avenue, Granada Hills, California 91344, which authorizes the distribution of fire detectors to persons exempt from the requirements for a license pursuant to § 30.20 of 10 CFR 30.

1. The devices are designed to detect incipient fire by responding to the products of combustion produced by thermal decomposition of building materials or contents prior to the appearance of visible smoke, flame, or appreciable heat. The sensitive element of each detector is an ionization chamber in which air flowing into the chamber is made conductive by alpha particles emitted by americium 241.

2. The byproduct material incorporated in each detector is americium in the oxide form contained in foils manufactured by Amersham/Searle (Model AMMW-871). The maximum activity contained in the unit is 0.3 microcuries.

3. Each exempt unit will have a label identifying the manufacturer, Ultra Electronics, Inc., and the byproduct material, americium 241, contained in the unit and recommending that the unit be returned to Ultra Electronics, Inc., for disposal.

A copy of the license and license application containing additional information are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Maryland, February 28, 1975.

For the Nuclear Regulatory Commission.

**BERNARD SINGER,**  
Chief, Materials Branch, Division of Materials and Fuel Cycle Facility Licensing.

[FR Doc. 75-6005 Filed 3-6-75; 8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET

### CLEARANCE OF REPORTS

#### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 4, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

#### NEW FORMS

##### FEDERAL RESERVE SYSTEM

Supplemental Survey Regarding Interest Rate Information Reported on Form F.R. 835, F.R. 835, single-time, commercial banks, Rullett, D. T., 395-4730.

##### ENVIRONMENTAL PROTECTION AGENCY

Survey on Economic Welfare Impacts of Urban Noise, single-time, households, Weiner, N., 395-4890.

##### DEPARTMENT OF AGRICULTURE

Forest Service, Consumer Responsiveness to Pure Maple Syrup Price and Grade Combinations, single-time, households using maple-flavored table syrups, Lowry, R. L., 395-3772.

Soil Conservation Service:

Summary Actual Costs of Installing Wellton-Mohawk Irrigation Improvement Practices, AZ-CONS-7, annually, owners and operators in Wellton-Mohawk District, Lowry, R. L., 395-3772.

Application for Payment for Federal Cost Share Wellton-Mohawk Irrigation Improvement Program, AZ-B&P-1, semi-annually, land unit owners and operators, Lowry, R. L., 395-3772.

Application for Participation—Wellton-Mohawk Irrigation Improvement Program, AZ-CONS-6, on occasion, land owners and operators, Lowry, R. L., 395-3772.

Wellton-Mohawk Irrigation Improvement Program Contract, AZ-AS-3, on occasion, land unit operations in Wellton-Mohawk Irrigation District, Lowry, R. L., 395-3772.

Farmer Cooperative Service, New Cooperative Volume and Structure Information, on occasion, people interested in forming a cooperative, Lowry, R. L., 395-3772.

##### DEPARTMENT OF DEFENSE

Department of the Air Force:

Orbital Requirements Documentation, on occasion, government agencies, National Security Division, 395-4734.

Satellite Control Orbital Support Plan Documentation, on occasion, government agencies, National Security Division, 395-4734.

Department of the Navy, Comprehensive Junior College Survey of Navy Recruitment Potential, single-time, males, community and junior college students, Strasser, A., 395-3880.

##### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education, State Dissemination Application Package, NIE 96, annually, Sea's, Lowry, R. L., 395-3772.

Office of Education, Institutional Application for Public Service Programs, OE404, annually, institutions of postsecondary education, Lowry, R. L., 395-3772.

Health Resources Administration:

Application to Participate in the Nursing Capitation Grant Program, annually, schools of nursing, Lowry, R. L., 395-3772.

Application for Grant to Assist Schools of Nursing Which are in Financial Distress, annually, schools of nursing, Lowry, R. L., 395-3772.

##### DEPARTMENT OF JUSTICE

Immigration and Naturalization Service:

Application for Verification of Information From Service Records, G-641, on occasion, individuals, Lowry, R. L., 395-3772.

Application for a Search of the Records of the Immigration and Naturalization Service Under the Freedom of Information Act, G-639, on occasion, individuals, Lowry, R. L., 395-3772.

##### REVISIONS

##### VETERANS ADMINISTRATION

Medical Certificate and History, VA-10-10M, on occasion, veterans, Caywood, D. P., 395-3443.

##### DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority, Commodity Futures: Positions of Special Accounts, CFTC-01, other (see SF-83), futures commission merchants, Lowry, R. L., 395-3772.

##### DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of Education, Application for Veterans' Cost-of-Instruction Payments to Institutions of Higher Education, OE 269, annually, Caywood, D. P., 395-3443.

Health Resources Administration:

Fellowship Health Surveys for Evaluating Selected Neighborhood Health Centers, none, single-time, Human Resources Division, 395-3532.

Restudy of Rural Physicians in Twenty Rural Missouri Counties, 0426, single-time, rural and metropolitan Missouri physicians, Caywood, D. P., 395-3443.

Social Security Administration, Uses of Medicare & Medicaid Funds by Teaching Hospitals, SSA-9766, single-time, individuals in hospitals and medical/osteo school, Human Resources Division, 395-3532.

##### EXTENSIONS

##### VETERANS ADMINISTRATION

Trainee Request for Leave (Vocational Rehabilitation), 22-1906H, on occasion, Evinger, S. K., 395-3648.

Application for Readmission to Hospital or Domiciliary, VA-10-10R, on occasion, veterans, Evinger, S. K., 395-3648.

Consumer Sampling Letter—VA Hospitals, FL23-652A, on occasion, veterans, Evinger, S. K., 395-3648.

##### DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration, Special Report—Status of Custodial Bank Account for Shippers Proceeds (a Protection for the Absent Shipper), P&SA 131, on occasion, Evinger, S. K., 395-3648.

Extension Service, Evaluation of Food and Nutrition Education Program, ES-255, ES-256, semiannually, Human Resources Division, 395-3532.

##### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Communities, Redevelopers Statement for Public Disclosure and \* \* \* Statement of Qualifications and Financial Responsibility, HUD 6004, annually, Evinger, S. K., 395-3648.

## DEPARTMENT OF LABOR

Labor-Management and Service Administration, Petition, LMSA 60, on occasion, Lowry, R. L., 395-3772.  
Employment Standards Administration, Claim for Compensation in Death by Dependents Other Than Widows and Children of Deceased, LS 263, on occasion, Evinger, S. K., 395-3648.

PHILLIP D. LARSEN,  
Budget and Management Officer.

[FR Doc. 75-6120 Filed 3-6-75; 8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[70-5607; 31-747]

## AMERICAN NATURAL GAS CO. AND WISCONSIN GAS CO.

Proposed Distribution of Common Stock of Subsidiary by Holding Company; Exemption of Holding Company; Order Authorizing Solicitation of Proxies

FEBRUARY 28, 1975.

Notice is hereby given that American Natural Gas Company ("American Natural"), 30 Rockefeller Plaza, Suite 4545, New York, New York 10020, a registered holding company, and its wholly-owned public utility subsidiary, Wisconsin Gas Company ("Wisconsin Gas"), 626 East Wisconsin Avenue, Milwaukee, Wisconsin 53201, have filed an application-declaration and an amendment thereto, together with an exemption statement (Form U-3A-2) pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 3(a)(1), 6(a), 7, 9(a)(1), 9(a)(2), 10, 12 and 12(c) of the Act and rules 2, 43, 60, 61 and 62 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the amended application-declaration and exemption statement, which are summarized below, for a more complete statement of the proposed transactions.

American Natural, a Delaware corporation, is solely a holding company. It has two gas utility subsidiary companies, Wisconsin Gas and Michigan Consolidated Gas Company ("Michigan Consolidated"). In addition, it controls directly or indirectly a number of subsidiaries which are non-utility companies within the meaning of the Act. As of September 30, 1974, the total consolidated assets of American Natural and its subsidiaries amounted to approximately \$1,957,000,000 (after reserves for depreciation and depletion) and consolidated revenues amounted to approximately \$748,685,000 in the 12 months ended on that date. On the same date, American Natural's capital stock, all publicly-held, consisted of 18,432,532 common shares, with a par value of \$10 per share. The issue and sale of an additional 2,000,000 shares in February 1975 (HCAR No. 18829) increased the number of outstanding shares to 20,432,532.

Wisconsin Gas, a Wisconsin corporation, is a gas public-utility company as defined in the Act. It is the largest gas distributing company in the State of Wisconsin where it conducts all of its

business. It serves natural gas to approximately 367,000 retail customers in some 352 communities (including the City of Milwaukee), with an estimated 1970 census population of 1,668,000. Approximately 93 percent of the company's gas supplies are purchased, pursuant to long-term service agreements, from Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), an affiliated System company, and the balance is purchased from two non-affiliated pipeline suppliers. In the 12-month period ended September 30, 1974, Wisconsin Gas has total operating revenues of \$149,465,000, and its total assets on that date (after valuation reserves) amounted to \$236,586,000. As of the same date, its capital structure was as shown below.

	Amount	Percent
First mortgage bonds.....	\$100,291,000	50.3
Sinking fund debentures.....	12,600,000	6.3
Total long-term debt.....	\$112,891,000	56.6
Common stock equity.....	86,788,491	43.4
Total capital and surplus.....	199,679,491	100.0

<sup>1</sup> Exclusive of current maturities.

Of the total long-term debt, \$16,616,000 principal amount of first mortgage bonds matures in November 1975; the balance matures variously from 1981 through 1994. The company also has outstanding \$12,910,000 of short-term debt pending permanent financing. The equity consists of 5,946,746 authorized and outstanding shares of \$12 par value common stock, all held by American Natural, plus accumulated retained earnings. Wisconsin Gas' rates, accounting, and related matters are subject to the jurisdiction of the Public Service Commission of Wisconsin.

Michigan Consolidated, a Michigan corporation, is a gas utility company as defined in the Act. It is the largest natural gas distribution company in Michigan, where all of its utility business is conducted. Its total assets amounted to \$701,880,000 at September 30, 1974, and total revenues in the year then ended were \$459,158,000. Approximately 84 percent of Michigan Consolidated's gas supply is purchased from Michigan Wisconsin, and the balance from non-affiliated suppliers and from an affiliated System company, Great Lakes Transmission Company ("Great Lakes").

Michigan Wisconsin owns and operates an interstate natural gas transmission and underground storage system. Its pipeline facilities extend to the Midwest from gas production areas of Texas and Oklahoma and from onshore and offshore Louisiana. Michigan Wisconsin provides gas service to 54 distribution wholesale customers (including Wisconsin Gas and Michigan Consolidated) in nine states, principally Michigan and Wisconsin. During the 12 months ended September 30, 1974, approximately 80 percent of Michigan Wisconsin's gas supply (874 billion cubic

feet) was purchased from numerous independent producers and the balance from its affiliate, Great Lakes, and four non-affiliated suppliers. In the same period, its sales amounted to 837 billion cubic feet, of which about 50 percent was sold to Michigan Consolidated, 16 percent to Wisconsin Gas, and the balance to non-affiliated distributors. Its total revenues in that period were \$512,202,000, and its total assets on September 30, 1974 amounted to \$816,719,000 (after valuation reserves). Michigan Wisconsin's rates, service and accounting are subject to the jurisdiction of the Federal Power Commission.

American Natural also has two wholly-owned subsidiaries: American Natural Gas Production Company, engaged in oil and gas exploration and development, and American Natural Gas Service Company ("Service Company"), a mutual service company rendering various services at cost to affiliated System companies; and it owns a 50 percent common stock interest in Great Lakes which operates a 1,000-mile pipeline system transporting Canadian natural gas, including deliveries of 70 million cubic feet daily to Michigan Wisconsin and Michigan Consolidated.

American Natural's proposals include the following transactions:

(1) American Natural will distribute to the holders of its common stock all the outstanding shares of common stock of Wisconsin Gas, in the ratio of one share of Wisconsin Gas for each five shares of American Natural common stock held on the effective date of distribution. No fractional shares of Wisconsin Gas will be distributed, but the number of full shares equal to the aggregate of all fractional shares to which American Natural's stockholders would otherwise be entitled will be sold by an agent and the cash proceeds of the sale, net of selling expenses, will be paid pro-rata to the stockholders. American Natural has requested a ruling from Internal Revenue Service to the effect that, among other things, the distribution of the Wisconsin Gas stock will be "tax-free", i.e., that the distribution will not result in any taxable gain or loss to the recipient stockholders of American Natural.

(2) Prior to the distribution, Wisconsin Gas' \$12 par value outstanding common stock will be reclassified into approximately 4,087,000 shares of \$1 par value per share, equal to one-fifth of American Natural's then outstanding shares of common stock; and Wisconsin Gas will decrease the number of its authorized shares of common stock to 5,000,000. The difference, approximately \$67,000,000, between the total par value of its presently outstanding common stock and total par value of the reclassified common stock, will be credited by Wisconsin Gas to "other paid-in capital." Application will be made to the New York Stock Exchange to list the shares of Wisconsin Gas stock to be distributed.

(3) American Natural, now a Delaware corporation, will be reincorporated as a Michigan corporation. This will be accomplished by (i) organizing a new Michigan corporation named American Natural Gas Company ("American Natural (Michigan)") which will initially issue and American Natural will acquire for \$100, 100 shares of \$1 par value common stock; and (ii) after distribution of the Wisconsin Gas stock to American Natural's stockholders, merging

American Natural into American Natural (Michigan). All of the outstanding shares of American Natural, \$10 par value will be converted as a result of the merger into an equal number of shares of American Natural (Michigan) with a par value of \$1 per share. The aggregate reduction in par value (\$165,893,000 as of September 30, 1974) will be credited to "other paid-in capital." The assets and liabilities, and all the rights, privileges and obligations, of American Natural (Michigan) immediately following the merger will be the same as those of American Natural just prior to the merger; and the rights and privileges pertaining to American Natural (Michigan's) common stock will be essentially similar to those attaching to the present common stock of American Natural.

(4) The proposed reorganization will be submitted to the stockholders of American Natural pursuant to a proxy and proxy-statement at the annual stockholders meeting scheduled for April 30, 1975. A majority vote of the stockholders is required to effectuate the reorganization. Copies of the proxy and proxy-statement have been submitted for appropriate review.

It is stated that the separation of Wisconsin Gas from American Natural will not affect the former's gas supplies, and that its long-term supply contracts with Michigan Wisconsin will remain in effect. It is also stated that none of the officers or directors of Wisconsin Gas will serve on the Board of American Natural or any of its subsidiaries. Service Company will continue to provide billing and accounting services for Wisconsin Gas at cost on substantially the same basis as now provided until Wisconsin Gas is able to substitute others to render these services.

The divestment of Wisconsin Gas will reduce the American Natural System's revenues and earnings by 10-11 percent. American Natural states that it presently contemplates continuation of its current dividend rate of \$2.54 per annum; and that the dividend policy of Wisconsin Gas will be determined by its Board of Directors, but based on an assumed 60 percent pay-out ratio followed generally by independent gas utilities and using Wisconsin Gas' earnings for the 12 months ended September 30, 1974, the indicated annual dividend rate would be \$1.32 per share of Wisconsin Gas' reclassified common stock.

American Natural, reincorporated in Michigan, will have a single public-utility subsidiary company, Michigan Consolidated, also a Michigan corporation conducting substantially all of its business within that State. American Natural has filed herein an exemption statement on Form U-3A-2 requesting that the Commission enter an order pursuant to section 3(a)(1) of the Act exempting American Natural (Michigan) and its subsidiary companies from all provisions of the Act except section 9(a)(2) thereof.

The proposed reclassification of Wisconsin Gas' common stock is subject to approval of the Public Service Commission of Wisconsin, to which an application will be made. It is stated that no other State commission, and no Federal commission other than this Commission, has jurisdiction over the proposed trans-

actions. A statement of the fees and expenses to be incurred in connection with the proposed transactions will be filed herein by amendment.

Notice is further given that any interested person may, not later than March 25, 1975 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

On the basis of the record it is found that the application-declaration as amended, insofar as it pertains to the proposed solicitation of consents of American Natural's stockholders, satisfies the provisions of section 12(e) of the Act and rule 62 thereunder; and that it is appropriate in the public interest and in the interest of investors and consumers that the solicitation be permitted:

*It is ordered.* Pursuant to section 12(e) of the Act and rule 62 thereunder, That said application-declaration as amended, insofar as it pertains to the solicitation of American Natural's stockholders, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and provisions prescribed in rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 75-6026 Filed 3-6-75; 8:45 am]

[812-3736, etc.]

CNA MANAGEMENT CORP. ET AL.

Application for Exemption

FEBRUARY 28, 1975.

In the matters of CNA Management Corporation, Manhattan Fund, Inc.,

Hemisphere Fund, Inc., Liberty Fund, Inc., Fundex, Inc., Schuster Fund, Inc., 245 Park Avenue, New York, New York 10017 (812-3736); CNA-Larwin Advisors, Inc., 16255 Ventura Boulevard, Encino, California 91316; CNA-Larwin Investment Company, 9100 Wilshire Boulevard, Beverly Hills, California 90212 (812-3746); Pro Services, Inc., Pro Fund, Inc., Pro Income Fund, Inc., Valley Forge Colony Office Building, Valley Forge, Pennsylvania (812-3731); National Industries Fund, Inc., NIF Management Co., Inc., Inverness Counsel, Inc., 1800 Century Park East, Los Angeles, California 90067 (812-3734); CNA Management Corporation, The Knickerbocker Fund, Knickerbocker Growth Fund, 245 Park Avenue, New York, New York 10017 (812-3726).

Notice is hereby given of the filing of the following applications pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for temporary exemption from the provisions of section 15 (a) and (c) of the Act: (1) by Manhattan Fund, Inc., Hemisphere Fund, Inc., Liberty Fund, Inc., Fundex Inc., registered under the Act as open-end diversified investment companies, Schuster Fund, Inc., a registered open-end non-diversified investment company and CNA Management Corporation, filed on November 22, 1974, and amended on February 3, 1975; (2) by The Knickerbocker Fund and Knickerbocker Growth Fund, Inc., both registered open-end diversified investment companies, and CNA Management Corporation, filed on December 9, 1974, and amended on February 3, 1975; (3) by Pro Fund, Inc., and Pro Income Fund, Inc., registered open-end diversified investment companies and Pro Services, Inc., filed on December 2, 1974; (4) by National Industries Fund, a registered open-end diversified investment company, NIF Management and Inverness Counsel, Inc., filed on December 6, 1974; and (5) by CNA-Larwin Investment Company, a registered closed-end diversified investment company and CNA-Larwin Advisors, Inc., filed on January 6, 1975, and amended on February 14, 1975. All of the above companies are hereinafter collectively referred to as "Applicants," and the registered investment companies are collectively referred to as "Funds." Each Applicant which is not a fund is an investment adviser to one or more of the Funds. All interested persons are referred to the applications on file with the Commission, for statements of the representations contained therein which are summarized below.

Each of the funds is a party to an investment advisory agreement with one of the aforementioned investment advisers (hereinafter "advisers"). Each adviser is a wholly owned subsidiary of CNA Financial Corporation ("CNA").

On November 11, 1974, Loews Corporation ("Loews") made an offer to purchase at least 20,000,000 shares of CNA voting stock, if such shares were tendered by 4 p.m. Chicago time on November 26, 1974. The offer terminated on that date and Loews announced that more than

20,000,000 shares of CNA voting stock were tendered and would be purchased by Loews. Loews also agreed to purchase for \$25,000,000 a new series of CNA convertible preferred stock. These transactions resulted in Loews ownership of approximately 56.6 percent of CNA's outstanding voting stock.

Section 2(a) (4) of the Act defines "assignment" to include any direct or indirect transfer of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor.

Section 15(a) of the Act provides, among other things, that it shall be unlawful for any person to serve or act as an investment adviser of a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of such registered investment company, and requires that such written contract provide for its automatic termination in the event of its assignment. Section 15(c) of the Act prohibits any registered investment company having a board of directors from entering into, renewing or performing any contract or agreement whereby a person undertakes to serve as an investment adviser of the company unless such contract or agreement has been approved by a vote of a majority of directors who are not parties to such agreement or contract or interested persons of any such party.

Applicants state that the Boards of Directors of the Funds, including a majority of those persons who are not interested persons, held meetings at which they approved the continuation of the agreements in view of the conclusion by the members of each of the Boards that control of CNA by Loews did not presently appear to have a detrimental effect upon the ability of the adviser subsidiaries to provide services under the agreements.

The Applicants request an order of temporary exemption, commencing at the time of the termination of the agreements, from section 15 (a) and (c) to permit the advisers to continue to furnish services to the Funds under the existing agreements until such time as the Funds seek shareholder approval of new advisory agreements. Applicants state that the compensation payable to the adviser from the date of termination of the agreement to the shareholder meetings of each fund is to be the lesser of the fee specified in each agreement or cost. Each Fund, in addition, undertakes, if the exemptive order is granted, to submit to shareholders at the aforementioned shareholder meetings the question of ratification of the payment of the full contract fees to the adviser during the period of exemption. Manhattan Fund proposes to solicit the requisite shareholder approval at the annual meeting to be held on March 19, 1975, Hemisphere, Liberty, and Fundex propose to solicit approval at meetings to be held on March 24, 1975, and Schuster Fund proposes to solicit approval at the annual meeting scheduled for March 25, 1975.

Knickerbocker Fund and Knickerbocker Growth Fund intend to seek shareholder approval at meetings to be held on March 19, 1975. CNA-Larwin Investment Company proposes to solicit approval at meetings to be held in March, 1975, as do Pro Income Fund and National Industries Fund. Pro Fund shareholders approved the new advisory agreement at a meeting held on December 18, 1974.

Applicants have submitted that the granting of the application is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act for among others, the following reasons:

1. The continuation of the investment advisory agreements with the advisers on the same basis during the limited period of time of the exemption would eliminate the possibility that the Funds, which do not have any independent investment research and management capability or housekeeping personnel, might be adversely affected during a period when they might otherwise be deemed to be operating without investment advisory agreements.

2. The offer of Loews to obtain control of CNA appears not to have been made for the prime purpose of acquiring control of the adviser subsidiaries of CNA and terminating the agreements but rather such termination was an incidental effect of an offer having other objectives.

3. The Funds understand at this time that the transfer of control of CNA to Loews will not involve any fundamental change in the operation or personnel of the CNA adviser subsidiaries.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 24, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the applications herein will be issued as of course follow-

ing said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.75-6025 Filed 3-6-75;8:45 am]

[812-3738]

**CONTINENTAL ASSURANCE COMPANY  
ET AL**

**Application for Exemption**

FEBRUARY 28, 1975.

Notice is hereby given that Continental Assurance Company Separate Account (B) ("Separate Account (B)"), an open-end diversified investment company registered under the Investment Company Act of 1940 ("Act") and CNA Income Shares, Inc. ("Income Shares"), a closed-end diversified investment company registered under the Act (collectively the "Funds"), and Continental Assurance Company ("CAC"), Chicago, Illinois, investment adviser to each of the Funds and principal underwriter for Separate Account (B), filed an application on December 13, 1974, and an amendment thereto on February 10, 1975, pursuant to section 6(c) of the Act for an order of exemption from the provisions of section 15 (a), (b) and (c) of the Act. (The Funds and CAC are hereinafter collectively called "Applicants.") All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

CAC is a wholly-owned subsidiary of CNA Financial Corporation ("CNA"), a holding company with insurance and other financially oriented interests. On November 11, 1974, Loews Corporation ("Loews"), made a tender offer for the purpose of obtaining control of CNA. The tender offer expired on November 26, 1974, and, on November 27, 1974, it was announced that Loews would purchase 20,000,000 shares of CNA voting stock which had been tendered and an additional block of preferred stock, and that these purchases would give Loews voting control of CNA.

Section 15(a) of the Act provides, among other things, that it shall be unlawful for any person to serve or act as an investment adviser of a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of such registered investment company, and requires that such contract provide for its automatic termination in the event of its

assignment. Section 15(b) of the Act provides that it shall be unlawful for any registered open-end company to offer for sale, sell, or deliver after sale any security of which such company is the issuer, except pursuant to a written contract which has been approved by the board of directors or by a vote of a majority of the outstanding voting securities of such company and which provides for its automatic termination in the event of its assignment. Section 15(c) of the Act prohibits any registered investment company having a board of directors from entering into, renewing or performing any contract or agreement whereby a person undertakes regularly to serve or act as investment adviser or principal underwriter for such company, unless such contract or agreement has been approved by the vote of a majority of directors who are not parties to such agreement or contract or interested persons of any such party. Section 2(a)(4) of the Act defines "assignment" to include the direct or indirect transfer of a contract or a controlling block of the assignor's outstanding voting securities by a security holder of the assignor. Loew's offer to purchase indicated that if Loews acquired control of CNA pursuant to the offer the investment advisory agreements of CNA's subsidiaries would terminate. Applicants state that the consummation of the purchases of CNA stock announced on November 27, 1974, confers upon Loews voting control of CNA and terminates the investment advisory contracts between CAC and the Funds and the underwriting agreement between CAC and Separate Account (B).

The Board of Directors of Income Shares and the Committee of Separate Account (B), including a majority of those persons who are not interested persons of the Funds or of CAC unanimously concluded at meetings held on December 5, 1974 and December 6, 1974, respectively, that control of CNA by Loews would not have a detrimental effect on the ability of CAC to provide services to the Funds and that the continuation of the agreements would serve the best interests of stockholders of both Funds. The Committee, including a majority of those persons on the Committee who are not interested persons of the Funds or CAC approved the underwriting agreement on the same terms as prior to its assignment. The applicants represent that the Board and the Committee further approved the submission of the investment advisory agreements to the shareholders at meetings which are presently scheduled no later than the end of March, 1975.

Applicants seek an exemption to permit CAC to serve as investment adviser to the Funds from the date of Loew's assumption of control of CNA until the annual meetings of stockholders of Income Shares and Separate Account B, on March 21, 1975, and March 24, 1975, respectively, under the agreements existing just prior to the date of the transfer of control of CNA to Loews; and to permit CAC to serve as principal underwriter for Separate Account (B) for the time

from the change in control of CNA until December 6, 1974, on the same terms as those under the previously existing agreement. At such meetings, shareholders will also be asked to approve the payment to the investment advisers of the full fee specified in the agreements, for the period during which the contracts were not in effect.

Applicants have submitted that the granting of the application is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act for, among others, the following reasons:

1. The Funds have no independent investment research or management capability.
2. The Funds understand at this time that control of CAC by Loews does not involve a fundamental change in CAC or its ability to perform under the agreements in the next several months.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 24, 1975 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interests, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, DC. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations under the Act, an order disposing of the application herein will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 75-6024 Filed 3-6-75; 8:45 am]

[File No. 81-173]

## ESB INCORPORATED

### Application and Opportunity for Hearing

FEBRUARY 26, 1975.

Notice is hereby given that ESB Incorporation ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("the 1934 Act") for exemption from filing a Form 10-K required by the provisions of sections 13 and 15(d) of the 1934 Act.

Section 13 provides that each issuer of a security which is registered pursuant to section 12 of the 1934 Act shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate for the proper protection of investors and to insure fair dealing in the security, certain annual, current, and quarterly reports.

Section 15(d) provides that each issuer who has filed a registration statement which has become effective pursuant to the Securities Act of 1933, as amended shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, such supplementary and periodic information, documents, and reports as may be required pursuant to section 13 of the 1934 Act in respect of a security registered pursuant to Section 12 of the 1934 Act.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting, and proxy solicitation provisions under sections 12, 13 and 14 of the 1934 Act and to grant exemptions from the insider reporting and trading provisions of Section 16 of the 1934 Act, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Application states, in part:

1. At the end of its fiscal year on March 31, 1974, Applicant, a Delaware corporation, had outstanding one class of securities registered pursuant to section 12(b) of the 1934 Act.

2. In July, 1974, Applicant filed a registration statement on Form S-8 with respect to employee stock options.

3. As a result of a tender offer made during the summer of 1974 by The International Nickel Company of Canada, Limited ("International Nickel"), a Canadian corporation, through its wholly-owned subsidiary, Inco Holdings Incorporated ("Inco"), a Delaware corporation, Inco owned approximately 98 percent of Applicant's outstanding common stock.

4. Applicant's common stock was delisted by the New York and PBW Stock Exchanges, and on December 11, 1974, the stock was deemed registered under section 12(g)(1) of the 1934 Act.

5. On December 20, 1974, Applicant's parent, Inco, was merged into Applicant, and the public shareholders of Applicant were given cash in exchange for their shares.

6. As a result of the merger, all of Applicant's issued and outstanding shares of stock are owned by International Nickel through a wholly-owned subsidiary, The International Nickel Company, Inc., a Delaware corporation.

7. On December 31, 1974, Applicant filed a Certification pursuant to section 12(g) (4) of the 1934 Act indicating that it had less than 300 shareholders of record.

In the absence of an exemption, Applicant would be required to file a report on Form 10-K for the period from April 1, 1974 through December 31, 1974 as required by the provisions of section 13 as well as under the provisions of section 15(d).

Applicant argues that no useful purpose would be served in filing the report.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that any interested person not later than March 24, 1975 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.75-6027 Filed 3-6-75; 8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 715]

### ASSIGNMENT OF HEARINGS

MARCH 4, 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.

MC 130276, John Torino and M. Ellen Torino, a partnership, d.b.a. Torino Travel Tours, now being assigned April 28, 1975, at New Haven, Conn. (2 days), in a hearing room to be later designated.

MC 130257, Topper and Ken Luciani Travel, Inc., now being assigned April 30, 1975 (3 days), at New Haven, Conn., in a hearing room to be later designated.

MC 114211 Sub-233, Warren Transport, Inc., now assigned March 6, 1975, at Dallas, Texas, is canceled and application is dismissed.

MC 139721, All World Travel, Inc., now being assigned May 6, 1975 (3 days), at Newark, N.J., in a hearing room to be designated later.

MC 71459 Sub-43, O.N.C. Freight Systems, now being assigned May 5, 1975, at Phoenix, Arizona (1 week), in a hearing room to be later designated.

MC 91811 Sub-13, Milton K. Morris, Inc., now assigned March 18, 1975, at New York, N.Y., is postponed indefinitely.

MC-C-8339, Quick Air Freight, Inc., et al. v. Mt. Vernon Aviation now assigned April 1, 1975 at Columbus, Ohio, will be held in Room 235, Federal Office Building, 85 Marconi Blvd.

MC-P-12090, MC 114273 Sub 158, Cedar Rapids Steel Transportation Inc.—Purchase—The Klannson Trucking Company, now assigned April 2, 1975, at Columbus, Ohio, will be held in Room 235 Federal Office Building, 85 Marconi Blvd.

MC-F-12199, MC 97841 Sub-20, FD 27697, General Highway Express, Inc.—Purchase—Roethlisberger Transfer Co., now assigned April 7, 1975, at Columbus, Ohio, will be held in Room 235, Federal Office Building, 85 Marconi Blvd.

MC 129291 Sub-8, McDaniel Motor Express, Inc., now assigned April 21, 1975, at Columbus, Ohio, will be held in Room 325 Federal Office Building, 85 Marconi Blvd.

MC 115654 Sub-29, Tennessee Cartage Co., Inc., now being assigned May 6, 1975 (3 days) at Lexington, Ky., in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-6060 Filed 3-6-75; 8:45 am]

[EX PARTE NO. 241; Rule 19; eighth revised Exemption No. 91]

### EXEMPTION UNDER MANDATORY CAR SERVICE RULES

#### All Railroads

It appearing, That the United States railroads own numerous plain 50-ft. boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service rules 1 and 2 prevents such use of plain boxcars owned by the United States railroads, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service rule 19, plain 50-ft. boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 394, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations XM, and bearing all reporting marks assigned to the United States railroads, shall be exempt from the provisions of Car Service rules 1(a), 2(a) and 2(b). (See Exception.)

Exception, This exemption shall not apply to 50-ft. plain boxcars owned by the railroads named below:

Atlanta and West Point Railroad Company. Reporting marks: AWP.

Bangor and Aroostook Railroad Company. Reporting marks: BAR.

<sup>1</sup> Boston and Maine Corporation (Robert W. Meserve and Benjamin H. Lacy, Trustees). Reporting marks: BM-B&M.

Burlington Northern Inc. Reporting marks: BN-CBQ-GN-NP-SPS.

Central Vermont Railway, Inc. Reporting marks: CV-CVC.

Duluth, Winnipeg and Pacific Railway. Reporting marks: DWP.

Erie Lackawanna Railway Company (Thomas F. Patton and Ralph S. Tyler, Jr., Trustees). Reporting marks: DL&W-EL-ERIE.

Illinois Central Gulf Railroad Company. Reporting marks: ICG-CLG-GMO-IC.

The Kansas City Southern Railway Company. Reporting marks: KCS-LA.

Lehigh Valley Railroad Company (Robert C. Haldeman, Trustee). Reporting marks: LV.

Maine Central Railroad Company. Reporting marks: MEC.

Norfolk and Western Railway Company. Reporting marks: N&W-NKP-WAB.

St. Louis Southwestern Railway Company. Reporting marks: SSW.

Southern Pacific Transportation Company. Reporting marks: SP.

The Western Pacific Railroad Company. Reporting marks: WP.

The Western Railway of Alabama. Reporting marks: WA.

Effective February 24, 1975, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 20, 1975.

[SEAL] INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[FR Doc.75-6061 Filed 3-6-75; 8:45 am]

[Notice No. 15]

### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 21, 1975.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

<sup>1</sup> Addition.

## MOTOR CARRIERS OF PROPERTY

No. MC 17002 (Sub-Nos. 24, 28, 29, 36, 38, and 40) (Notice of Filing of Petition To Modify Certificates), filed February 3, 1975. Petitioner: CASE DRIVEWAY, INC., P.O. Box 1156, 100 22nd Street, Huntington, W. Va. 25714. Petitioner's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Petitioner holds motor common carrier certificates in No. MC 17002 (Sub-Nos. 24, 28, 29, 36, 38, and 40) issued April 21, 1966, August 3, 1966, November 21, 1966, February 14, 1967, July 12, 1967, and June 2, 1967, respectively, authorizing transportation, as pertinent, over irregular routes: in Sub-No. 24, of *Iron and steel, and iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Cabell and Wayne Counties, W. Va., to points in Arkansas, Oklahoma, and Missouri (except St. Louis and points in Missouri within the St. Louis commercial zone), restricted against the transportation of building materials and commodities which because of size or weight require the use of special equipment; in Sub-No. 28, of *Iron and steel, and iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (except building materials and articles which because of size or weight require special equipment), from Huntington, W. Va., to points in Iowa; in Sub-No. 29, of *Iron and steel, and iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (except those commodities which, because of size or weight require special equipment, and except those articles of iron and steel which are building materials), from Huntington, W. Va., to points in Kansas, South Dakota, and Wisconsin.

In Sub-No. 36, of *Iron and steel, and iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (except those commodities which, because of size or weight require special equipment, and except those articles of iron and steel which are building materials), from Huntington, W. Va., to points in Maine, New Hampshire, and Vermont; in Sub-No. 38, of *Iron and steel, and iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except those articles, the transportation of which, because of size or weight, requires the use of special equipment), from Huntington, W. Va., to the ports of entry on the United States-Canada Boundary line at or near Sweetgrass, Mont.; International Falls, Minn.; Port Huron and Detroit, Mich.; and Niagara Falls and Alexandria Bay, N.Y., restricted to traffic destined to points in Canada; and in Sub-No. 40, of *Iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except such com-

modities, the transportation of which because of size or weight requires the use of special equipment), from Huntington, W. Va., to points in Arizona, California, Colorado, Minnesota, Montana, Nevada, New Mexico, Oregon, and Wyoming.

By the instant petition petitioner seeks to remove the restrictions in the above commodity descriptions pertaining to building materials and those commodities which because of size or weight require the use of special equipment, so as to read: *Iron and steel and iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209. The territorial descriptions will remain the same. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 112822 (Sub-No. 117) (Notice of Filing of Petition to Modify a Territorial Description), filed February 3, 1975. Petitioner: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Petitioner's representative: Edward T. Lyons, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Petitioner holds a motor common carrier certificate in No. MC 112822 (Sub-No. 117) issued July 17, 1969, authorizing transportation, over irregular routes, of *Malt beverages*, from Fort Worth, Tex., to Las Cruces, Roswell, Albuquerque, and Santa Fe, N. Mex., and Grand Junction, Greely, Denver, Glenwood Springs, Sterling, Durango, Pueblo, Colorado Springs, Craig, and Salida, Colo. By the instant petition, petitioner seeks to substitute Hayden, Colo., in lieu of Craig, Colo., as a destination point in the above territorial description. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 106001 (Notice of Filing of Petition to Modify a Commodity Description), filed February 11, 1975. Petitioner: DENNIS TRUCKING COMPANY, INC., 2519 Morris Street, Philadelphia, Pa. 19145. Petitioner's representative: Alan Kahn, Suite 1920, Two Penn. Center Plaza, Philadelphia, Pa. 19102. Petitioner holds a motor common carrier certificate in No. MC 106001 issued November 29, 1965, authorizing transportation, as pertinent, over irregular routes, of *Iron and steel*, Between Ambler and Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, Delaware, and Maryland, within 150 miles of Philadelphia. By the instant petition, petitioner seeks to modify the commodity description in the above authority so as to read: *Iron and steel articles*. Any interested person or persons desiring to participate may file an original and six copies of his written repre-

sentations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 114552 (Sub-No. 76) (Notice of Filing of Petition To Modify Commodity Description), filed January 31, 1975. Petitioner: SENN TRUCKING COMPANY, a corporation, P.O. Drawer 220, Newberry, S.C. 29100. Petitioner's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Petitioner holds a motor common carrier certificate in No. MC 114552 (Sub-No. 76) issued November 22, 1974, authorizing transportation, over irregular routes, of *Roofing materials, gypsum and gypsum products, composition board, insulation materials, and urethane and urethane products* (except commodities in bulk), from Cincinnati, Ohio, to points in Virginia, North Carolina, South Carolina, Georgia, Tennessee, Kentucky and Florida, restricted to the transportation of shipments originating at the facilities utilized by the Celotex Corporation at the named origin. By the instant petition, petitioner seeks to change the above commodity description so as to read: *Construction materials* (except commodities in bulk). Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 118468 (Sub-No. 31) (Notice of Filing of Petition To Modify a Commodity Description), filed February 10, 1975. Petitioner: UMTHUN TRUCKING CO., a corporation, 910 South Jackson St., P.O. Box 166, Eagle Grove, Iowa 50533. Petitioner's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Petitioner holds a motor contract carrier permit in No. MC 118468 (Sub-No. 31), issued June 27, 1974, authorizing transportation, over irregular routes, of *Lumber and lumber products*, (a) From points in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, Wisconsin, and Wyoming, to Eagle Grove, Iowa, Madison, Wis., and St. Paul, Minn.; (b) From Eagle Grove, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin; (c) From Madison, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Missouri; and (d) From St. Paul, Minn., to points in Iowa, Michigan, North Dakota, South Dakota, and Wisconsin, under a continuing contract, or contracts, with Emmer Bros. Company, Inc., of Minneapolis, Minn., subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of Section 210 of the Act. By the instant petition, petitioner seeks to modify the commodity description in the above authority so as to read: *Lumber*,



*lumber products, and building materials* (except iron and steel and iron and steel products, and except commodities in bulk). Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 123778 (Sub-Nos. 1 and 19) (Notice of Filing of Petition To Change a Contracting Shipper), filed February 5, 1975. Petitioner: JALT CORP., doing business as UNITED NEWSPAPER DELIVERY SERVICE, 75 Cutters Dock Road, P.O. Box 398, Woodbridge, N.J. 07095. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds motor contract carrier permits in No. MC 123778 (Sub-Nos. 1 and 19), issued December 10, 1974 and October 22, 1974, respectively, authorizing transportation, as pertinent, over irregular routes, in Sub-No. 1, of *Magazines, magazine racks, and advertising matter* shipped with magazines, From Woodbridge, N.J., to Wilmington, Del., and points in Connecticut and New Jersey, points in that part of Pennsylvania on and east of U.S. Highway 15, and points in that part of New York on and east of New York Highway 14, under a continuing contract, or contracts, with Norman D. Smith Company, of West Springfield, Mass., restricted to the transportation of shipments having an immediately prior carrier movement from points beyond New Jersey; and in Sub-No. 19, of (1) *Newspapers* (otherwise exempt from economic regulation under section 203 (b) (7) of the Interstate Commerce Act) when transported in the same vehicle with a regulated commodity (otherwise authorized): (a) From Woodbridge, N.J., to Wilmington, Del., and points in New Jersey and Connecticut, and points in that part of Pennsylvania on and east of U.S. Highway 15, and points in that part of New York on and east of New York Highway 14, under a continuing contract, or contracts, with Midnight Publishing Corporation of Montreal, Province of Quebec, Canada, and Norman D. Smith Company, of West Springfield, Mass.; and (b) From Woodbridge, N.J., to Baltimore, Md., and the District of Columbia, under a continuing contract, or contracts, with Norman D. Smith Company, of West Springfield, Mass.; and (2) *Magazines and advertising matter* shipped with magazines, From Woodbridge, N.J., to Baltimore, Md., and the District of Columbia, under a continuing contract, or contracts, with Norman D. Smith Company, of West Springfield, Mass. By the instant petition, petitioner seeks to substitute Trans-Continental Printing, Inc. in place of Norman D. Smith Company as a contracting shipper in the above authorities. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments for or against the petition within 30 days from

the date of publication in the FEDERAL REGISTER.

No. MC 124652 (Sub-No. 1) (Corrected Notice of Filing of Petition To Modify a Permit), filed January 17, 1975, and published in the FEDERAL REGISTER issue of February 5, 1975, and partially republished as corrected this issue. Petitioner: DUNCAN TRANSPORTATION CO., a corporation, P.O. Box 1, Riverton, Va. 22652. Petitioner's representative: Daniel B. Johnson, 1123 Munsey Building, 1329 E Street NW., Washington, D.C. 20004. By the instant petition, petitioner seeks to modify its authority so as to read: (2) *Materials, equipment and supplies* used in the manufacture of masonry cement and mortar cement, from points in Delaware, Maryland, New Jersey, North Carolina, West Virginia, Pennsylvania (except cement from points in Northampton County, Pa.), New York, Ohio, South Carolina, Tennessee, Connecticut, Rhode Island, Michigan, Indiana, Kentucky, Georgia, Florida, and Massachusetts, to Riverton, Va. The purpose of this partially corrected republication is to indicate that the destination point in (2) above is Riverton, Va. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of this corrected publication in the FEDERAL REGISTER.

No. MC 129600 (Sub-Nos. 5, 9, and 12) (Notice of Filing of Petition To Modify Permits), filed February 8, 1975. Petitioner: POLAR TRANSPORT, INC., P.O. Box 44, 176 King Street, Hanover, Mass. 02339. Petitioner's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Petitioner holds motor contract carrier permits in No. MC-129600 (Sub-Nos. 5, 9, and 12), issued March 19, 1973, September 13, 1973, and June 24, 1974, respectively, authorizing transportation, over irregular routes, in Sub-No. 5, of (1) *Oleomargarine, mayonnaise, salad dressing, sandwich spreads, relish spreads, mustard, cole slaw dressing, puddings, and table sauces* (except in bulk): (a) From Baltimore, Md., to points in Delaware, Michigan, Ohio, the District of Columbia, and points in that part of Virginia east of the Chesapeake Bay; and (b) From Atlanta, Ga., to points in Illinois, Indiana, Iowa, Kentucky, Missouri, Ohio, West Virginia, and Wisconsin; (2) *Packaging materials and pallets, and frozen eggs and salt* (except in bulk): (a) From the destination points in 1(a) above, to Baltimore, Md.; and (b) From the destination points in 1(b) above, to Atlanta, Ga., under a continuing contract, or contracts with J. H. Filbert, Inc., of Baltimore, Md.; in Sub-No. 9, of (1) *Oleomargarine, mayonnaise, salad dressing, sandwich spreads, relish spreads, mustard, cole slaw dressing, puddings, and table sauces* (except in bulk), From Atlanta, Ga., to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas,

Utah, Washington, and Wyoming; and (2) *materials and supplies* used in the manufacture and distribution of the above-indicated commodities (except in bulk). From points in the above-described destination states to Atlanta, Ga., under a continuing contract, or contracts, with J. H. Filbert, Inc., of Baltimore, Md.

In Sub-No. 12, of (1) *Oleomargarine, mayonnaise, salad dressing, sandwich spreads, relish spreads, mustard, cole slaw dressing, puddings, table sauces, vegetable oil, and shortening* (except in bulk): (a) From Atlanta, Ga., to points in Alabama, Connecticut, Delaware, Florida, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and the District of Columbia; and (b) From Baltimore, Md., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming; and (2) *Pallets, packaging materials, and materials, supplies and ingredients* used in the manufacture of the above-described commodities (except commodities in bulk), From the above-described destination points to the above-described origin points, under a continuing contract, or contracts, with J. H. Filbert, Inc., of Baltimore, Md. By the instant petition, petitioner seeks to modify and consolidate the above commodity and territorial descriptions so as to read: (1) *Foodstuffs and animal foods* (except in bulk): (a) From Atlanta, Ga., to points in the United States (except Georgia, Alaska and Hawaii); and (b) From Baltimore, Md., to points in the United States (except Maryland, Alaska and Hawaii); and (2) *Pallets, packaging materials, and materials, supplies and ingredients* used in the manufacture of the above-described commodities (except commodities in bulk) From the above-described destination points to the above-described origin points, under a continuing contract or contracts with J. H. Filbert, Inc., of Baltimore, Md. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 133123 (Notice of Filing of Petition to Modify a Permit, filed February 10, 1975. Petitioner: RUJAC TRUCKING CORP., 1133 6th Ave., Room 3210, New York, N.Y. 10009. Petitioner's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Petitioner

holds a motor *common carrier* permit in No. MC-133123 issued February 10, 1975, authorizing transportation, over irregular routes, of *Electrical goods*, from points in the New York, N.Y. Commercial Zone, as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by section 203 (b) (8) of the Act (the exempt zone), and Port Elizabeth and Port Newark, N.J., to Atlantic City, N.J., points in that part of New Jersey on and north of New Jersey Highway 33, and points in New York, under a continuing contract, or contracts with Matsushita Electric Corporation of America. By the instant petition, petitioner seeks to modify the above commodity and territorial descriptions so as to read, *Electrical goods, and bicycles*, from points in the New York, N.Y. Commercial Zone, as defined in Fifth Supplemental Report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be provided under the exemption provided by Section 203(b) (8) of the Act (the exempt zone), and Port Elizabeth and Port Newark, N.J., to points in New Jersey and New York, and points in that portion of Pennsylvania in and east of Susquehanna, Wyoming, Luzerne, Schuylkill, Berks and Montgomery Counties, Pa., and the commercial zone of Philadelphia. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 136532 (Notice of Filing of Petition to Change an Origin Point), filed February 6, 1975. Petitioner: LOYD SIMPSON, doing business as LOYD SIMPSON TRUCKING, 125 Houston St., Durant, Okla. 74701. Petitioner's representative: Max G. Morgan, 223 Ciudad Building, Oklahoma City, Okla. 73112. Petitioner holds a motor *common carrier* certificate in No. MC 136532 issued December 4, 1972, authorizing transportation, over irregular routes, of *Nursery pots and sleeves*, from Leominster, Mass., Troup, Tex., and points in Florida, to San Francisco and Half Moon Bay, Calif. By the instant petition, petitioner seeks to substitute New London, Tex. in place of Troup, Tex. as one of the origin points in the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

#### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other

proceedings with respect thereto, (49 CFR 1.240).

#### MOTOR CARRIERS OF PROPERTY

##### APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 38650 (Sub-No. 5), filed January 28, 1975. Applicant: *SALTER'S EXPRESS CO., INC.*, West Street, Simsbury, Conn. 06070. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value and except dangerous explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), within a radius of 35 miles of the Town Hall of Belchertown, Mass.

NOTE.—Applicant seeks to Purchase (Portion) of R. C. Gay Express, Inc. This is a matter directly related to the Section 5 proceeding in MC-P-12426 published in the FEDERAL REGISTER issue of February 12, 1975. If a hearing is deemed necessary, the applicant requests it be held at either Hartford, Conn., or Springfield, Mass.

No. MC 60203 (Sub-No. 8), filed January 30, 1975. Applicant: *MONAHAN TRANSPORTATION CO., INC.*, 99 Colorado Avenue, Warwick, R.I. 02888. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value and except dangerous explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in Connecticut.

NOTE.—Applicant seeks to Purchase (Portion) of the Connecticut Paper Corporation. This is a matter directly related to the Section 5 proceeding in MC-F-12428 published in the FEDERAL REGISTER issue of February 12, 1975. If a hearing is deemed necessary, the applicant requests it be held at either Hartford, Conn., or Providence, R.I.

No. MC-F-11775 (Supplemental) (J. V. McNicholas Transfer Company—control—Tom's Express, Inc.), published in the January 24, 1974, issue of the FEDERAL REGISTER, on pages 2368 and 2369.

Petitioner requests modification of the prior Commission, Division 3, order served April 18, 1974, which in turn had modified the order of the Commission, Review Board No. 5, served December 27, 1973, to authorize it to tack its previously held authority with the acquired authority at Hancock County, W. Va. (gateway) to perform through service in the transportation of steel and related specified commodities from certain points in Pennsylvania to points in West Virginia, Michigan, New York, Ohio and Pennsylvania; at specified points in Ohio (gateway) to perform through service in the transportation of pipe and tubing

from points in West Virginia to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, Virginia, Wisconsin and the District of Columbia; at a specified point in Ohio (gateway) to perform through service in the transportation of steel and related specified commodities from points in Connecticut, Delaware, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, and the District of Columbia to points in West Virginia, Michigan, New York, Ohio, and Pennsylvania; at Wier-ton, West Virginia (gateway) and then at Youngstown, Ohio (gateway) to perform through service in the transportation of specified commodities from points in West Virginia, Michigan, New York, Ohio, Pennsylvania, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Wisconsin, Missouri, Minnesota, and West Virginia and from points in West Virginia to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia and the District of Columbia. Petitioner further proposes to eliminate the gateways, above described, for the performance of through service under the combined rights.

The following notice of proposal to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel, have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of the gateway herein described may be filed with the Interstate Commerce Commission.

No. MC F 12030 (Supplemental) (Convoy Company—Control and Merger—Colorado Midland Transport Company) published in the November 7, 1973 issue of the FEDERAL REGISTER on page 30804.

Under the proposed transaction vendee proposes to tack vendor's authority with vendee's present authority at Colorado to provide a through service in the transportation of automobiles, trucks and buses in secondary movements between points in Colorado on or south of U.S. Highway 50 and on or east of U.S. Highway 285 on the one hand, and, on the other Arizona.

Vendee, herein has also filed an application to eliminate the resulting gateway.

No. MC 52858 (Sub-No. 110) is a directly related proceeding.

No. MC F 12434. Authority sought for purchase by *TIONA TRUCK LINE, INC.*, 111 South Prospect, Butler, MO 64730, of the operating rights of *BROWNSBERGER ENTERPRISES, INC.*, R.F.D. #1, Box 243, Butler, MO 64730, and for acquisition by *JIM TIONA, JR.*, also of Butler, MO 64370, of control of such

rights through the purchase. Applicants' attorney: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, OK 73112. Operating rights sought to be transferred: *Plastic pipe*, as a *contract carrier* over irregular routes, from Linn Creek, Mo., to points in Texas, Kansas, Oklahoma, Arkansas, Illinois, Minnesota, Kentucky, Iowa, Nebraska, Tennessee, Louisiana, Mississippi, Ohio, Indiana, North Carolina, South Carolina, Georgia, Alabama, Pennsylvania, Wisconsin, Virginia, Florida, and West Virginia, from Linn Creek, Mo., to points in Colorado and New Mexico, from Linn Creek, Mo., to points in North Dakota, South Dakota, Montana, Wyoming, Idaho, Utah, Nevada, Arizona, California, Oregon, and Washington; *materials and supplies* used in the manufacture, distribution, and installation of plastic pipe, from points in Texas, Kansas, Oklahoma, Arkansas, Illinois, Minnesota, Kentucky, Iowa, Nebraska, Tennessee, Louisiana, Mississippi, Ohio, Indiana, North Carolina, South Carolina, Georgia, Alabama, Pennsylvania, Wisconsin, Virginia, Florida, and West Virginia, to Linn Creek, Mo., with restrictions. Vendee is authorized to operate as a *common carrier* in Oklahoma, Kansas, Nebraska, Tennessee, Mississippi, Arkansas, Iowa, Minnesota, Missouri, Texas, Colorado, Indiana, Kentucky, Michigan, North Dakota, Ohio, Wisconsin, Illinois, South Dakota, Louisiana, Alabama, New Mexico, Virginia, West Virginia, and Wyoming. Application has been filed for temporary authority under section 210a(b).

No. MC F 12435. Authority sought for purchase by TOM INMAN TRUCKING, INC., P.O. Box 7698, 6015 So. 49th Ave., Tulsa, OK 74105, of a portion of the operating rights of BREDEHOEFT PRODUCE COMPANY, INC., P.O. Box 7, Decatur, AR 72722, and for acquisition by TOM INMAN, also of Tulsa, OK 74105, of control of such rights through the purchase. Applicants' attorneys: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, OK 73112, and Edward T. Lyons, 1690 Lincoln Center, 1660 Lincoln St., Denver, CO 80203. Operating rights sought to be transferred: *Frozen bakery goods*, as a *common carrier* over irregular routes, from Tulsa, Okla., to points in the United States (except those in Alaska, Hawaii, and Oklahoma); *materials, equipment, and supplies* used in the production of the commodities named above, from points in Arkansas, California, Indiana, Michigan, Minnesota, and New Jersey, to Tulsa, Okla., with restriction. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC F 12436. Authority sought for control by EAGLE FOODS, INC., doing business as RUTHERFORD'S, Box 8, Tamenend Ave., New Britain, PA 18901, of C.S.I., INC., doing business as CONTRACT SERVICE, INC., Trewington

Rd., Colmar, PA 18915, and for acquisition by PAUL J. KEATING, 232 Fairhill Rd., Hatfield, PA 19440, of control of C.S.I., INC., doing business as CONTRACT SERVICE, INC., through the acquisition by EAGLE FOODS, INC., doing business as RUTHERFORD'S. Applicant's attorney: Maxwell A. Howell, 1511 K St. NW., Washington, DC 20005. Operating rights sought to be controlled: *Soil pipe and fittings*, as a *common carrier* over regular routes, from Quakers-town, Pa., to Rosslyn, Va., serving the intermediate point of Washington, D.C., restricted to delivery only; and the off-route point of Lansdale, Pa., restricted to pickup only; *asbestos and asbestos products*, over irregular routes, from Ambler, Pa., to points in Delaware, Maryland, New Jersey, New York, Virginia, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, and the District of Columbia, from Meredith, N.H., to Ambler, Pa., from the plant site of Nicolet Industries, Inc., at Norristown, Pa., to points in Delaware, Maryland, Virginia, Connecticut, Rhode Island, Massachusetts, New York (except points in Nassau and Westchester Counties, N.Y., and those points in New York within the New York, N.Y., Commercial zone, as defined by the Commission), and New Jersey (except points in Essex, Union, and Hudson Counties, N.J., and Paterson, Clifton, Passaic, Hackensack, Teaneck, Garfield, Rutherford, Ridgefield, Ridgefield Park, Palsades Park, Cliffside Park, and Fort Lee, N.J.), and the District of Columbia.

*Asbestos products*, from Lansdale and Quakertown, Pa., to Baltimore and Crisfield, Md., Bridgeton, Camden, and Newark, N.J., Wilmington, Del., and Washington, D.C.; *tile*, from Lansdale, Pa., to points in Delaware, Maryland, New Jersey, New York, Virginia, Massachusetts, Rhode Island, Connecticut, and the District of Columbia; *soil pipe and soil pipe fittings*, from Lansdale and Quakertown, Pa., to points in Delaware, Maryland, New Jersey, New York, Virginia, Massachusetts, Rhode Island, Connecticut, and the District of Columbia, from Philadelphia, Pa., to points in Delaware, Maryland, New Jersey, New York, Virginia, and the District of Columbia, from Ambler, Pa., to Baltimore and Crisfield, Md., Bridgeton, Camden, and Newark, N.J., Wilmington, Del., and Washington, D.C.; *plumbers' castings*, from Lansdale, Quakertown, and Philadelphia, Pa., to points in Delaware, Maryland, New Jersey, New York, Virginia, and the District of Columbia; *plumbing supplies*, from Ambler, Lansdale, and Quakertown, Pa., to Baltimore, and Crisfield, Md., Bridgeton, Camden, and Newark, N.J., Wilmington, Del., and Washington, D.C.; *manufactured fertilizers and fertilizer ingredients*, dry, in bags (not including fertilizers for flower beds or garden use), from Baltimore, Md., and points within 15 miles of Baltimore, to points in Montgomery, Bucks, Lehigh, Chester, and Delaware Counties, Pa.; *dry earth pigments*, in bags, casks and barrels, between Bethlehem, Pa., on the one hand, and, on the other, Newark, N.J., and

points in New Jersey within 25 miles of Newark, points in New York within the New York Commercial Zone as defined by the Commission in New York, N.Y., Commercial Zone, 1 M.C.C. 665, 2 M.C.C., 191, Baltimore, Md., and the District of Columbia; *materials* used in the manufacture of tile, from points in Kentucky, Tennessee, New Hampshire, Massachusetts, Maine, Virginia, Delaware, West Virginia, New Jersey, North Carolina, New York, and Maryland to Lansdale, Pa.; *scrap iron and other materials* used in the manufacture of soil pipe and soil pipe fittings, from points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia, to Lansdale and Quakertown, Pa.; *clay facing tile*, and *chinaware bathroom fixtures*, from Lansdale, Pa., to Chicago, Ill., Detroit, Mich., Kansas City, Mo., and points in Florida.

*Plumbers' castings, soil pipe and soil pipe fittings*, from Lansdale and Quakertown, Pa., to points in Maine, New Hampshire, and Vermont, with restriction; *conduit, pipe and accessories* for installation of such conduit and pipe, from Ambler, Pa., to Philadelphia, Pa.; *tile*, from the plant site of the American Olean Tile Company, Inc., Richland Township, Pa., to Lansdale, Pa.; *asbestos-cement pipe and conduit*; *plastic pipe and conduit*; *asbestos-cement building materials*; *the following building materials*: *sidings, building, wall and insulating boards, gutters, spouts, and roofing materials*; and *fittings, accessories and equipment* to be used in the installation of the foregoing commodities; excluding, as to all of the transportation authorized in this paragraph the transportation of commodities in bulk, and the transportation of commodities which, because of size or weight, requires special equipment, from the plant site and warehouse of Certain-Teed Products Corporation, Cheektowaga, N.Y., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; and return with returned shipments; *paper and paper products*, from New Hope, Pa., to points in Michigan, New York, and Ohio, with restriction; *metal shelving and parts, components, and attachments therefor*, from Perkasio, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; (1) *ceramic facing and flooring tile*, and (2) *commodities* used in the manufacture or installation of the commodities in (1) above, from Olean, N.Y., to Lansdale,

Pa. EAGLE FOODS, INC., doing business as RUTHERFORD'S is authorized to operate as a common carrier in New Jersey and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-6062 Filed 3-6-75; 8:45 am]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MARCH 7, 1975.

[Notice No. 245]

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 27, 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 75420. By order of February 24, 1975, the Motor Carrier Board approved the transfer to John J. Paduan, doing business as Ray's Airport Limousine, 705 W. Baraga Avenue, Houghton, Mich. 49931, of the Certificate of Registration in No. MC 99907 (Sub-No. 1) issued December 27, 1965, to Reino E. Kantola, Box 44, Shafter Street, Hancock, Mich. 49930, evidencing a right of the holder to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of intrastate authority in Common Carrier Certificate No. L-8996 issued prior to October 15, 1962, currently renewed, by the Michigan Public Service Commission.

No. MC FC 75558. By order of February 26, 1975, the Motor Carrier Board approved the transfer to Mosaic Trucking Company, Inc., Avenel, N.J., of a portion of the operating rights in Certificate No. MC 43587 (Sub-No. 2) issued August 8, 1958, to United Haulage Co., Inc., Long Island City, N.Y., authorizing the transportation of general commodities, with exceptions, between points in Monmouth, Somerset, and Union Counties, N.J., Lakewood and Point Pleasant, N.J. and a described portion of Middlesex County, N.J., on the one hand, and, on the other, Newark N.J. A. David Millner, 744 Broad St., Newark, N.J., 07102, Attorney for applicants.

No. MC FC 75613. By order of February 24, 1975, the Motor Carrier Board approved the transfer to Morgan Trucking Co. a corporation, Muscatine, Iowa, of the operating rights in Certificates No. MC 125254 (Sub-No. 2), MC 125254 (Sub-No. 3), MC 125254 (Sub-No. 4), MC 125254 (Sub-No. 6), MC 125254 (Sub-No. 8), MC 125254 (Sub-No. 9), MC 125254 (Sub-No. 12), MC 125254 (Sub-No. 14), MC 125254 (Sub-No. 16), MC 125254 (Sub-No. 17), and MC 125254 (Sub-No. 19) issued February 20, 1964, September 1, 1966, November 30, 1967, May 2, 1968, January 29, 1973, July 23, 1973, January 11, 1973, January 8, 1974, June 8, 1973, May 29, 1974, and December 20, 1973, respectively to Donald L. Morgan, doing business as Morgan Trucking Co., Muscatine, Iowa, authorizing the transportation of various commodities from, to and between specified points and areas in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa, 50309 Attorney for applicants.

No. MC FC 75638. By order of February 24, 1975, the Motor Carrier Board approved the transfer to Super M Ltd., Linden, N.J., of the operating rights in Permits Nos. MC 7832 and all subnumbers thereunder issued August 1, 1974, and on respective dates, to Sam Lowenstein and Stanley Lowenstein, a partnership, doing business as Super M Foods Delivery, Linden, N.J., authorizing the transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, household cleaning products (except in bulk), frozen foods (except frozen bakery products and supplies, in vehicles equipped with mechanical refrigeration), and certain other specified commodities, for the accounts of named shippers, including Food Fair Stores, Inc., of Linden, N.J., Great Eastern Food Markets, Inc., of Elmont, L.I., N.Y., and J. L. Prescott Co., between specified points in New York, New Jersey, Pennsylvania, Maryland, Connecticut, Massachusetts, Rhode Island, Delaware, Virginia, and Washington, D.C. Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048 Registered Practitioner for applicants.

No. MC FC 75654. By order of February 24, 1975, the Motor Carrier Board approved the transfer to All-Ways Freight Lines, Inc., Leavenworth, Kans., of the operating rights in Certificate No. MC 138772 issued January 22, 1974, to Delbert D. McClelland, doing business as All Ways Freight Line, Leavenworth, Kans., authorizing the transportation of general commodities, with usual exceptions, between Havensville, Kans., and Kansas City, and St. Joseph, Mo., and between Holton, Kans., and St. Joseph, Mo., serving named intermediate and off-route points in Missouri. Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603 Attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-6058 Filed 3-6-75; 8:45 am]

[Notice No. 25]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 5, 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 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 52917 (Sub-No. 63TA), filed February 25, 1975. Applicant: CHESAPEAKE MOTOR LINES, INC., 6748 Dorsey Road, Baltimore, Md. 21227. Applicant's representative: Charles E. Creaeger, Esq., 1329 Pennsylvania Ave., Hagerstown, Md. 21740. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Foods and foodstuffs, in vehicles equipped with temperature control, and (2) related advertising paraphernalia, materials, equipment and supplies used in the preparation and serving of foods in restaurants, cafeterias, hotels or commissaries, in mixed shipment with the commodities named in (1), between points in Frederick, Anne Arundel, Howard, Prince Georges, Washington and Baltimore Counties, Md., Delaware, New Jersey, Baltimore, Md., and Washington, D.C., and New York, N.Y., and points in Nassau, Suffolk and Westchester Counties, New York, points in Virginia on and east of U.S. Interstate Route 95, points in Stafford, Prince William and Fairfax Counties, Virginia west of U.S. Interstate 95, and points in Pennsylvania east of the Susquehanna River, for 180 days. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William L. Hughes, District Supervisor, Interstate

Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 61403 (Sub-No. 232TA), filed February 25, 1975. Applicant: THE MASON AND DIXON TANK LINES, INC., Highway 11-W, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the facilities of Nalco Chemical Company, at or near Garyville, La., to points in the United States except points in Alaska, Connecticut, Delaware, Hawaii, Kentucky, on and east of U.S. Highway 421 from the Kentucky-Virginia state line to the junction of Kentucky State Highway 11, thence north on Kentucky State Highway 11 to the Kentucky-Ohio state line, Maine, Maryland, Massachusetts, Michigan on and east of U.S. Highway 127 north from Michigan-Indiana state line to Lansing, thence U.S. Highway 27 to junction of Interstate 75, thence Interstate 75 to the U.S.-Canadian border, New Hampshire, New Jersey, New York, North Carolina, Ohio on and east of U.S. Highway 68 north from Ripley to Findlay, thence Interstate 75 to the Ohio-Michigan state line, Pennsylvania, Rhode Island, Tennessee on and east of U.S. Highway 25E from the Tennessee-Virginia state line south to Newport, thence U.S. Highway 25 to the Tennessee-North Carolina state line, Vermont, Virginia, West Virginia, for 180 days. Supporting shipper: Nalco Chemical Company, 2901 Butterfield Road, Oakbrook, Ill. 60521. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, A-422 U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 107403 (Sub-No. 931TA), filed February 24, 1975. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the facilities of Nalco Chemical Company, at or near Garyville, La., to points in the United States (except Alabama, Alaska, Arkansas, Florida, Georgia, Hawaii, Louisiana, Mississippi, Oklahoma, Tennessee and Texas), for 180 days. Supporting shipper: James E. Carr, Corporate Traffic Manager, Nalco Chemical Company, 2901 Butterfield Road, Oak Brook, Ill. 60521. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 114725 (Sub-No. 71TA), filed February 25, 1975. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank ve-

hicles, from the plantsite and facilities of NaChurs Plant Food Co., located at or near Red Oak, Iowa to points in Minnesota, South Dakota, Nebraska, North Dakota, Kansas, Missouri, and Wisconsin, for 180 days. Supporting shipper: NaChurs Plant Food Co., 1705 North Broadway, Red Oak, Iowa 51566. Send protests to: Carroll Russell, District Supervisor, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 116077 (Sub-No. 363TA), filed February 25, 1975. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: J. C. Browder (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the facilities of Nalco Chemical Company at or near Garyville, La., to points in the United States (except Alabama, Alaska, Arkansas, Florida, Georgia, Hawaii, Louisiana, Mississippi, Oklahoma, Tennessee and Texas), for 180 days. Supporting shipper: Nalco Chemical Company, 2901 Butterfield Road, Oak Brook, Ill. 60521. Send protests to: John Mensing, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 515 Rusk, 8610 Federal Bldg., Houston, Tex. 77002.

No. MC 107403 (Sub-No. 932TA), filed February 24, 1975. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Campari concentrate*, in bulk, in tank vehicles, from Baltimore, Md., to Lawrenceburg, Ky., for 180 days. Supporting shipper: Thomas R. McCarthy, Executive Vice President, Austin, Nichols & Co., Inc., 733 Third Avenue, New York, N.Y. 10017. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 107496 (Sub-No. 991TA), filed February 25, 1975. 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: *Liquid sugar and blends of corn syrup and liquid sugar*, in bulk, from Memphis, Tenn., to points in Alabama, for 180 days. Supporting shipper: Sugar Services Corporation, P.O. Box 18375, Memphis, Tenn. 38118. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 116077 (Sub-No. 364 TA), filed February 25, 1975. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: J. C. Browder (same address as applicant). Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum grease*, in bulk, in tank vehicles, from Port Arthur, Tex., to Hibbing, Minn., for 180 days. Supporting shipper: Texaco, Inc., P.O. Box 52332, Houston, Tex. 77052. Send protests to: John Mensing, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 515 Rusk, 8610 Federal Bldg., Houston, Tex. 77002.

No. MC 116273 (Sub-No. 190TA), filed February 20, 1975. Applicant: D & L TRANSPORT, INC., 3800 S. Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: C. T. Jensen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Hydraulic system fluid, other than petroleum*, in bulk, in tank vehicles, and (B) *Spent or waste hydraulic system fluid, other than petroleum*, in bulk, in tank vehicles, (A) from St. Charles, Ill., to Bedford and Lafayette, Ind., and (B) from Bedford and Lafayette, Ind., to St. Charles, Ill., for 90 days. Supporting shipper: Robert A. Damiani, President, Radco Industries, 1480 Dean Street, St. Charles, Ill. 60174. Send protests to: Richard K. Shullaw, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everrett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 126817 (Sub-No. 3 TA), filed February 24, 1975. Applicant: A.L.A. DELIVERY CORP., 545 West 22nd Street, New York, N.Y. 10011. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations*, from Deer Park, N.Y., to New York, N.Y., Commercial Zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone) and those in New Jersey within 5 miles of New York, and all of any municipality in New Jersey any part of which is within 5 miles of New York, N.Y., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Germaine Montell Cosmetique Corporation, of Deer Park, N.Y., Scandia Cosmetics Corporation, of Deer Park, N.Y., Tuvache Rare Perfumes, Inc., of Deer Park, N.Y. Irregular routes: *Infants', children's and boys' shirts, sweaters, pajamas, pants, and swimwear*, from New Hyde Park, N.Y., to New York, N.Y.; Commercial Zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone),

and those in New Jersey within 5 miles of New York, and all of any municipality in New Jersey any part of which is within 5 miles of New York, N.Y. and *Samples, and refused, rejected, and returned shipments*, from New York, N.Y., Commercial Zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b) (8) of the Interstate Commerce Act (the "exempt" zone) and those in New Jersey within 5 miles of New York, and all of any municipality in New Jersey any part of which is within 5 miles of New York, N.Y., to New Hyde Park, N.Y. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Donmoor, Inc., of New York, N.Y., for 180 days. Supporting shippers: Scandia Cosmetics Corp., 40 West 57th St., New York, N.Y. Tuvache Rare Perfumes, Inc., 40 West 57th St., New York, N.Y. Germaine Montell Cosmetics Corp., 40 West 57th St., New York, N.Y. Donmoor, Inc., 34 West 33rd St., New York, N.Y. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 128086 (Sub-No. 4TA), filed February 24, 1975. Applicant: A & M HAULING, INC., 2024 Trade Street, P.O. Box 1027, Missoula, Mont. 59801. Applicant's representative: W. E. Selski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre cut log buildings, knocked down, and materials and supplies used in the construction and erection thereof*; from the facilities of Real Log Homes, Inc., near Missoula, Montana, to points in the United States in and west of Ohio, Kentucky, Tennessee, Arkansas and Texas, for 180 days. Supporting shipper: Real Log Homes, Inc., Route 2, Missoula, Mont. 59801. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 116289 (Sub-No. 3TA), filed February 25, 1975. Applicant: BYARS OIL COMPANY, INC., P.O. Box 5537, Greenville, S.C. 29606. Applicant's representative: Harry A. Chapman, Jr., P.O. Box 10167 F.S., Greenville, S.C. 29603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles, from the plantsite and storage facilities of Koppers Company, Inc., at or near Greer, S.C., to Georgia Counties: Elbert, Hart, Franklin, Stephens, Rabun, Habersham, Banks, Madison, Jackson, Towns, White, Hall, Forsyth, Dawson, Lumpkin, Union, Fannin, Gilmer, Pickens, Cherokee, Bartow, Gordon, and Murray and refused or returned material in the reverse direction, for 180 days. Supporting shipper: Koppers Company, Inc., 850 Koppers Bldg., Pittsburgh, Pa. 15219. Send protests to: E. E. Strotheld, District Super-

visor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 129184 (Sub-No. 13TA), filed February 25, 1975. Applicant: KENNETH L. KELLAR, 810 Peace Portal Drive, P.O. Box 449, Blaine, Wash. 98230. Applicant's representative: Michael D. Duppenhauer, Room 411, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquor and cigarettes*, restricted to the transportation of traffic either originating at points in Canada or having a prior movement by water, between Blaine, Wash., on the one hand, and, on the other, Sweetgrass, Mont., and from Blaine, Wash., to Great Falls, Mont., for 180 days. Supporting shipper: Exports, Inc., 810 Peace Portal Drive, P.O. Box 449, Blaine, Wash. 98230. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 133478 (Sub-No. 15TA), filed February 25, 1975. Applicant: HEARIN TRANSPORTATION, INC., 8565 S.W. Beaverton-Hillsdale Hiway, Portland, Ore. 97225. Applicant's representative: Nick I. Goyak, 404 Oregon National Bldg., Six Ten Southwest Alder, Portland, Ore. 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal ingots, exothermics and metal shots*, from Fontana, Long Beach, Lynwood and Rodeo, Calif., to the plantsite of Western Industrial Supply at Portland, Ore., and Seattle, Wash., and from the plantsite of Western Industrial Supply at Portland, Ore., to Seattle, Spokane, Longview, Chehalis and, at or near Blaine, Wash., for 180 days. Supporting shipper: Delta Oil Products Corporation, 16200 S.W. 72nd Avenue, Portland, Ore. 97225. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 136553 (Sub-No. 32TA), filed February 24, 1975. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from Marshall, Minn., to points in Missouri and Kansas, for 180 days. Supporting shipper: Soil Chem, Inc., 311 East College Drive, Marshall, Minn. 56258. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 140662 (Sub-No. 1TA), filed February 24, 1975. Applicant: RALPH KLINGE, doing business as KLINGE TRUCKING, Box 31, Wright, Kans. 67882. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, Kans.

66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, from the plantsite and/or storage facilities of Holl-Tex, Inc., at or near Garden City, Kans., and the plantsite and/or storage facilities of HyPlains Dressed Beef, Inc., at or near Dodge City, Kans., to the plantsite and/or storage facilities of A. J. Hollander and Co., Inc., located at or near Amarillo, Tex., under contract with A. J. Hollander and Co., Inc., for 180 days. Supporting shipper: A. J. Hollander and Co., Inc., P.O. Box 4247, Amarillo, Tex. 79105. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 140667 (Sub-No. 1TA), filed February 25, 1975. Applicant: JOYCE E. HAYNES TRUCKING, INC., 221 Davidson, Independence, Mo. 64056. Applicant's representative: Warren H. Sapp, Suite 910 Fairfax Bldg., 101 W. Eleventh St., Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail variety, discount, and drug stores, and wholesale houses serving such stores*, from the warehouse and plant facilities of Shawnee Evans Company, located at or near Lenexa, Kans., to Minneapolis, St. Paul, St. Cloud, Litchfield, and Stillwater, Minn., New Glarus, Madison and Delavan, Wis., and points in Nebraska and Iowa, under a continuing contract or contracts with Shawnee Evans Company, of Lenexa, Kans., for 180 days. Supporting shipper: Shawnee Evans Company, 13917 West 101st Street, Lenexa, Kans. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 140667 (Sub-No. 2TA), filed February 25, 1975. Applicant: JOYCE E. HAYNES TRUCKING, INC., 221 Davidson, Independence, Mo. 64056. Applicant's representative: Warren H. Sapp, Suite 910 Fairfax Bldg., 101 W. Eleventh St., Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail, variety, discount, and drug stores, and wholesale houses serving such stores*, from the warehouse and plant facilities of Shawnee Evans Company, located at or near Lenexa, Kans., to Hartford and Louisville, Ky., and points in Missouri, Illinois, and Indiana, under a continuing contract or contracts with Shawnee Evans Company, of Lenexa, Kans., for 180 days. Supporting shipper: Shawnee Evans Company, 13917 West 101st Street, Lenexa, Kans. Send protests too: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Bldg., 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 140675 TA, filed February 21, 1975. Applicant: CHARLES C. KVARE, INC., Rural Route #3, Pelican Rapids, Minn. 56572. Applicant's representative:

Charles E. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pelletized ground refuse screenings*, from the ports of entry located on the International Boundary Line between the United States and Canada, located in North Dakota, Minnesota, and Montana, to points in Montana and Wyoming, for 180 days. Supporting shipper: Agra By-Products, 1601 7th Avenue North, Fargo, N. Dak. 58102. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 140676 TA, filed February 20, 1975. Applicant: D. G. ARMSTRONG, doing business as MID-WAY TRANSPORTION CO., 8800 Oakdale Drive, Waco, Tex. 76710. Applicant's representative: Thomas F. Sedberry, 1102 Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Face brick, glazed tile, glazed brick, patio tile, unglazed tile, fire brick and refractory tile, on pallets or in bundles*, from Bastrop County, Tex., to points in Louisiana, Mississippi, Florida, and Alabama, for 180 days. Supporting shipper: Elgin-Butler, Brick Company, P.O. Box 1947, Austin, Tex. 78767. Send protests to: H. C. Morrison, Sr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 140682 TA, filed February 25, 1975. Applicant: NEW (TRANS) PORT, INC., P.O. Box 118 (Highway 17 S), Riceboro, Ga. 31323. 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: *General commodities* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, for 180 days. Supporting shipper: Interstate Paper Corporation, Riceboro, Ga. 31323. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 139953 (Sub-No. 1TA), filed February 24, 1975. Applicant: PENTANG-MIDLAND COACH LINES LIMITED, 475 Bay Street, Midland, Ontario, Canada L4R 1L1. Applicant's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, from ports of entry on the International Boundary line between the United States and Canada in Michigan and New York to Daytona Beach, Fla., Cor-

pus Christi, Tex., Washington, D.C., Williamsburg, Va., and New York, N.Y., and return. Restricted to transportation of passengers having a prior movement in foreign commerce, for 180 days. Supporting shippers: Canada Tours, P.O. Box 4370, London, Ontario, Canada. St. Theresa's High School, Dominion Avenue, Midland, Ontario, Canada. O.K. Johnson Tours, 113 Dunlop St., East, Barrie, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 612 Federal Bldg., 111 West Huron St., Buffalo, N.Y. 14202.

No. MC 140674 TA, filed February 18, 1975. Applicant: LEE E. COTTRELL, doing business as GREAT NORTHWEST BUS LINE, Cox Municipal Airport, Dayton, Ohio 45377. Applicant's representative: Norbert B. Flick, 715 Executive Bldg., Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers with baggage under charter operations*, between Dayton, Ohio and Wright-Patterson Air Base, Ohio, on the one hand, and, points and places in the United States (except Alaska and Hawaii), on the other, for 180 days. Supporting shippers: Director of Aviation, Cox Municipal Airport, City of Dayton, Ohio, United States Air Force, Wright-Patterson AFB, Ohio. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 75-6063 Filed 3-6-75; 8:45 am]

[AB 37 (Sub-No. 1)]

#### OREGON-WASHINGTON RAILROAD AND NAVIGATION CO. AND UNION PACIFIC RAILROAD CO.

##### Abandonment of Line

MARCH 4, 1975.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor;

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in Umatilla County, Oreg., on or before March 10, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the

Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 14th day of February, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[AB 37 (Sub-No. 1)]

OREGON-WASHINGTON RAILROAD AND NAVIGATION COMPANY AND UNION PACIFIC RAILROAD COMPANY ABANDONMENT—PORTION OF PENDLETON BRANCH LINE, UMATILLA COUNTY, OREGON

The Interstate Commerce Commission hereby gives notice that by order dated February 14, 1975, it has been determined that the proposed abandonment by the Oregon-Washington Railroad and Navigation Company and the Union Pacific Railroad Company of its line between Pendleton and Athena, Umatilla County, Oreg., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because (1) nearby rail service will continue to be available upon abandonment at Pendleton and Athena over existing rail lines of the Union Pacific Railroad Company and the Burlington Northern, Inc., (2) the increase in vehicle emissions and fuel consumption resulting from the diversion of rail traffic will be minimal because of the low volume of freight movements, (3) degradation of the area's environment will be minimal, and (4) there are no definitive local economic development plans for the area dependent upon the continuation of direct rail access. A number of State agencies have expressed interest in purchase of the right-of-way for highway widening or for recreation trail development.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before March 25, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc. 75-6057 Filed 3-6-75; 8:45 am]

[Notice No. 28]

#### TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

## NOTICES

Temporary authority application	Final action or certificate or permit	Date of action
New England Steamboat Lines, Inc., MCW-1263 Sub 3	MCW-1263 Sub-4	Jan. 6, 1975
Newman Transit Co., Inc., MC-116045 Sub 28	MC-116045 Sub-30	Apr. 5, 1974
Motor Service Co., Inc., MC-117565 Sub 67	MC-117565 Sub-62	Apr. 5, 1974
Donald M. Bowman, Jr., MC-117613 Sub 10	MC-117613 Sub-12	Apr. 8, 1974
Pulley Freight Lines, Inc.:		
MC-117815 Sub-172	MC-117815 Sub-182	Apr. 9, 1974
MC-117815 Sub 294	MC-117815 Sub-295	Apr. 1, 1974
National Refrigerated Transport, Inc., MC-118159 Sub 133	MC-118159 Sub-135	Apr. 19, 1974
N. A. B. Trucking Co., Inc., MC-119736 Sub 35	MC-119736 Sub-34	Apr. 1, 1974
Diamond Transportation System, Inc., MC-123048 Sub 262	MC-123048 Sub-271	Apr. 5, 1974
B & L Motor Freight, Inc., MC-123255 Sub 25, 26	MC-123255 Sub-24	Apr. 1, 1974
Warsaw Trucking Co., Inc., MC-123294 Sub 29	MC-123294 Sub-30	Apr. 5, 1974
Labara's, Inc., MC-124020 Sub 11	MC-124020 Sub-12	Apr. 2, 1974
Richard B. Brunzliek MC-125140 Sub 17	MC-125140 Sub-18	June 10, 1974
Auto Driveway Co., MC-125985 Sub 13, 14, 15, 16	MC-125985 Sub-9	Apr. 22, 1974
Boyd Brothers Transportation Co., Inc., MC-126366 Sub 35	MC-126366 Sub-27	Apr. 10, 1974
Jack Walker Trucking Service, Inc., MC-126402 Sub 11, 13	MC-126402 Sub-12	Apr. 15, 1974
Gaston Feed Transports, Inc., MC-126489 Sub 17	MC-126489 Sub-18	Apr. 22, 1974
Customers Truck Service MC-126594 Sub 2	MC-126594 Sub-3	June 10, 1974
Petroleum Carrier Corp. of Florida, MC-126736 Sub 67	MC-126736 Sub-68	Apr. 11, 1974

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 75-6064 Filed 3-6-75; 8:45 am]



# federal register

FRIDAY, MARCH 7, 1975

WASHINGTON, D.C.

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PART II



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## DEPARTMENT OF TRANSPORTATION

Federal Aviation  
Administration



### AIRWORTHINESS REVIEW PROGRAM

Proposed Standards

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[ 14 CFR Parts 21, 23, 25, 27, 29, 31, 33,  
35, 91, 121, 127, 133, 135 ]

[ Docket No. 14324; Notice No. 75-10 ]

### AIRWORTHINESS REVIEW PROGRAM

Notice Number 2; Miscellaneous Proposals

The Federal Aviation Administration is considering amending Parts 21, 23, 25, 27, 29, 31, 33, 35, 91, 121, 127, 133, and 135 of the Federal Aviation Regulations to update and improve—(1) the aircraft, engine, and propeller certification regulations; (2) the operating regulations containing airworthiness standards; and (3) the related procedural requirements. This is the second in a series of Notices of Proposed Rule Making issued, or to be issued, as a part of the First Biennial Airworthiness Review Program. Notice No. 74-33 (39 FR 36595; October 11, 1974) was the first. Amendments 21-43, 23-16, and 25-37, issued on December 31, 1974 (40 FR 2576; January 14, 1975) pursuant to that notice, incorporated certain form number and clarifying revisions into the Federal Aviation Regulations.

Interested persons, including the general public, manufacturers and users of aircraft and their components, both foreign and domestic, and foreign airworthiness authorities, are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments relating to any significant environmental or economic impact that might result because of the adoption of the proposals contained herein may also be submitted. Comments should identify this regulatory docket or notice number (Docket No. 14324; Notice No. 75-10) and be submitted in duplicate to: Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket, AGC-24 800 Independence Avenue, SW, Washington, D.C. 20591. All communications received on or before June 5, 1975, will be considered by the Administrator before taking action on the proposed rules. However, interested persons are urged to submit their comments as early as possible to facilitate rapid resolution of any issues raised. Comments received after the above date will be considered, so far as possible without incurring expense or delay. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons.

On February 12, 1974, the FAA issued an invitation to all interested persons to submit proposals for consideration during the First Biennial Airworthiness Regulations Review (see Notice 74-5, 39 FR 5785, February 15, 1974). In that notice, the FAA announced that it would make available for comment by interested persons a compilation of proposals that were to be given further consideration as possible agenda items for the

First Biennial Airworthiness Review Conference. On May 22, 1974, the FAA issued an announcement of the availability of the Compilation of Proposals containing over 1000 submissions by the FAA and interested persons, and invited all interested persons to submit comments on the proposals it contained (see Notice 74-5A, 39 FR 18662, May 29, 1974).

In response to that invitation for comments, the FAA received over 4900 individual comments contained in 74 submissions. Based on those comments and on the Compilation of Proposals, the FAA prepared a number of working documents, for the Airworthiness Review Conference held in Washington, D.C., on December 2-11, 1974. The FAA distributed those documents to all persons who had participated in the Airworthiness Review Program and to all other interested persons who requested them (see Notice 74-5B, 39 FR 36594, October 11, 1974).

As indicated in Notice 74-5B, not all of the proposals contained in the Compilation were included in the agenda for the conference. A number of proposals were considered at the time to be straightforward, noncontroversial, and adequately justified, so that no useful purpose would have been served by discussing them at the conference. They were identified as "Items for Notice" in the conference workbook titled "Proposals Not in Agenda". This notice deals with that group of proposals. Public comments received in response to Notice 74-5A, and other written comments received after publication of the "Proposals Not in Agenda" workbook, have been considered in preparing this notice.

A number of proposals contained in this notice were not identified as "Items for Notice" in the workbook. They are directly related to the proposals in the workbook and are included for the sake of clarity, consistency, and comprehensiveness. However, in three instances this is not the case. These three are of a minor editorial nature (see the proposals for §§ 23.1309, 25.785, and 25.1309).

Several "Items for Notice" in the "Proposals Not in Agenda" workbook are not included in this notice. Those proposals fell into two general categories—(1) those proposals which needed additional discussion and information before fruitful action could be taken, and (2) those proposals on which no action could be taken during the First Biennial Airworthiness Review.

Appendix I of this notice lists the proposals in the first category. These proposals were added as agenda items and discussed during the Airworthiness Review Conference, were held pending discussion of related agenda items at the conference, or are being held for further study. Action on these proposals will be taken in conjunction with the future notices of proposed rulemaking dealing with proposals discussed at the Airworthiness Review Conference.

Appendix II to this notice lists the proposals in the second category. They were identified as "Items for Notice" in

the "Proposals Not in Agenda" workbook and have been removed from the First Biennial Airworthiness Review. Appendix II briefly explains why.

The FAA believes that the airworthiness standards should, to the extent practical, be consistent throughout the aircraft certification parts (Parts 23, 25, 27, and 29). Certain proposals in this notice are directed at achieving that result; for example, the proposal for § 23.607. Therefore, the FAA has attempted within the time frame of this Airworthiness Review Program, to make consistent and parallel proposals, where appropriate, for each of the certification parts; for example, the proposals for §§ 23.603, 25.603, 27.603, and 29.603 relating to the suitability and durability of materials. On the other hand, the proposal for § 25.841(b)(8) represents an instance where consistent proposals were not made for the parallel sections of Parts 23, 27, and 29. The justification for that proposal applies only to large airplanes with separate cabins having significantly different decompression rates.

To avoid unnecessary repetition, in a number of instances the proposals developed for purposes of consistency are not set forth in their entirety if those proposals are substantively identical to another proposal in this notice. A short-form proposal referring to a proposal that is expressly set forth in this notice is used. Where a short-form proposal is used, however, there may be a need, if the proposal is to be adopted as a final rule, to change paragraph designations, cross references, or aircraft terminology (i.e. "airplane" to "rotorcraft", or vice versa) from that used in the referenced express proposal.

The FAA recognizes that there may exist additional instances in which a proposed rule change prescribed in this notice as expressly applying only to certain parts of the FAR's should more appropriately apply to additional parts as well. Therefore, with respect to each proposal in this notice relating to Parts 23, 25, 27, or 29 of the FAR's for which similar proposals do not exist for all of those parts, comments are solicited from all interested persons with respect to the applicability of that proposal (and its stated explanation) to those parts for which the proposal has not been expressly presented. Such comments received in response to this notice will either be dealt with as a part of the 1974-1975 Airworthiness Review Program or be considered as a part of the next Biennial Airworthiness Review.

For convenience, each proposal in this notice is numbered separately. The FAA requests that interested persons, when submitting comments, refer to proposals by these numbers, or by the sections to which they relate. Each proposal also contains a reference to the Airworthiness Review Program proposal number and section, if any, to which that proposal relates. Comments on this notice should not refer to the Airworthiness Review Program proposal numbers or section numbers without also referring to the corresponding proposal numbers as

set forth in this notice. Each proposal in this notice is followed by an explanation. Some explanations deal with comments received in response to Notice 74-5A.

(Secs. 313(a), 601, 603, 604, 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, 1424, 1425); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing, it is proposed to amend Parts 21, 23, 25, 27, 29, 31, 33, 35, 91, 121, 127, 133, and 135 of the Federal Aviation Regulations as follows:

**PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS**

2-1. By revising § 21.33(a) to read as follows:

**§ 21.33 Inspection and tests.**

(a) Each applicant must allow the Administrator to make any inspection and any flight and ground test necessary to determine compliance with the applicable requirements of the Federal Aviation Regulations. However, unless otherwise authorized by the Administrator—

(1) No aircraft, aircraft engine, propeller or part thereof may be presented to the Administrator for test unless compliance with paragraphs (b) (2) through (b) (4) of this section has been shown for that aircraft, aircraft engine, propeller, or part thereof; and

(2) No change may be made to an aircraft, aircraft engine, propeller or part thereof between the time that compliance with paragraphs (b) (2) through (b) (4) of this section is shown for that aircraft, aircraft engine, propeller, or part thereof and the time that it is presented to the Administrator for test.

*Explanation.* The purpose of this proposed change is to make the inspection and test requirements compatible for aircraft, aircraft engines, and propellers. Although airworthiness certificates are only issued for aircraft, the FAA believes that prototype inspections on aircraft engines and propellers or parts thereof should be handled in the same manner as on aircraft or parts thereof since they are equally important relative to airworthiness.

*Ref.* Proposal No. 566; § 21.33(a).

**PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES**

2-2. By revising the first sentence of § 23.23 to read as follows:

**§ 23.23 Load distribution limits.**

Ranges of weight and centers of gravity within which the airplane may be safely operated must be established and must include the range for lateral centers of gravity if possible loading conditions can result in significant variation of their positions. \* \* \*

*Explanation.* The present section does not specifically require establishment of the range for lateral centers of gravity. Experience has shown that extreme dis-

location of those centers of gravity can have an adverse effect on handling characteristics. The proposal would require consideration of the significance of variations in the location of lateral centers of gravity that can result from loading conditions, and if possible variations can have significant effects, the establishment of the range of permissible variation.

*Ref.* Proposal No. 587; § 23.23.

2-3. By revising § 23.141 to read as follows:

**§ 23.141 General.**

The airplane must meet the requirements of §§23.143 through 23.253 at the normally expected operating altitudes without exceptional piloting skill, alertness, or strength.

*Explanation.* Certain sections in the flight characteristics requirements require that prescribed controllability and maneuverability be accomplished "without exceptional piloting skill, alertness, or strength." The FAA believes that this requirement should be applied to all flight characteristics. The proposal would apply the requirement to §§ 23.143 through 23.253. While the FAA recognizes that quantification of these requirements may be desirable, it is not feasible to accomplish that objective within the framework of the 1974-75 Airworthiness Review.

Separate proposals to delete this phrase in affected sections are included in this Notice.

*Ref.* Proposal Nos. 602, 614; §§ 23.141, 23.230.

**§ 23.143 [Amended]**

2-4. By amending § 23.143 (b) by striking the words "without exceptional piloting skill, alertness, or strength, and".

*Explanation.* See proposal for § 23.141. *Ref.* Proposal Nos. 602, 603; §§ 23.141, 23.143 (b).

2-5. By amending § 23.145 (c) by striking the words "without exceptional piloting skill", and the commas proceeding and following those words, and by revising § 23.145 (e) to read as follows:

**§ 23.145 Longitudinal control.**

(e) It must be possible to establish a zero rate of descent at an attitude suitable for a controlled landing without exceeding the operational and structural limitations of the airplane—

(1) For single engine airplanes, by using the normal flight and power controls except the primary longitudinal control system; and

(2) For multiengine airplanes—

(i) By using the normal flight and power controls except the primary longitudinal control system; and

(ii) By using the normal flight and power controls except the primary directional control system.

However, for multiengine airplanes, if a single failure of any one connecting or transmitting link would affect both the

longitudinal and directional primary control systems, compliance with subparagraph (2) of this paragraph must be shown by using the normal flight and power controls except the primary longitudinal and directional control systems.

*Explanation.* Current § 23.145 (e) is not compatible with § 23.677 (b) which requires that longitudinal trimming devices in single engine airplanes and both longitudinal and directional trimming devices in multiengine airplanes be designed to provide adequate control for safe flight and landing after failure of any one connecting or transmitting element in the primary flight control system. The proposal would revise § 23.145 (e) to require flight demonstration of that capability. The FAA believes the requirement relating to directional control is essential to safe design of multiengine airplanes. Also, see the proposal for § 23.141.

*Ref.* Proposal Nos. 602, 604, 605; §§ 23.141, 23.145 (c)

2-6. By revising the second sentence of § 23.149 (b) to read as follows:

**§ 23.149 Minimum control speed.**

(b) \* \* \* During recovery the airplane may not assume any dangerous attitude and it must be possible to prevent a heading change of more than 20 degrees.

*Explanation.* See proposal for § 23.141. *Ref.* Proposal No. 602; § 23.141.

2-7. By revising § 23.175 (c) (3) and (4) to read as follows:

**§ 23.175 Demonstration of static longitudinal stability.**

(c) \* \* \*

(3) 75 percent of maximum continuous power for reciprocating engines, or for turbine engines, the maximum cruising power selected by the applicant as an operating limitation, except that the power need not exceed that required for level flight at  $V_{LE}$ ; and

(4) The airplane trimmed for level flight at the power selected in accordance with subparagraph (3) of this paragraph.

*Explanation.* The present rule does not adequately define the trim speed at which compliance is to be demonstrated. The proposal provides for demonstration at a trim speed based on a realistic power setting.

*Ref.* Proposal No. 609; § 23.175 (e).

**§ 23.253 [Amended]**

2-8. By deleting § 23.253 (b) (1), and by redesignating §§ 23.253 (b) (2) and (3) as § 23.253 (b) (1) and (2), respectively.

*Explanation.* See the proposal for § 23.141.

*Ref.* Proposal Nos. 602, 614; §§ 23.141, 23.230.

2-9. By revising the section heading of § 23.397 and the lead-in, table and footnotes 2 and 4 of § 23.397 (b) and adding footnote 5 to read as follows:

§ 23.397 Limit control forces and torques.

(b) The limit pilot forces and torques are as follows:

Control	Maximum forces or torques for design weight, weight equal to or less than 5,000 pounds <sup>1</sup>	Minimum forces or torques <sup>2</sup>
Alleron:		
Stick	67 lbs.	40 lbs.
Wheel <sup>3</sup>	50 D in.-lbs. <sup>4</sup>	40 D in.-lbs. <sup>4</sup>
Elevator:		
Stick	167 lbs.	100 lbs.
Wheel (symmetrical) <sup>5</sup>	200 lbs.	100 lbs.
Wheel (unsymmetrical)		100 lbs.
Rudder	200 lbs.	130 lbs.

<sup>1</sup> \* \* \* \*  
<sup>2</sup> If the design of any individual set of control systems or surfaces makes these specified minimum forces or torques inapplicable, values corresponding to the present hinge moments obtained under sec. 23.415, but not less than 0.6 of the specified minimum forces or torques, may be used.

<sup>3</sup> \* \* \* \*  
<sup>4</sup> D=wheel diameter (inches).  
<sup>5</sup> The unsymmetrical force must be applied at one of the normal handgrip points on the control wheel.

*Explanation.* The proposal would update the rule to require substantiation of elevator control wheels for unsymmetrical forces that are often applied to the wheel when it is operated with one hand. In addition, it is proposed to express the requirement applicable to alleron wheel controls in terms of torque, as is done in FAR 25, and to revise footnotes 2 and 4 and the section and table headings to be consistent with this revision.

Ref. Proposal No. 618; § 23.397(b).

2-10. By adding a new § 23.479(d) to read as follows:

§ 23.479 Level landing conditions.

(d) For airplanes with tip tanks or large overhung masses (such as turbo-propeller or jet engines) supported by the wing, the tip tanks and the structure supporting the tanks or overhung masses must be designed for the effects of dynamic responses under the level landing conditions of either paragraph (a) (1) or (a) (2) (ii) of this section. In evaluating the effects of dynamic response, an airplane lift equal to the weight of the airplane may be assumed.

*Explanation.* Section 23.479 does not specifically require that dynamic response be taken into account as an effect on landing conditions. The FAA believes because of current designs there is a need to require the evaluation of the dynamic response of overhung masses and tip tank installations for level landing conditions. The proposal would require that the supporting structure, including the wing as necessary, and in the case of tip tanks, the tank itself be designed for the effects of dynamic response.

Ref. Proposal No. 619; § 23.479(d).

2-11. By revising the lead in of § 23.603 (a) to read as follows:

§ 23.603 Materials and workmanship.

(a) The suitability and durability of materials used for parts, the failure of which could adversely affect safety, must—

*Explanation.* See the proposal for § 25.603.

Ref. Proposal No. 212; § 25.603.

2-12. By revising § 23.607 to read as follows:

§ 23.607 Self-locking nuts.

No self-locking nut may be used on any bolt subject to rotation in operation unless a nonfriction locking device is used in addition to the self-locking device.

*Explanation.* The proposal would make this rule the same as the Part 25 requirement by relaxing the present prohibition against the use of self-locking nuts on bolts that are subject to any rotation in operation if a nonfriction locking device is used in addition to the self-locking device.

Ref. Proposal No. 620; § 23.607.

2-13. By revising § 23.675 to read as follows:

§ 23.675 Stops.

(a) Each control system must have stops that positively limit the range of motion of each movable aerodynamic surface controlled by the system.

(b) Each stop must be located so that wear, slackness, or takeup adjustments will not adversely affect the control characteristics of the airplane because of a change in the range of surface travel.

(c) Each stop must be able to withstand any loads corresponding to the design conditions for the control system.

*Explanation.* The present rule requires stops to limit the motion of the pilot's controls. The intent of the rule is to require stops that would limit the motion of surfaces, and the proposal would change the rule to accomplish that intent. In addition, the proposal would change the rule to require stops on all aerodynamic surfaces because the FAA has determined from service experience that safety would be enhanced if the travel of all such surfaces is positively limited. The proposal would also clarify the requirement of paragraph (b) by stating a more objective standard than that contained in the present paragraph (b). Paragraph (c) would also be clarified to assure consideration of any load corresponding to the design conditions of the system.

Ref. Proposal No. 624; § 23.675.

§ 23.635 [Amended]

2-14. By amending § 23.685(a) by deleting the word "or" after "passengers", and by striking the period after the word "objects" and inserting a comma in its place, followed by the words "or the freezing of moisture."

*Explanation.* See the proposal for § 25.685.

Ref. Proposal No. 225; § 25.685.

2-15. By adding a new § 23.733(c) to read as follows:

§ 23.733 Tires.

(c) Each tire installed on a retractable landing gear system must, at the maximum size of the tire type expected in service, have a clearance to surrounding structure and systems that is adequate to prevent contact between the tire and any part of the structure or systems.

*Explanation.* The proposed rule would require that the selection of tires for installation on retractable landing gear mechanisms take into account the tire production tolerances and size increases that would be expected to result from service. The FAA believes compliance with the proposed rule could prevent accidents that might result from jamming of landing gear mechanisms by oversize tires.

Ref. Proposal No. 628; § 23.733(c).

2-16. By adding a new § 23.787(f) to read as follows:

§ 23.787 Cargo compartments.

(f) Cargo compartment lamps must be installed so as to prevent contact between lamp bulbs and cargo.

*Explanation.* Continued direct contact between a hot bulb and cargo could cause a fire. A protective metal screen on the lamp could prevent such contact and also protect the bulb to some extent from damage. Hazardous damage to a lamp that could be caused by shifting cargo is required to be accounted for under present paragraph (b) of the rule.

Ref. Proposal No. 96; § 23.787(f).

§ 23.841 [Amended]

2-17. By amending § 23.841(b) (1) in a manner substantively identical to that proposed for § 25.841(b) (1), and by revising § 23.841(b) (5) and (b) (6) to read as follows:

(b) \* \* \*

(5) Instruments to indicate to the pilot the pressure differential, the cabin pressure altitude, and the rate of change of cabin pressure altitude.

(6) Warning indication at the pilot station to indicate when the safe or preset pressure differential is exceeded, and when a cabin pressure altitude of 10,000 feet is exceeded.

*Explanation.* This proposal would make clear that the rule applies to cabin pressure and the rate of change of cabin pressure. The proposal would also conform the rule to current practice, which is to provide a warning when the cabin pressure altitude exceeds 10,000 feet. Also see the proposal for § 25.841.

Ref. Proposal No. 97; § 23.841(e). (Note section change. FAR's published by FAA erroneously carry paragraphs

(c), (d), (e), (f), (g), and (h), which were integrated into (b) by Amdt. 23-14.)

2-18. By deleting § 23.853(b) and marking it "[Reserved]" and by revising § 23.853(c) to read as follows:

§ 23.853 **Compartment interiors.**

(c) If smoking is to be prohibited, there must be a placard so stating, and if smoking is to be allowed—

(1) There must be an adequate number of self-contained, removable ash trays; and

(2) Where the crew compartment is separated from the passenger compartment, there must be at least one sign (using either letters or symbols) notifying all passengers when smoking is prohibited. Signs which notify when smoking is prohibited must—

(i) When illuminated, be legible to each passenger seated in the passenger cabin under all probable lighting conditions; and

(ii) When illuminated internally, be so constructed that the crew can turn them on and off; and

*Explanation.* The purpose of this proposal and the similar proposals to §§ 25.853(c), 27.853(c) and 29.853(c) is to update and make consistent the certification requirements necessary to permit smoking in aircraft.

*Ref.* Proposal No. 911; § 29.853.

2-19. By adding a new § 23.903(b) to read as follows:

§ 23.903 **Engines.**

(b) *Turbine engine installation.* For turbine engine installations, the powerplant systems associated with engine control devices, systems, and instrumentation must be designed to give reasonable assurance that those engine operating limitations that adversely affect turbine rotor structural integrity will not be exceeded in service.

*Explanation.* The proposal is needed because of the increasing number of new turbine powered airplanes being certified under Part 23, and it would provide general design requirements relating to engine operating limitations.

The proposal is consistent with § 25.903(d)(2); however, it is not proposed that a provision identical to that contained in § 25.903(d)(1) be added to Part 23 since the FAA is not presently aware of sufficient information to warrant the imposition of such a requirement for Part 23 airplanes.

*Ref.* Proposal No. 641; § 23.903.

§ 23.933 [Amended]

2-20. By amending § 23.933(b) in a manner substantively identical to that proposed for § 25.933(b).

§ 23.941 [New]

2-21. By adding a new § 23.941 that would be substantively identical to the proposed new § 25.941.

2-22. By redesignating the lead-in of § 23.971 and §§ 23.971(a) and 23.971(b) as § 23.971(a) and §§ 23.971(a)(1), and 23.971(a)(2), respectively, and by adding a new § 23.971(b) to read as follows:

§ 23.971 **Fuel tank sump.**

(b) Each sump, sediment bowl, and sediment chamber drain required by paragraph (a) of this section must comply with the drain provisions of § 23.999(b)(1), (2), and (3) of this part.

*Explanation.* The explanation for the fuel system drain proposal for § 23.999 is equally applicable to sump, sediment bowl, and sediment chamber drains.

*Ref.* Proposal No. 643; § 23.971.

2-23. By revising § 23.977 to read as follows:

§ 23.977 **Fuel tank outlet.**

(a) There must be a fuel strainer for the fuel tank outlet or for the booster pump. This strainer must—

(1) For reciprocating engine powered airplanes, have 8 to 16 meshes per inch; and

(2) For turbine engine powered airplanes, prevent the passage of any object that could restrict fuel flow or damage any fuel system component.

(b) The clear area of each fuel tank outlet strainer must be at least five times the area of the outlet line.

(c) The diameter of each strainer must be at least that of the fuel tank outlet.

(d) Each finger strainer must be accessible for inspection and cleaning.

*Explanation.* The proposal would revise § 23.977 to—

(1) Provide a more satisfactory provision relating to turbine engine fuel tank outlet strainers;

(2) Provide standards relating to strainers of differing configurations; and

(3) Provide for the utilization of submerged booster pumps which are currently being installed in larger Part 23 airplanes. The proposal would continue to contain standards applicable to airplanes not having submerged booster pumps. It should be noted that the proposal is identical to § 25.977, as amended by Amendment 25-36. It should also be noted that § 23.951(c), as added by Amendment 23-15, specifies icing requirements relating to turbine engine fuel systems.

*Ref.* Proposal No. 646; § 23.977.

§ 23.979 [Amended]

2-24. By adding a new § 23.979(e) that would be substantively identical to the proposed new § 25.979(e).

2-25. By revising § 23.995(d) to read as follows:

§ 23.995 **Fuel valves and controls.**

(d) Each valve and fuel system control must be installed so that gravity and vibration will not affect the selected position.

*Explanation.* The present requirement dictates a design that may not be the

best for all aircraft or conditions. The proposal would require that each valve and fuel system control be designed so that gravity and vibration will have no effect on the selected valve or control position instead of tending to move the control or valve to the open or "on" position as is currently required. In certain situations the closed or off position could be the preferred control or valve position.

*Ref.* Proposal No. 107; § 23.995(d).

2-26. By revising § 23.999(b) to read as follows:

§ 23.999 **Fuel system drains.**

(b) Each drain required by paragraph (a) of this section and § 23.971 must—

(1) Discharge clear of all parts of the airplane;

(2) Have manual or automatic means for positive locking in the closed position; and

(3) Have a quick actuation drain valve that is readily accessible and which can be easily opened and closed. Each such valve must be either located or protected so that it will not be damaged in the event of a landing with landing gear retracted.

*Explanation.* Current §§ 23.999 and 25.999 do not require quick actuation type drain valves and do not provide adequate standards for such valves, if installed. The absence of a quick actuation type drain valve has been suggested as a contributing factor in accidents caused by water contamination of fuel. The proposal would require the installation of quick actuation type drain valves and would provide standards relating to such installations.

*Ref.* Proposal Nos. 652, 643; §§ 23.999(b), 23.971.

2-27. By adding a new § 23.1093(c) to read as follows:

§ 23.1093 **Induction system icing protection.**

(c) For airplanes with engines having superchargers to pressurize the air before it enters the carburetor, the heat rise in the air cause by that supercharging at any altitude may be utilized in determining compliance with paragraph (a) of this section provided that the heat rise utilized is that which will be available, automatically, for the applicable altitude and operating condition because of supercharging.

*Explanation.* Supercharging warms air during compression. Enough heat will result at some degree of supercharging to prevent carburetor icing irrespective of ambient conditions. The proposal would permit the consideration of automatic supercharging caused heat rise in determining whether additional means to eliminate induction system icing is needed.

*Ref.* Proposal No. 659; § 23.1093(a)(6).

2-28. By revising § 23.1111(c) to read as follows:

§ 23.1111 Turbine engine bleed air system.

(c) No failure of the engine lubrication system may result in hazardous contamination of cabin air systems.

*Explanation.* The proposal contains a realistic design requirement relating to contamination of cabin air systems due to the failure of the engine lubrication system. Under the proposal, the determination of what would amount to hazardous contamination would depend on a case by case analysis of numerous factors including but not limited to the type of engine lubricants, the engine operating temperature, the cabin volume and the cabin ventilation system. The word "failure" has not been qualified by the term "reasonable and foreseeable" because that term is insufficiently definitive.

*Ref.* Proposal No. 71; § 23.1111(c).

2-29. By adding a new lead-in to § 23.1125 and by revising § 23.1125(a) (3) to read as follows:

§ 23.1125 Exhaust heat exchangers.

For reciprocating engine powered airplanes the following apply:

- (a) \* \* \*
- (3) Each exchanger must have cooling provisions wherever it is subject to contact with exhaust gases. Those cooling provisions must be designed and installed so that it is not possible to use a heat exchanger unless its cooling provisions are in operation.

*Explanation.* Current § 23.1125(a) (3) requires that heat exchangers be ventilated where they are subject to contact with exhaust gases. The proposal would replace the restrictive requirement for ventilation with the more general requirement for cooling provisions. Other changes are proposed and are explained under proposed § 25.1125(a) (3).

*Ref.* Proposal No. 288; § 25.1125(a).

2-3. By revising the title of § 23.1143 and by adding a new § 23.1143(e) to read as follows:

§ 23.1143 Engine controls.

(e) If a power or thrust control incorporates a fuel shutoff feature, the control must have a means to prevent the inadvertent movement of the control into the shutoff position. The means must have a positive lock or stop at the idle position and must require a separate and distinct operation to place the control in the shutoff position.

*Explanation.* Many turbine powered aircraft have power and thrust controls which also serve as fuel cutoffs at the fuel control unit. Several of these controls are arranged so that movement of them aft of the idle position would place the control in the cutoff position. The proposal would require that a means be employed to prevent the control from being inadvertently moved into the cutoff position.

*Ref.* Proposal No. 663; § 23.1143.

2-31. By adding a new § 23.1165(e) to read as follows:

§ 23.1165 Engine ignition systems.

(e) Each ignition system must be independent of any electrical circuit that is not used for assisting, controlling, or analyzing the operation of that system.

*Explanation.* Many airplanes have engine ignition systems tied in with other electrical systems. In such cases, a malfunction in another electrical system could affect the engine ignition system and might result in engine problems. The FAA believes that it is appropriate to require that the ignition system be kept independent of other electrical systems unless they are being used to assist, control, or analyze the ignition system.

*Ref.* Proposal No. 665; § 23.1165.

2-32. By adding new § 23.1303 (d) and (e) to read as follows:

§ 23.1303 Flight and navigation instruments.

(d) A free air temperature indicator for turbine engine powered airplanes.

(e) A speed warning device for—

- (1) Turbine engine powered airplanes; and
- (2) Other airplanes for which  $V_{MO}/M_{MO}$  and  $V_D/M_D$  are established under §§ 23.335(b) (4) and 23.1505(c) if  $V_{MO}/M_{MO}$  is greater than  $0.8 V_D/M_D$ .

The speed warning device must give effective aural warning (differing distinctively from aural warnings used for other purposes) to the pilots whenever the speed exceeds  $V_{MO}$  plus 6 knots or  $M_{MO} + 0.01$ . The upper limit of the production tolerance for the warning device may not exceed the prescribed warning speed.

*Explanation.* The proposal would update § 23.1303 to require a free air temperature indicator for turbine engine powered airplanes. The proposal would also update the section to provide for a speed warning device for turbine engine powered airplanes and certain other airplanes for which  $V_{MO}/M_{MO}$  and  $V_D/M_D$  have been established. The speed warning device proposal is similar to the requirement contained in Part 25 to the extent practicable for Part 23 airplanes. It should be noted that under the proposal turbopropeller powered airplanes would be required to have installed both a free air temperature indicator and speed warning device since service experience does not indicate any need to differentiate those airplanes from other turbine engine powered airplanes with respect to the need for such equipment. The FAA will continue to assess the need to require the installation of additional flight and navigation equipment for aircraft certificated under Part 23.

*Ref.* Proposal No. 673; § 23.1303.

§ 23.1309 [Amended]

2-33. By inserting a comma between the words "Equipment" and "systems," and between the words "systems" and "and", in the title of § 23.1309.

*Explanation.* The proposal is editorial in nature.

*Ref.* None.

2-34. By adding a new § 23.1322 to read as follows:

§ 23.1322 Warning, caution, and advisory lights.

If warning, caution, or advisory lights are installed, they must, unless otherwise approved by the Administrator, be—

(a) Red, for warning lights (lights indicating a hazard which may require immediate corrective action);

(b) Amber, for caution lights (lights indicating the possible need for future corrective action);

(c) Green, for safe operation lights;

(d) Blue, for position indication, agreement, and correct response lights; and

(e) Any other color, including white, for lights not described in paragraphs (a) through (d) of this section, provided the color differs sufficiently from the colors prescribed in paragraphs (a) through (d) of this section to avoid possible confusion.

*Explanation.* The use of lights as sources of information in airplanes is common practice. The FAA considers that standardization of the colors of these lights is an appropriate extension of cockpit standardization. Parts 27 and 29 currently contain color standards and it is proposed that further changes in those standards be made. One of these changes, of a clarifying nature, that should be noted is in the description of warning lights as contained in proposed paragraph (a). This proposal is one of four identical proposals affecting §§ 23.1322, 25.1322, 27.1322, and 29.1322. These proposals provide standardized light requirements and also provide for approved variance from the colors specified for lights such as marker beacon lights, if found to be appropriate. It should be noted that the proposals also specify blue as the color for position indication, agreement, and correct response lights, blue being a color currently used successfully in service.

*Ref.* Proposal No. 682; § 23.1322.

2-35. By adding a new § 23.135(c) to read as follows:

§ 23.1325 Static pressure systems.

(c) If the static pressure system incorporates both a primary and an alternate static pressure source, the means for selecting one or the other source must be designed so that—

(1) When either source is selected, the other is blocked off; and

(2) Both sources cannot be blocked off simultaneously.

*Explanation.* The proposal would provide more complete duality of static pressure sources if both primary and alternate sources are installed. Service experience, however, indicates no need for an additional requirement that the selector be secured in the primary source position.

*Ref.* Proposal No. 684; § 23.1325.

2-36. By deleting the semicolon and the word "and" from § 23.1331(b) (1) and inserting a period, and by revising the lead in sentence of § 23.1331(b) to read as follows:

§ 23.1331 Instruments using a power supply.

(b) In addition, for multiengine airplane flight and navigation instruments, required by this chapter, that use a power supply, the following apply:

*Explanation.* The proposal would make it clear that the provisions of § 23.1331 (b) are in addition to those in § 23.1331 (a) and that paragraph (b) applies only to flight and navigation instruments required by the FAR's and only to those instruments that use power supplies.

*Ref.* Proposal No. 689; § 23.1331.

§ 23.1335 [Deleted]

2-37. By deleting § 23.1335.

*Explanation.* The utilization of flight director systems in modern aircraft makes the language of §§ 23.1335 (a) and (b) archaic in concept and not meaningful as an airworthiness requirement. With the exception of Part 23, the FAR's do not refer to flight director instruments per se. The proposal would delete § 23.1335, but the general equipment requirements of Part 23 would continue to apply to flight director systems, if installed.

*Ref.* Proposal No. 690; § 23.1335(a) (b).

2-38. By deleting the word "and" following the semicolon in § 23.1351(c) (3); by adding a semicolon and the word "and" at the end of § 23.1351(c) (4); and by adding a new § 23.1351(c) (5) to read as follows:

§ 23.1351 General.

(c) \* \* \*

(5) Each generator must have an overvoltage control designed and installed to prevent damage to the electrical system, or to equipment supplied by the electrical system, that could result if that generator were to develop an overvoltage condition.

*Explanation.* Complete electrical system failures on both single and twin engine aircraft continue to occur. The electrical failure that causes this problem is often the loss of voltage control in the voltage regulator. This usually results in a bus voltage well above the capabilities of the electrical equipment connected to the bus. This overvoltage condition frequently destroys electronic equipment and boils the electrolyte in the battery. The proposal is only directed at this overvoltage problem and therefore differs from § 25.1351(b). The proposal would not require a specific method of overvoltage control.

*Ref.* Proposal No. 692; § 23.1351(c) (5).

2-39. By adding a new § 23.1353(f) to read as follows:

§ 23.1353 Storage battery design and installation.

(f) Nickel cadmium battery installations capable of being used to start an engine or auxiliary power unit must have—

(1) A system to control the charging rate of the battery automatically so as to prevent battery overheating;

(2) A battery temperature sensing and over-temperature warning system with a means for disconnecting the battery from its charging source in the event of an over-temperature condition; or

(3) A battery failure sensing and warning system with a means for disconnecting the battery from its charging source in the event of a battery failure.

If compliance is shown with subparagraph (2) or (3) of this paragraph the operating procedures for disconnecting the battery from its charging source must be established and included in the Airplane Flight Manual.

*Explanation.* The proposal conforms to paragraph (b) of AD 72-19-4, which applies to all nickel-cadmium batteries that are capable of being used to start an aircraft engine or auxiliary power unit.

*Ref.* Proposal No. 693; § 23.1353(f).

§ 23.1385 [Amended]

2-40. By amending § 23.1385 in a manner substantively identical to that proposed for § 25.1385.

§ 23.1411 [Amended]

2-41. By amending § 23.1411 in a manner substantively identical to that proposed for § 27.1411.

§ 23.1549 [Amended]

2-42. By amending § 23.1549 in a manner substantively identical to that proposed for § 25.1549.

§ 23.1555 [Amended]

2-43. By amending § 23.1555(d) in a manner substantively identical to that proposed for § 29.1555(c), by striking the word "and" from § 23.1555(c) (2), redesignating § 23.1555(c) (3) as (c) (4), and adding a new (c) (3) to read as follows:

(c) \* \* \*

(3) The conditions under which the full amount of usable fuel in any restricted usage fuel tank can safely be used must be on a placard adjacent to the selector valve for that tank and in the Airplane Flight Manual; and

*Explanation.* Current § 23.1587(a) (2) provides that information concerning the safe use of all usable fuel in a restricted use fuel tank need not be on a placard if it is in the Airplane Flight Manual. The FAA believes this information should be on appropriately located placards in all cases, as well as in the Airplane Flight Manual. Also, see the proposal for § 29.1555.

*Ref.* Proposal Nos. 709, 716; §§ 23.1555 (c) (3), 23.1587(a) (2).

§ 23.1557 [Amended]

2-44. By amending § 23.1557(c) in a manner substantively identical to that proposed for § 25.1557(b), and by adding a new § 23.1557(e) to read as follows:

(e) The system voltage of each direct current installation must be clearly marked adjacent to its external power connection.

*Explanation.* With similar models of aircraft being offered with either a 12 or 24 volt D.C. electrical system, it is possible for external power units of incorrect voltage to be connected to those systems with resultant damage to aircraft electronic equipment, particularly solid state equipment. The proposal would require that the system D.C. voltage be marked adjacent to the external power connection.

*Ref.* Proposal No. 130; § 23.1557.

2-45. By revising § 23.1581(b) and by adding a new § 23.1581(d) to read as follows:

§ 23.1581 General.

(b) *Approved information.*

(1) Each page of the Airplane Flight Manual that contains operating limitations prescribed in § 23.1583 and in paragraph (c) of this section must be limited to such information, and must be approved, identified, and clearly distinguished from each other page in the Airplane Flight Manual.

(2) The information, other than operating limitations prescribed in §§ 23.1585 through 23.1589 and in paragraph (c) of this section, must be determined in accordance with the applicable requirements of this part and must—

(i) Be presented in its entirety in a manner acceptable to the Administrator; or

(ii) Each page of the Airplane Flight Manual that contains this information must be approved.

(3) Each page of the Airplane Flight Manual containing information prescribed in this section must be of a type that is not easily erased, disfigured, or misplaced, and is capable of being inserted in a manual provided by the applicant, or in a folder, or in any other permanent binder.

(d) *Table of contents.* Each Airplane Flight Manual must include a table of contents if the complexity of the manual indicates a need for it.

*Explanation.* The proposed rule would permit the information in the Airplane Flight Manual to be organized in a form suitable for the pilots' needs. Under the proposal, only the pages containing the operating limitations for the airplane would have to be approved, identified, and distinguished from other pages in the Manual. The operating procedures, performance, and weight-and-balance sections of the Manual could, at the option of the applicant, be presented in a manner acceptable to the Administrator if the required information is determined

in accordance with the applicable requirements. Under this option, the required information (other than operating limitations) would be reviewed by FAA but would not be identified as FAA-approved on the individual pages and would not have to be segregated from additional information supplied by the manufacturer.

In addition, the FAA believes that an Airplane Flight Manual should have a table of contents as needed to prevent undue delay in finding information. The proposed rule would require at least a determination that there exists no need for a table of contents. The FAA recognizes that particular Airplane Flight Manuals may be of such limited scope that there is no need for a table of contents.

Ref. Proposal Nos. 131, 712; §§ 23.1581 (b), 23.1581(d).

#### § 23.1587 [Amended]

2-46. By striking the second sentence of § 23.1587(a) (2).

*Explanation.* See the proposal for § 23.1555.

Ref. Proposal Nos. 709, 716; §§ 23.1555 (c) (3), 23.1587(a) (2).

### PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

#### §§ 25.45-25.75 [Deleted]

2-47. By deleting the center heading, "PERFORMANCE: RECIPROCATING ENGINE POWERED AIRPLANES," following § 25.33, by deleting § 25.45 through and including 25.75, and by deleting the center heading, "PERFORMANCE: TURBINE ENGINE POWERED AIRPLANES," following § 25.75 and inserting in its place the center heading, "PERFORMANCE".

*Explanation.* Part 25 specifies different performance requirements for reciprocating engine and turbine engine powered airplanes. The performance requirements for reciprocating engine powered airplanes reflect an empirical approach based on rates of climb, while those applicable to turbine engine powered airplanes reflect a modern version based on gradients of climb. The performance requirements for reciprocating engine powered airplanes are not as broad and objective as those for turbine powered airplanes and lack the flexibility to apply to varied situations. Accordingly, to ensure a uniform level of safety for future certificated transport category airplanes, the reciprocating engine performance requirements would be deleted. However, the humidity correction factors for reciprocating engine powered airplanes would be retained and transferred to § 25.101(b).

Ref. Proposal No. 1021; §§ 25.45 through 25.75.

2-48. By striking the words "turbine powered" from § 25.101(a), and by revising § 25.101(b) to read as follows:

#### § 25.101 General.

(b) The performance, as affected by engine power or thrust, must be based on the following relative humidities:

(1) For turbine engine powered airplanes, a relative humidity of—

(i) 80 percent, at and below standard temperatures; and

(ii) 34 percent, at and above standard temperatures plus 50 degrees F.

Between these two temperatures, the relative humidity must vary linearly.

(2) For reciprocating engine powered airplanes, a relative humidity of 80 percent. Engine power corrections for vapor pressure must be made in accordance with the following table:

Altitude H (ft.)	Vapor pressure e (In. Hg.)	Specific hu- midity w (lb. mois- ture per lb. dry air)	Density ratio σ σ=0.0028769
0	0.463	0.00849	0.99508
1,000	.354	.00773	.96672
2,000	.311	.00708	.93895
3,000	.272	.00638	.91178
4,000	.238	.00578	.88514
5,000	.207	.00523	.85919
6,000	.180	.00472	.83391
7,000	.156	.00425	.80929
8,000	.136	.00382	.78534
9,000	.117	.00343	.76203
10,000	.101	.00307	.73922
15,000	.0463	.001719	.62868
20,000	.01978	.000896	.53263
25,000	.00778	.000486	.44806

*Explanation.* See the explanation for the proposed deletion of §§ 25.45 through 25.75. If the proposal to delete § 25.45 is adopted, the humidity correction factors for reciprocating engine powered airplanes prescribed in that section should be transferred to § 25.101. The proposed revision to § 25.101(b) would accomplish this.

Ref. Proposal No. 1021; §§ 25.45 through 25.75.

2-49. By revising § 25.105(c) to read as follows:

#### § 25.105 Takeoff.

(c) The takeoff data must be based on the following:

(1) For landplanes and amphibians—  
(i) A smooth, dry, hard-surfaced runway; and

(ii) Each type of unpaved runway surface for which approval is requested under § 25.241.

(2) For seaplanes and amphibians, smooth water.

(3) For skiplanes, smooth dry snow.

*Explanation.* The FAA is aware of a growing need for the use of transport category airplanes on unpaved runway surfaces. This is one of several proposals affecting §§ 25.105, 25.125, and 25.1533, and a proposed new 25.241, which would establish certification standards for transport category airplanes intended to be used in operations on unpaved runways. The FAA has determined that airplane acceleration and braking performance on unpaved runway surfaces, par-

ticularly those that are composed, in part, of loose stones or gravel, pose a hazard to the airplane because such loose objects may cause structural damage by being deflected into the airplane structure by the landing gear, by jet blast, or by prop wash. Similarly, engine ingestion of loose, flying objects may also occur. Such ingestion can cause engine failure during the critical takeoff phase of flight. The proposal would require that takeoff and landing data for each type of surface for which approval is requested be determined by test. In addition, proposed new § 25.241 would require testing for the effects of impingement or ingestion of objects making up part of the surface if impingement or ingestion is likely in service. New § 25.241 would also require that the surface types be defined in such a way that they can be identified in service, and that the identification include characteristics, knowledge of which by the pilot is necessary for safe operations. The FAA believes that a mere description of a runway as being gravel or sod, for example, may not provide an operator with sufficient information for safe operation, since runways so described may vary greatly with respect to performance. Finally, proposed new § 25.1533(c) would require that operating limitations that account for pertinent runway characteristics and operating characteristics necessary for safe operation be established for the types of unpaved runway surfaces on which the airplane may be operated. Under § 25.1583(h) such information would also be included in the Airplane Flight Manual.

Ref. Proposal Nos. 1023, 1031, 822; §§ 25.105(c) (1), 25.125(b) (1), 25.1533(c).

#### § 25.107 [Amended]

2-50. By amending § 25.107(b) (1) (i) and (b) (2) (i) by inserting the words "and reciprocating engine" between the words "turbopropeller" and "powered" in both subdivisions.

*Explanation.* See the explanation for the proposed deletion of §§ 25.45 through 25.75.

Ref. Proposal No. 1021; §§ 25.45 through 25.75.

2-51. By deleting the semicolon at the end of § 25.125(b) (1) and the semicolon and the word "and" from § 25.125(b) (2) and inserting periods; by redesignating § 25.125(b) (1), (2), and (3) as (b) (2), (3), and (4), respectively; by revising the lead-in of § 25.125(b), and by adding a new § 25.125(b) (1), to read as follows:

#### § 25.125 Landings.

(b) The following apply to determinations of landing distance for landplanes and amphibians:

(1) The landing distance must be based on—

(i) A level, smooth, dry, hard-surfaced runway; and

(ii) Each type of unpaved runway surface for which approval is requested under § 25.241.



*Explanation.* See the proposal for § 25.105(c).

*Ref. Proposal Nos.* 1023, 1031, 822, §§ 25.105(e) (1), 25.125(b) (1), 25.1533(c).

2-52. By adding a new § 25.241 to read as follows:

§ 25.241 Takeoff and landing on unpaved runway surfaces.

To obtain approval for takeoff and landing operations on unpaved runway surfaces, compliance with the following must be shown:

(a) Each type of surface must be defined so that it can be identified in operations in service. The identification must include specification of all characteristics of the surface necessary for safe operation.

(b) It must be demonstrated that the airplane can be operated on each defined surface without hazard from likely impingement or engine ingestion of any foreign objects that are constituent parts of the surface.

(c) The takeoff and landing performance on each defined surface must be determined in accordance with §§ 25.105(c) (1) and 25.125(b) (1), respectively.

*Explanation.* See the proposal for § 25.105(c).

*Ref. Proposal Nos.* 1023, 1031, 822; §§ 25.105(e) (1), 25.125(b) (1), 25.1533(c).

2-53. By revising § 25.397(c) to read as follows:

§ 25.397 Control system loads.

(c) *Limit pilot forces and torques.* The limit pilot forces and torques are as follows:

Control	Maximum forces or torques	Minimum forces or torques
Aileron:		
Stick	100 lbs.	40 lbs.
Wheel*	80 D in.-lbs.**	40 D in.-lbs.
Elevator:		
Stick	250 lbs.	100 lbs.
Wheel (symmetrical)	300 lbs.	100 lbs.
Wheel (unsymmetrical) <sup>1</sup>		100 lbs.
Rudder	300 lbs.	130 lbs.

<sup>1</sup> The unsymmetrical force must be applied at one of the normal handgrip points on the periphery of the control wheel.

*Explanation.* The proposal would update the rule to require substantiation of elevator control wheels for unsymmetrical forces that are often applied to the wheel when it is operated with one hand. In addition, the rule would be revised to reflect the torque requirements it already contains.

*Ref. Proposal No.* 1052; § 25.397(c).

2-54. By revising the lead-in of § 25.603 to read as follows:

§ 25.603 Materials.

The suitability and durability of materials used for parts, the failure of which could adversely affect safety, must—

*Explanation.* The proposal would broaden the present requirement to include parts that may not be in the struc-

ture but are subject to stresses or environmental conditions that could cause a failure with an adverse effect on safety.

*Ref. Proposal No.* 212; § 25.603.

2-55. By revising § 25.675(a) to read as follows:

§ 25.675 Stops.

(a) Each control system must have stops that positively limit the range of motion of each movable aerodynamic surface controlled by the system.

*Explanation.* The proposal would extend the present rule to cover all aerodynamic surfaces because the FAA has determined from service experience that safety would be enhanced if the travel of all such surfaces is positively limited.

*Ref. Proposal No.* 624; § 23.675.

§ 25.685 [Amended]

2-56. By amending § 25.685(a) by deleting the word "or" after "passengers", and by striking the period after the word "objects" and inserting a comma in its place, followed by the words "or the freezing of moisture."

*Explanation.* The proposed change would require that control system designs account for the effects of freezing moisture which is one of the most common causes of jamming. The present rule does not clearly cover this.

*Ref. Proposal No.* 225; § 25.685.

2-57. By adding a new § 25.733(c) to read as follows:

§ 25.733 Tires.

(c) Each tire installed on a retractable landing gear system must, at the maximum size of the tire type expected in service, have a clearance to surrounding structure and systems that is adequate to prevent contact between the tire and any part of the structure or systems.

*Explanation.* The proposed rule would require that the selection of tires for installation on retractable landing gear mechanisms take into account the tire production tolerances and size increases that would be expected to result from service. The FAA believes compliance with the proposed rule could prevent accidents that might result from jamming of landing gear mechanisms by oversize tires.

*Ref. Proposal No.* 1069; § 25.733(c).

2-58. By adding a new § 25.775(e) to read as follows:

§ 25.775 Windshields and windows.

(e) The windshield panels in front of the pilots must be arranged so that, assuming the loss of vision through any one panel, one or more panels remain available for use by a pilot seated at a pilot station to permit continued safe flight and landing.

*Explanation.* Sudden opaqueness of a windshield panel has occurred. The proposed rule would ensure at least one clear panel in front of the pilots in such cases,

without restricting design freedom by requiring more than one panel in front of any one pilot seat.

*Ref. Proposal No.* 232; § 25.775.

2-59. By revising the second sentence of § 25.783(g) to read as follows:

§ 25.783 Doors.

(g) \* \* \* If an integral stair is installed in a passenger entry door that is qualified as a passenger emergency exit, the stair must be designed so that under the following conditions the rate of passenger emergency egress will not be impaired:

(1) The door, integral stair, and operating mechanism have been subjected to the inertia forces specified in § 25.561 (a) (3) acting separately relative to the surrounding structure.

(2) The airplane is in the normal ground attitude and in each of the attitudes corresponding to collapse of one or more legs of the landing gear.

*Explanation.* The proposed change would clarify the present rule.

*Ref. Proposal No.* 905; 29.783(g).

2-60. By striking the paragraph designation "(i)" and inserting "(j)" in its place of § 25.785(g); inserting a comma between the words "seat" and "berth" and by deleting the words "or harness," between the words "belt" and "at" and inserting the words "harness, or both" in place thereof in the first sentence of § 25.785(i), by redesignating that paragraph § 25.785(j) as § 25.785(j), by redesignating § 25.785(h) as § 25.785(i), and by adding a new § 25.785(h) to read as follows:

§ 25.785 Seats, berths, safety belts, and harnesses.

(h) Each forward observer's seat required by the operating rules must be shown to be suitable for use in conducting the en route inspections prescribed by § 121.581(a).

*Explanation.* The proposed rule would correct a problem that has arisen because the intended use of forward observer seats was not taken into account during certification. It should be noted that § 25.785(g) of the rule covers the harness and strength requirements of these seats. Several other clarifying and editorial changes are also proposed.

*Ref. Proposal No.* 1076; § 25.785.

§ 25.787 [Amended]

2-61. By amending § 25.787 in a manner substantively identical to that proposed for § 23.787.

§ 25.815 [Amended]

2-62. By amending the table in § 25.815 by placing an asterisk after the number "12" on the first line of the table, and adding a footnote to the table to read, "A narrower width not less than 9 inches may be approved when substantiated by tests found necessary by the Administrator."

*Explanation.* The proposed change would recognize the FAA practice with regard to approving narrower aisles when tests satisfy the Administrator that they are safe.

*Ref.* Proposal No. 727; § 25.815.

2-63. By revising §§ 25.831(e) and adding a new § 25.831(f) to read as follows:

§ 25.831 Ventilation.

(e) Except as provided in paragraph (f) of this section, there must be a means to enable the crew to control the temperature and quantity of ventilating air supplied to the crew compartment, independently of the temperature and quantity of air supplied to other compartments.

(f) Means to control the temperature and ventilating air flow in the crew compartment independently of the temperature and air flow in the passenger compartment are not required if all of the following conditions are met:

(1) The total volume of the crew and passenger compartments is 800 cubic feet or less.

(2) The air inlets and passages for air to flow between crew and passenger compartments are arranged to provide compartment temperatures within 5° F. of each other and adequate ventilation to occupants in both compartments.

(3) The temperature and ventilation controls are accessible to the pilot.

*Explanation.* The proposal would revise the current rule requiring independent controls on all transport aircraft to permit the use of common controls under the specified conditions. The FAA believes independent controls do not contribute significantly to airworthiness if those specified conditions are met.

*Ref.* Proposal No. 729; § 25.831(f).

§ 25.841 [Amended]

2-64. By amending § 25.841 by inserting the words "cabin pressure altitude" in place of the words "absolute pressure", "cabin absolute pressure", or "absolute pressure in the cabin" wherever those words appear in paragraphs (b) (5) and (b) (6); by inserting the word, "exceeds" in place of the words, "is below that equivalent to", in paragraphs (b) (6); and by revising the first sentence of paragraph (b) (1) and by adding a new paragraph (b) (8) to read as follows:

(b) \* \* \*

(1) Two pressure relief valves to automatically limit the positive pressure differential to a predetermined value at the maximum rate of flow delivered by the pressure source. \* \* \*

(8) The pressure sensors necessary to meet the requirements of paragraphs (b) (5) and (b) (6) of this section and § 25.1447(c), must be located and the sensing system designed so that, in the event of loss of cabin pressure in any passenger or crew compartment, the warning and automatic presentation devices, required by those provisions, will

be actuated without any delay that would significantly increase the hazards resulting from decompression.

*Explanation.* The FAA believes that the rule should not require that one of the pressure relief valves be a pressure regulating valve. Other acceptable means should be allowed if compliance can be shown. The proposal would delete, as unnecessary, the requirement that one of the pressure relief valves be a pressure regulating valve, but would still permit such a design.

The proposed rule would also require design considerations to account for possible significant differences in decompression rates in separate occupied areas of airplanes. If significant differences can occur, the sensing system and oxygen presentation system must be designed to prevent significant increases in the hazards resulting from decompression. Also, see the proposal for § 23.841.

*Ref.* Proposal No. 97, 136, 254; §§ 23.841(e), 23.841(f), 25.841, 25.841(b).

2-65. By revising § 25.853(c) to read as follows:

§ 25.853 Compartment interiors.

(c) If smoking is to be prohibited, there must be a placard so stating, and if smoking is to be allowed—

(1) There must be an adequate number of self-contained, removable ash trays; and

(2) Where the crew compartment is separated from the passenger compartment, there must be at least one sign (using either letters or symbols) notifying all passengers when smoking is prohibited. Signs which notify when smoking is prohibited must—

(i) When illuminated, be legible to each passenger seated in the passenger cabin under all probable lighting conditions; and

(ii) When illuminated internally, be so constructed that the crew can turn them on and off.

*Explanation.* See the proposal for § 23.853(c).

*Ref.* Proposal No. 911; § 29.853.

§ 25.933 [Amended]

2-66. By adding at the end of the first sentence of § 25.933(b) the phrase, "including ground operation".

*Explanation.* The proposal would make clear that ground operations of the airplane must be considered in complying with § 25.933(b).

*Ref.* Proposal No. 268; § 25.933(b).

2-67. By adding a new § 25.941 following § 25.939 to read as follows:

§ 25.941 Inlet, engine, and exhaust compatibility.

For airplanes using variable inlet or exhaust system geometry, or both,

(a) The system comprised of the inlet, engine (including thrust augmentation systems, if incorporated), and exhaust must be shown to function prop-

erly under all operating conditions for which approval is sought, including all engine rotating speeds and power settings, and engine inlet and exhaust configurations; and

(b) The dynamic effects of the operation of these systems (including consideration of probable malfunctions) upon the aerodynamic control of the airplane may not result in any condition that would require exceptional skill, alertness, or strength on the part of the pilot to avoid exceeding an operational or structural limitation of the airplane.

*Explanation.* Inlet, engine, and exhaust compatibility is affected by the greater system complexities, and the risk of unsuitable systems necessitates not only substantiation of the individual components but also a complete evaluation of their interrelated effects, including the consequences of malfunctions, and effects of operation and malfunctions in those systems upon the aerodynamic and control characteristics of the airplane.

*Ref.* Proposal No. 742; § 25.941.

§ 25.951 [Amended]

2-68. By amending § 25.951(a) by inserting the phrase "and auxiliary power unit" between the words "engine" and "functioning" and by adding the phrase "and during which the engine or auxiliary power unit is permitted to be in operation" at the end of the paragraph.

*Explanation.* Current § 25.951(a) does not specifically provide fuel system design requirements relating to proper auxiliary power unit operation. The proposal would provide such requirements.

*Ref.* Proposal No. 743; § 25.951(a).

2-69. By adding new §§ 25.979 (d) and (e) to read as follows:

§ 25.979 Pressure fueling system.

(d) The airplane pressure fueling system must have proof and ultimate factors of not less than 1.33 and 2.0, respectively, under the loads arising from the maximum pressures, including surge, that are likely to occur during fueling. The maximum surge pressure must be established with any combination of tank valves being either intentionally or inadvertently closed.

(e) The airplane defueling system must have proof and ultimate factors of not less than 1.33 and 2.0, respectively, under the loads produced when defueling at the maximum permissible defueling pressure (positive or negative) at the airplane fueling connection.

*Explanation.* The proposal provides strength requirements including load factors, applicable to the airplane fueling system to cover surge pressures during refueling and defueling.

*Ref.* Proposal No. 279; § 25.979(d) (e).

2-70. By revising § 25.999(b) to read as follows:

§ 25.999 Fuel system drains.

(b) Each drain required by paragraph (a) of this section must—

- (1) Discharge clear of all parts of the airplane;
- (2) Have manual or automatic means for positive locking in the closed position; and
- (3) Have a quick actuation drain valve that is readily accessible and which can be easily opened and closed. Each such valve must be either located or protected so that it will not be damaged in the event of a landing with landing gear retracted.

*Explanation.* Current §§ 23.999 and 25.999 do not require quick actuation type drain valves and do not provide adequate standards for such valves, if installed. The absence of a quick actuation type drain valve has been suggested as a contributing factor in accidents caused by water contamination of fuel. The proposal would require the installation of quick actuation type drain valves and would provide standards relating to such installations.

*Ref. Proposal No. 753; § 25.999(b).*

2-71. By adding a new § 25.1027(d) to read as follows:

§ 25.1027 Propeller feathering system.

(d) Provision must be made to prevent sludge or other foreign matter from affecting the safe operation of the propeller feathering system.

*Explanation.* The proposal is identical to § 23.1027(d), and it is directed at protecting propeller feathering system operation from the adverse effects of sludge and other foreign matter.

*Ref. Proposal No. 283; § 25.1027(d).*

2-72. By revising § 25.1041 to read as follows:

§ 25.1041 General.

The powerplant and auxiliary power unit cooling provisions must be able to maintain the temperatures of powerplant components, engine fluids, and auxiliary power unit components and fluids within the temperature limits established for these components and fluids, under ground, water, and flight operating conditions, and after normal engine or auxiliary power unit shutdown, or both.

*Explanation.* The proposal would provide a general cooling requirement for auxiliary power units. It should be noted that § 25.1041 contains only a general cooling requirement, while §§ 25.1043 and 25.1045 are more specific with respect to the types of operating conditions to be considered during tests.

*Ref. Proposal No. 755; § 25.1041.*

2-73. By revising § 25.1091(c) (2) to read as follows:

§ 25.1091 Air induction.

(c) \* \* \*

(2) For reciprocating engines, there are means to prevent the emergence of backfire flames.

*Explanation.* Proposed § 25.1091(c) (2) would clarify the applicability of the re-

quirement contained in the current paragraph.

*Ref. Proposal No. 284; § 25.1091.*

§ 25.1093 [Amended]

2-74. By amending § 25.1093 in a manner substantively identical to that proposed for § 23.1093.

2-75. By adding a new lead-in sentence to § 25.1125 and by revising § 25.1125(a) (3) to read as follows:

§ 25.1125 Exhaust heat exchangers.

For reciprocating engine powered airplanes, the following apply:

(a) \* \* \*

(3) Each exchanger must have cooling provisions wherever it is subject to contact with exhaust gases. Those cooling provisions must be designed and installed so that it is not possible to use a heat exchanger unless its cooling provisions are in operation; and

*Explanation.* The proposal would require that it be impossible to use a heat exchanger unless its required cooling provision is in operation. The FAA is unaware of any heat exchanger that comes in contact with exhaust gases that would not be subject to a hazardous condition if it did not have some type of operational cooling provision. The proposal also would make it clear that the section applies only to reciprocating engine powered airplanes.

*Ref. Proposal No. 288; § 25.1125(a).*

§ 25.1143 [Amended]

2-76. By amending § 25.1143 in a manner substantively identical to that proposed for § 23.1143, and by revising paragraph (d) to read as follows:

(d) If there is a fluid injection (other than fuel) system, the flow of injection system fluid must be automatically controlled with relation to the amount of power produced by the engine. In addition to the automatic control, there must be a separate control for the injection system pumps.

*Explanation.* The proposal would clarify and update the terminology used in § 25.1143. The term "fluid" is used to provide for water mixtures.

*Ref. Proposal No. 767; § 25.1143.*

2-77. By adding a new § 25.1167 following § 25.1165 to read as follows:

§ 25.1167 Accessory gearboxes.

For airplanes equipped with an accessory gearbox that is not certificated as part of an engine—

(a) The engine with gearbox and connecting transmissions and shafts attached must be subjected to the tests specified in §§ 33.49 or 33.87 of this chapter, as applicable;

(b) The accessory gearbox must meet the requirements of §§ 33.25 and 33.53 or 33.91 of this chapter, as applicable; and

(c) Possible misalignments and torsional loadings of the gearbox, transmission, and shaft system, expected to re-

sult under normal operating conditions must be evaluated.

*Explanation.* The airframe manufacturer may choose to supply the accessory gearbox as part of the airframe. In this case, substantiation of the accessory gearbox as part of the airframe will require testing comparable to that used in the substantiation of the gearbox when approved as part of the engine. The gearbox, as part of the airframe, may still be driven by a power takeoff shaft from the engine rather than by electric or hydraulic motors which would require that the drive shaft between the gearbox and the engine be substantiated. In addition, the possibility of misalignment of the shaft must be evaluated. The proposal would provide for such substantiation and evaluation.

*Ref. Proposal No. 770; § 25.1167.*

2-78. By revising § 25.1197(a) to read as follows:

§ 25.1197 Fire extinguishing agents.

(a) Fire extinguishing agents must be capable of extinguishing flames emanating from any burning of fluids or other combustible materials in the area protected by the fire extinguishing system. In addition, those agents must have thermal stability over the temperature range likely to be experienced in the compartment in which they are stored.

*Explanation.* Current rules prescribe that extinguishing agents must be methyl bromide, carbon dioxide, or an agent with equal extinguishing action. While there are airplanes in service having extinguishing systems that use the prescribed agents, new installations use newer agents. One agent that is widely used is bromotrifluoromethane. The FAA considers it appropriate to recognize the fact that new agents are being used and to change the rules to prescribe the objective rather than specific agents.

*Ref. Proposal No. 777; § 25.1197(a).*

2-79. By revising § 25.1303(a) (2) to read as follows:

§ 25.1303 Flight and navigation instruments.

(a) \* \* \*

(2) A clock (sweep-second pointer or digital reading in hours, minutes, and seconds).

*Explanation.* The requirement for a clock with a sweep second pointer does not recognize the development of accurate digital clocks. The proposal would permit the utilization of approved digital clocks.

*Ref. Proposal No. 293; § 25.1303(a) (2).*

2-80. By adding a new § 25.1305(f) to read as follows:

§ 25.1305 Powerplant instruments.

(f) For airplanes equipped with fluid augmentation systems (other than fuel), an approved means must be provided to indicate the proper functioning of that system to the flight crew.

*Explanation.* Engine manufacturers specify fluid flow rates needed to obtain wet takeoff power. The proposal would require that a means be provided to indicate to the flight crew the proper functioning of the fluid augmentation system.  
Ref. Proposal No. 767; § 25.1143.

#### § 25.1309 [Amended]

2-81. By inserting a comma between the words "Equipment" and "systems" and between the words "systems" and "and", in the title of § 25.1309.

*Explanation.* The proposal is editorial in nature.

Ref. None.

2-82. By adding a new § 25.1322 to read as follows:

#### § 25.1322 Warning, caution, and advisory lights.

If warning, caution or advisory lights are installed, they must, unless otherwise approved by the Administrator, be—

- (a) Red, for warning lights (lights indicating a hazard which may require immediate corrective action);
- (b) Amber, for caution lights (lights indicating the possible need for future corrective action);
- (c) Green, for safe operation lights;
- (d) Blue, for position indication, agreement, and correct response lights; and
- (e) Any other color, including white, for lights not described in paragraphs (a) through (d) of this section, provided the color differs sufficiently from the colors prescribed in paragraphs (a) through (d) of this section to avoid possible confusion.

*Explanation.* See the proposal for § 23.1322.

Ref. Proposal No. 792; § 25.1322.

#### § 25.1325 [Amended]

2-83. By adding a new § 25.1325(g) that would be substantively identical to the proposed new § 23.1325(c).

2-84. By redesignating § 25.1329 as § 25.1311 and by revising the title and paragraphs (a) and (g) of the section to read as follows:

#### § 25.1311 Automatic flight control systems.

(a) Each automatic flight control system must be approved and must be designed so that it can be quickly and positively disengaged by the pilots to prevent it from interfering with their control of the airplane.

(g) If the flight control system integrates signals from auxiliary controls or furnishes signals for operation of other equipment, there must be positive interlocks and sequencing of engagement to prevent improper operation. Protection against adverse interaction of integrated components, resulting from a malfunction, is also required.

*Explanation.* The proposal would provide an appropriate location for the current requirements of § 25.1329 and would

also provide a location for additional provisions relating to automatic flight control system.

Ref. Proposal No. 1315; § 25.1329.

2-85. By revising § 25.1331(a) (2) to read as follows:

#### § 25.1331 Instruments using a power supply.

(a) \* \* \*

(2) Each instrument must, in the event of the failure of one power source, be supplied by another power source. This may be accomplished automatically or by manual means provided that instrument operation is maintained.

*Explanation.* The proposal would revise § 25.1331(a) (2) to make it clear that dual inputs or instrument switching circuits are not required; however, each instrument required by § 25.1303(b) that uses a power supply should and would continue to be covered by § 25.1331(a) (2).  
Ref. Proposal No. 302; § 25.1331.

#### § 25.1337 [Amended]

2-86. By inserting the phrase "and auxiliary power unit" between the words "powerplant" and "instrument" in the first sentence of § 25.1337(a).

*Explanation.* The proposal would make the provisions of §§ 25.993 and 25.1183 clearly applicable to auxiliary power unit instrument lines.

Ref. Proposal No. 797; § 25.1337(a).

2-87. By adding a new § 25.1353(c) (5) to read as follows:

#### § 25.1353 Electrical equipment and installation.

(c) \* \* \*

(5) Nickel cadmium battery installations capable of being used to start an engine or auxiliary power unit must have—

- (i) A system to control the charging rate of the battery automatically so as to prevent battery overheating;
- (ii) A battery temperature sensing and over-temperature warning system with a means for disconnecting the battery from its charging source in the event of an over-temperature condition; or
- (iii) A battery failure sensing and warning system with a means for disconnecting the battery from its charging source in the event of battery failure.

If compliance is shown with subparagraph (ii) or (iii) of this paragraph the operating procedures for disconnecting the battery from its charging source must be established and included in the Airplane Flight Manual.

*Explanation.* See the proposal for § 23.1353(f).

Ref. Proposal No. 799; § 25.1353(c).

2-88. By revising § 25.1355(c) to read as follows:

#### § 25.1355 Distribution system.

(c) If two independent sources of electrical power for particular equipment or

systems are required by this chapter, in the event of the failure of one power source for such equipment or system, another power source (including its separate feeder) must be automatically provided or be manually selectable to maintain equipment or system operation.

*Explanation.* The proposal would revise § 25.1355 to eliminate provisions that are unduly restrictive due to their specificity. It should be noted that the independent sources of power would be required to have separate feeders.

Ref. Proposal No. 309; § 25.1355(c).

2-89. By revising §§ 25.1385 (b), (c) and (e) to read as follows:

#### § 25.1385 Position light system installation.

(b) *Forward position lights.* Forward position lights must consist of a red and a green light spaced laterally as far apart as practicable, taking into consideration the factors specified in paragraph (e) of this section, and installed forward on the airplane so that, with the airplane in the normal flying position, the red light is on the left side, and the green light is on the right side. Each light must be approved.

(c) *Rear position light.* The rear position light must be a white light mounted as far aft as practicable, taking into consideration the factors specified in paragraph (e) of this section, and must be approved.

(e) The following factors may be taken into consideration to establish that it is impracticable to locate the forward and rear position lights at the appropriate airplane extremities and to establish the most effective practicable locations:

- (1) The effect on lamp life of the lamp location.
- (2) The effect on the lights of heat or vibration caused by the proximity of the lights to powerplant installations.
- (3) The accessibility of the lights for servicing.

*Explanation.* The proposal would revise § 25.1385 to make more clear the circumstances in which forward and rear position lights may be located at other than the appropriate airplane extremities. The proposal would also delete the requirements of § 25.1385(e) applicable to passing lights. Those lights have become obsolete.

Ref. Proposals Nos. 310, 311; §§ 25.1385 (c), 25.1385(e).

2-90. By adding a new § 25.1403 to read as follows:

#### § 25.1403 Wing icing detection lights.

Unless operations at night in known or forecast icing conditions are prohibited by an operating limitation, a means must be provided for illuminating or otherwise determining the formation of ice on the parts of the wings. Any illumination that is used must be of a type that will not cause glare or reflection that would handicap crewmembers in the performance of their duties.

*Explanation.* Section 121.341(b) prohibits the operation of an airplane in icing conditions at night unless there are lighting provisions as proposed. The FAA believes that such a requirement should apply to all newly certificated transport category airplanes if operations in icing conditions at night are to be permitted under the airplane's operating limitations.

*Ref. Proposal No. 802; § 25.1403.*

2-91. By adding a sentence to § 25.1439 (a) and by revising § 25.1439(b) (2) (ii) to read as follows:

**§ 25.1439 Protective breathing equipment.**

(a) \* \* \* In addition, protective breathing equipment must be installed in each isolated separate compartment in the airplane, including upper and lower lobe galleys, in which crewmember occupancy is permitted during flight for the maximum number of crewmembers expected to be in the area during any operation.

(b) \* \* \*  
(2) \* \* \*

(ii) Masks covering the nose and mouth, plus accessory equipment to cover the eyes to prevent the entry of smoke and noxious gases into the masks and coverings. A means must be provided to clear the masks and coverings of any smoke or noxious gas that might be trapped when the masks and coverings are donned.

*Explanation.* The proposal would require protective breathing equipment for crewmembers expected in isolated areas. The need for this proposal is based on recent service experience. In addition the proposal would also make it clear that the required masks and eye coverings must prevent the entry of smoke and noxious gases and that a means must exist to expel any trapped smoke and gases in the masks and coverings.

*Ref. Proposal No. 812; § 25.1439(a), (b).*

2-92. By revising § 25.1515(a) to read as follows:

**§ 25.1515 Landing gear speeds.**

(a) The established landing gear operating speed or speeds,  $V_{LO}$ , may not exceed the speed at which it is safe both to extend and to retract the landing gear, as determined under § 25.729 or by flight characteristics. If the extension speed is not the same as the retraction speed, the two speeds must be designated as  $V_{LO(EXT)}$  and  $V_{LO(RET)}$ , respectively.

*Explanation.* Section 25.1515(a) limits  $V_{LO}$  to a single speed. It has been shown, however, that for most transport category airplanes, it is advantageous and in the interest of safety to permit the selection of different (usually higher) landing gear extension speeds than those for landing gear retraction. Such different speeds enhance safety in descent operations since an additional margin of flight path control would be provided

in a configuration in which it is most needed (high speed let-down at near idle thrust).

*Ref. Proposal No. 819; § 25.1515(a).*

2-93. By revising the title of § 25.1533 and the lead in of paragraph (a), and by adding a new § 25.1533(c) to read as follows:

**§ 25.1533 Additional operating limitations.**

(a) Additional operating limitations must be established as follows:

(c) The types of runways on which landplanes and amphibians may be operated are those for which compliance has been shown with §§ 25.105(c) (1), 25.125(b) (1), and 25.241. For runways other than smooth, hardsurfaced runways, the operating limitations must include any runway characteristic or operating restriction found necessary for safe operation on the particular type of surface.

*Explanation.* See the explanation for the proposed deletion of §§ 25.45 through 25.75. See also the proposal for § 25.105 (c).

*Ref. Proposal No. 1021, 1023, 1031, 822; §§ 25.45 through 25.75, 25.105(c) (1), 25.125(b) (1), 25.1533(c).*

2-94. By revising § 25.1549 to read as follows:

**§ 25.1549 Powerplant instruments.**

For each required powerplant instrument, as appropriate to the type of instrument,

(a) Each maximum and, if applicable, minimum safe operating limit must be marked with a red radial or red horizontal line;

(b) Each normal operating range must be marked with a green arc or green vertical line, not extending beyond the maximum and minimum safe limits;

(c) Each takeoff and precautionary range must be marked with a yellow arc or yellow vertical line; and

(d) Each engine or propeller range that is restricted because of excessive vibration stresses must be marked with red arcs or red vertical lines.

*Explanation.* The present rule deals only with marking conventional round faced instruments. The proposal would update the rule to provide similar specific requirements for marking vertical tape instruments. The FAA believes specificity in this regard is necessary to promote cockpit instrument standardization, a long-standing FAA goal.

*Ref. Proposal No. 824; § 25.1549.*

2-95. By revising § 25.1557(b) to read as follows:

**§ 25.1557 Miscellaneous markings and placards.**

(b) *Fuel and oil filler openings.* The following apply:

(1) Fuel filler openings must be marked at or near the filler cover with—

(i) The word "fuel";

(ii) For reciprocating engine powered airplanes, the minimum fuel grade;

(iii) For turbine engine powered airplanes, the permissible fuel designations; and

(iv) For pressure fueling systems, the maximum permissible fueling supply pressure and the maximum permissible defueling pressure.

(2) Oil filler openings must be marked at or near the filler cover with the word "oil".

*Explanation.* The proposed revision includes both substantive and clarifying changes. The substantive changes would require marking of maximum permissible pressure differentials for both fueling and defueling at pressure fueling points, and would delete as unnecessary the requirement for marking fuel and oil tank capacities at the filler openings. In addition, the rule would be revised to clarify that the term "minimum fuel grade" applies only to reciprocating engine powered airplanes and that fuel "designation" applies to turbine engine powered airplanes.

*Ref. Proposal No. 328; § 25.1557(b).*

2-96. By adding a new § 25.1581(d) to read as follows:

**§ 25.1581 General.**

(d) Each manual must include a table of contents if the complexity of the manual indicates a need for it.

*Explanation.* See the proposal for § 23.1581.

*Ref. Proposal No. 828; § 25.1581(d).*

2-97. By revising the lead in of § 25.1583(a) and §§ 25.1583 (a) (5) and (h) to read as follows:

**§ 25.1583 Operating limitations.**

(a) *Airspeed limitations.* The following airspeed limitations and any other airspeed limitations necessary for safe operation must be furnished.

(5) The landing gear operating speed or speeds, and a statement explaining the speeds as defined in § 25.1515(a).

(h) *Additional operating limitations.* The operating limitations established under § 25.1533 must be furnished.

*Explanation.* Section 25.1545, which is cross referenced in the present requirement, contains the independent requirement that markings and placards relating to airspeed limitations must be easily read and understood by the flight crew. It should be noted that the information required by § 25.1583(a) is subject to FAA approval and that such approval may extend to the manner of presentation. The proposal would therefore delete the cross reference to § 25.1545, and make provision for any additional airspeed limitations found necessary for safety on a particular design.

The proposal would also revise §§ 25.1583 (a) (5) and (h) in light of the proposal for § 25.1515(a) and the proposed

deletion of §§ 25.45 through 25.75, respectively.

Ref. Proposal Nos. 332, 830, 1021; §§ 25.1583(a), 25.1583(a)(5), 25.45 through 27.75.

2-98. By revising § 25.1587 to read as follows:

§ 25.1587 Performance information.

(a) Each Airplane Flight Manual must contain information to permit conversion of the indicated temperature to free-air temperature if other than a free-air temperature indicator is used to comply with the requirements of § 25.1303 (a) (1).

(b) Each Airplane Flight Manual must contain the performance information computed under the applicable provisions of this Part (including §§ 25.115, 25.123, and 25.125 for the weights, altitudes, temperatures, wind components, and runway gradients, as applicable) within the operational limits of the airplane, and must contain the following:

(1) The conditions under which the performance information was obtained, including the speeds associated with the performance information.

(2)  $V_s$  determined in accordance with § 25.103.

(3) The following performance information (determined by extrapolation and computed for the range of weights between the maximum landing and maximum takeoff weights):

(i) Climb in the landing configuration.

(ii) Climb in the approach configuration.

(iii) Landing distance.

(4) Procedures established under § 25.101(c) that are related to the limitations and information required by § 25.1533 and by this paragraph. These procedures must be in the form of guidance material, including any relevant limitations or information.

(5) An explanation of significant or unusual flight or ground handling characteristics of the airplane.

*Explanation.* Except for the proposed change to (b) (1) (previously (c) (1) and new (b) (2)), see the explanation for the proposed deletion of §§ 25.45 through 25.75. The proposed amendment to (b) (1) (previously (c) (1)) will clarify that the relevant conditions include the speeds involved. New (b) (2) is proposed because the FAA believes it is important to include  $V_s$  in the performance information.

Ref. Proposal Nos. 836, 1021; § 25.1587, § 25.45.

**PART 27—AIRWORTHINESS STANDARDS:  
NORMAL CATEGORY ROTORCRAFT**

2-99. By adding a new § 27.25(c) to read as follows:

§ 27.25 Weight limits.

(c) Total weight with jettisonable external load. A total weight for the rotorcraft with jettisonable external load attached that is greater than the maximum weight established under paragraph (a) of this section may be established if—

(1) The portion of the total weight that is greater than the maximum weight established under paragraph (a) of this section is made up only of the weight of all or part of the jettisonable external load; and

(2) Structural components of the rotorcraft are shown to comply with the applicable structural requirements of this part under the increased loads and stresses caused by the weight increase over that established under paragraph (a) of this section.

*Explanation.* The proposals for this section and the proposal for § 27.75 are intended to remove certain airworthiness requirements from Part 133 and place them in Parts 27 and 29 and to provide for the approval of external load operations at weights greater than the maximum weight. Also see the proposals for Part 133.

Ref. Proposal No. 539; § 133.43(c).

2-100. By revising § 27.65(a) (2) to read as follows:

§ 27.65 Climb.

(a) \* \* \*

(2) The climb gradient, at the rate of climb determined in accordance with paragraph (a) (1) of this section, must be either—

(i) At least 1:10 if the horizontal distance required to take off and climb over a 50-foot obstacle is determined for each weight, altitude, and temperature within the range for which certification is requested; or

(ii) At least 1:6 at standard sea level conditions.

*Explanation.* Section 27.65 presently requires that rotorcraft other than helicopters meet a climb gradient, at the prescribed rate of climb, of at least 1:6 at standard sea level conditions. The FAA has found that this climb gradient is unnecessarily restrictive for gyroplanes and that there would not be any adverse effect on safety if a lower gradient is used, provided that necessary data on obstacle clearance is determined over the range of weights, altitudes, and temperatures for which certification is sought and made available in the Rotorcraft Flight Manual. The proposal would permit a climb gradient of 1:10, provided that the horizontal distance required to take off and climb over a 50-foot obstacle is determined. A separate, related proposal would specify the inclusion of this information in the Rotorcraft Flight Manual (ref. § 27.1587(b) (3)).

Ref. Proposal No. 833; § 27.65(a) (2).

2-101. By revising the lead-in of § 27.141(a) and §§ 27.141 (a) (3) and (a) (4), to read as follows:

§ 27.141 General.

(a) Except as specifically required in the applicable section, meet the requirements of this section and of §§ 27.143, 27.161, and 27.171 through 27.175—

(3) For power-on operations, under any condition of speed, power, and rotor

r.p.m. for which certification is requested; and

(4) For power-off operations, under any condition of speed and rotor r.p.m. for which certification is requested that is attainable with the controls rigged in accordance with the approved rigging instructions and tolerances;

*Explanation.* Present § 27.141(a) (4) is not a flight characteristics requirement but, rather, is a turbine engine operating characteristic requirement, covered by § 27.939. The proposal would delete current § 27.141(a) (4).

Present § 27.141(a) (3) requires compliance with certain flight characteristics requirements under any condition of speed, power, and rotor r.p.m. for which certification is requested. For some rotorcraft, the maximum rotor r.p.m. limit established to accommodate power-on conditions cannot reasonably be attained in power-off conditions unless the controls are rerigged beyond the tolerances for which the rotorcraft is to be certificated. This proposal would, for power-off operations, permit a showing of compliance without exceeding the speed and rotor r.p.m. attainable with the controls rigged in accordance with the approved rigging tolerances.

Finally, it is also proposed to amend the lead-in language of paragraph (a) to clarify that compliance with the requirements of the referenced sections need not be shown over the full range of conditions when particular conditions are specified in the section containing the requirement.

Ref. Proposal Nos. 351, 835; 27.141(a) (3), (a) (4).

2-102. By revising § 27.173(a) to read as follows:

§ 27.173 Static longitudinal stability.

(a) The longitudinal cyclic control must be designed so that, with the throttle and collective pitch held constant, during the maneuvers specified in § 27.175 a rearward movement of the control is necessary to obtain a speed less than the trim speed, and a forward movement of the control is necessary to obtain a speed more than the trim speed.—

(1) For power-on operations, over the full range of altitude and rotor r.p.m. for which certification is requested; and

(2) For power-off operations, over the range of altitude and rotor r.p.m. for which certification is requested that is attainable with the controls rigged in accordance with the approved rigging instructions and tolerances.

*Explanation.* See the proposal for § 27.141(a).

Ref. Proposal No. 350; § 27.173(a).

§ 27.175 [Amended]

2-103. By amending § 27.175(d) (2) (iv) in a manner substantively identical to that proposed for § 29.175(d) (2) (iv).

2-104. By revising § 27.321(a) to read as follows:

§ 27.321 General.

(a) The flight load factor must be assumed to act normal to the longitudinal axis of the rotorcraft, and to be equal in magnitude and opposite in direction to the rotorcraft inertia load factor at the center of gravity.

*Explanation.* The first sentence of the present section is not realistic for rotorcraft incorporating auxiliary lifting surfaces. The proposal is identical to current § 29.321(a) which is clear and realistic.

*Ref. Proposal No. 352; § 27.321(a).*

§ 27.339 [Amended]

2-105. By inserting between the words "hub" and "and" in the first sentence of § 27.339, the phrase "and at each auxiliary lifting surface."

*Explanation.* The proposal would provide for consideration of auxiliary lifting surfaces as points of action for flight loads. Current § 29.339 contains such a provision.

*Ref. Proposal No. 353; § 27.339.*

2-106. By revising § 27.397, including its title, to read as follows:

§ 27.397 Limit pilot forces and torques.

(a) Except as provided in paragraph (b) of this section, the limit pilot forces are as follows:

- (1) For foot controls, 130 pounds.
- (2) For stick controls, 100 pounds fore and aft, and 67 pounds laterally.

(b) For flap, tab, stabilizer, rotor brake, and landing gear operating controls, the following apply.

- (1) Crank, wheel, and lever controls,  $[1+R] \times 50$  pounds, but not less than 3

than 50 pounds nor more than 100 pounds for hand operated controls or 130 pounds for foot operated controls, applied at any angle within 20 degrees of the plane of motion of the control. R=radius in inches.

- (2) Twist controls, 133 inch-pounds.

*Explanation.* See the proposal for § 29.397.

*Ref. Proposal No. 898; § 29.405.*

2-107. By adding a new § 27.563 to read as follows:

§ 27.563 Structural ditching provisions.

Structural strength considerations of ditching must be in accordance with § 27.801(e).

*Explanation.* See the proposal for § 29.801.

*Ref. Proposal No. 356; § 27.563.*

2-108. By revising the lead-in of § 27.603 to read as follows:

§ 27.603 Materials.

The suitability and durability of materials used for parts, the failure of which could adversely affect safety, must—

*Explanation.* See the proposal for § 25.603.

*Ref. Proposal No. 212; § 25.603.*

§ 27.685 [Amended]

2-109. By amending § 27.685(a) by deleting the word "or" after "passengers", and by striking the period after the word "objects" and inserting a comma in its place, followed by the words "or the freezing of moisture."

*Explanation.* See the proposal for § 25.865.

*Ref. Proposal No. 225; § 25.685.*

§ 27.733 [Amended]

2-110. By amending § 27.733 in a manner substantively identical to that proposed for § 23.733.

2-111. By adding a new § 27.787(d) to read as follows:

§ 27.787 Cargo compartments.

(d) Cargo compartment lamps must be installed so as to prevent contact between lamp bulbs and cargo.

*Explanation.* Continued direct contact between a hot bulb and cargo could cause a fire. A protective metal screen on the lamp could prevent such contact and also protect the bulb to some extent from damage. Hazardous damage to a lamp that could be caused by shifting cargo is required to be accounted for under present paragraph (b) of the rule.

*Ref. Proposal No. 96; § 23.787(f).*

2-112. By adding a new § 27.801 to read as follows:

§ 27.801 Ditching.

(a) If certification with ditching provisions is requested, the rotorcraft must meet the requirements of this section and §§ 27.807(d), 27.1411 and 27.1415.

(b) Each practicable design measure, compatible with the general characteristics of the rotorcraft, must be taken to minimize the probability that in an emergency landing on water, the behavior of the rotorcraft would cause immediate injury to the occupants or would make it impossible for them to escape.

(c) The probable behavior of the rotorcraft in a water landing must be investigated by model tests or by comparison with rotorcraft of similar configuration for which the ditching characteristics are known. Scoops, flaps, projections, and any other factor likely to affect the hydrodynamic characteristics of the rotorcraft must be considered.

(d) It must be shown that, under reasonably probable water conditions, the flotation time and trim of the rotorcraft will allow the occupants to leave the rotorcraft and enter the life rafts required by § 27.1415. If compliance with this provision is shown by buoyancy and trim computations, appropriate allowances must be made for probable structural damage and leakage. If the rotorcraft has fuel tanks (with fuel jettisoning provisions) that can reasonably be expected to withstand a ditching without leakage,

the jettisonable volume of fuel may be considered as buoyancy volume.

(e) Unless the effects of the collapse of external doors and windows are accounted for in the investigation of the probable behavior of the rotorcraft in a water landing (as prescribed in paragraphs (c) and (d) of this section), the external doors and windows must be designed to withstand the probable maximum local pressures.

*Explanation.* See the proposal for § 29.801.

*Ref. Proposal No. 360; § 27.801.*

2-113. By adding a new § 27.807(d) to read as follows:

§ 27.807 Emergency exits.

(d) *Ditching emergency exits for passengers.* Ditching emergency exits must be provided in accordance with the following requirements, unless the emergency exits required by paragraph (a) of this section already meet them:

(1) One exit above the waterline in each side of the rotorcraft, meeting at least the dimensions specified in paragraph (b) of this section.

(2) If side exits cannot be above the waterline, the side exits must be replaced by a readily accessible overhead hatch of not less than the dimensions of the required side exits.

*Explanation.* The regulation proposed has been taken from § 25.807(d) and reworded to accommodate the considerations appropriate to "small" rotorcraft and regulation numbering. It should be noted that the ditching exits would be required whether or not ditching certification is requested. Also, see the proposal for § 29.801.

*Ref. Proposal No. 361; § 27.807.*

2-114. By revising § 27.853(c) to read as follows:

§ 27.853 Compartment interiors.

(c) If smoking is to be prohibited, there must be a placard so stating, and if smoking is to be allowed—

(1) There must be an adequate number of self-contained, removable ash trays; and

(2) Where the crew compartment is separated from the passenger compartment, there must be at least one sign (using either letters or symbols) notifying all passengers when smoking is prohibited. Signs which notify when smoking is prohibited must—

(i) When illuminated, be legible to each passenger seated in the passenger cabin under all probable lighting conditions; and

(ii) When illuminated internally, be so constructed that the crew can turn them on and off.

*Explanation.* See the proposal for § 23.853(c).

*Ref. Proposal No. 911; § 29.853.*

2-115. By adding a new center heading and a new § 27.865 following § 27.861 to read as follows:

## EXTERNAL LOAD ATTACHING MEANS

## § 27.865 External load attaching means.

(a) It must be shown by analysis or test, or both, that the rotorcraft external-load attaching means can withstand a limit static load equal to 2.5 times the maximum external load for which authorization is requested, applied in the vertical direction and in any direction making an angle of 30 degrees with the vertical, except for those directions having a forward component. However, the 30-degree angle may be reduced to a lesser angle if an operating limitation is established limiting external load operations to such angles for which compliance with this paragraph has been shown.

(b) The external load attaching means for Class B and Class C rotorcraft-load combinations must include a device to enable the pilot to release the external load quickly during flight. This quick-release device, and the means by which it is controlled, must comply with the following:

(1) A control for the quick-release device must be installed on one of the pilot's primary controls and must be designed and located so that it may be operated by the pilot without hazardously limiting his ability to control the rotorcraft during an emergency situation.

(2) In addition a manual mechanical control for the quick-release device, readily accessible either to the pilot or to another crewmember, must be provided.

(3) The quick-release device must function properly with all external loads up to and including the maximum external load for which authorization is requested.

(c) A placard or marking must be installed next to the external-load attaching means stating the maximum authorized external load as demonstrated under § 29.25 and this section.

*Explanation.* The proposals for § 27.865 and § 29.865 are intended to remove certain airworthiness requirements from § 133.43 and place them in Parts 27 and 29 with certain additions and clarifications. The proposal, if adopted, would provide for the approval of external load operations at weights greater than the maximum weight. See also the proposal for § 27.25.

*Ref. Proposal No. 848; § 27.865.*

## § 27.903 [Amended]

2-116. By amending § 27.903 in a manner substantively identical to that proposed for § 23.903.

2-117. By adding a new § 27.917(d) to read as follows:

## § 27.917 Design.

(d) The rotor drive system includes any part necessary to transmit power from the engines to the rotor hubs. This includes gear boxes, shafting, universal joints, couplings, rotor brake assemblies, clutches, supporting bearings for shafting, any attendant accessory pads or drives, and any cooling fans that are a

part of, attached to, or mounted on the rotor drive system.

*Explanation.* The proposal would provide a necessary description of the make-up of rotor drive systems in Part 27. Also, see the proposal for § 29.917.

*Ref. Proposal No. 921; § 29.917*

## § 27.927 [Amended]

2-118. By deleting the words "one hour" and inserting the words "fifteen minutes" in their place in the last sentence of § 27.927(b) (2).

*Explanation.* The proposal would reduce the one-hour torque transmission test to fifteen minutes. The FAA believes this is sufficient time to establish the strength of the transmission for the specified condition.

*Ref. Proposal No. 849; § 27.927*

## § 27.939 [Amended]

2-119. By amending § 27.939 in a manner substantively identical to that proposed for § 29.939.

## § 27.977 [Amended]

2-120. By amending § 27.977 in a manner substantively identical to that proposed for § 23.977.

## § 27.999 [Amended]

2-121. By amending § 27.999(b) in a manner substantively identical to that proposed for § 25.999(b).

2-122. By revising § 27.1043(c) to read as follows:

## § 27.1043 Cooling tests.

(c) *Correction factor (except cylinder barrels).* Unless a more rational correction applies, temperatures of engine fluids and power-plant components (except cylinder barrels) for which temperature limits are established, must be corrected by adding to them the difference between the maximum ambient atmospheric temperature and the temperature of the ambient air at the time of the first occurrence of the maximum component or fluid temperature recorded during the cooling test.

*Explanation.* The proposal deals with for the utilization of correction factors for engine components other than cylinder barrels for the cooling test. The proposed revisions of §§ 27.1043(c), and 29.1043(c) would make them consistent with §§ 23.1043(c) and 25.1043(c).

*Ref. Proposal No. 933; § 29.1043(e).*

## § 27.1093 [Amended]

2-123. By adding a new § 27.1093(e) that would be substantively identical to the proposed new § 23.1093(e).

2-124. By adding a new § 27.1123 following § 27.1121 and before the heading "Power Plant Controls and Accessories" to read as follows:

## § 27.1123 Exhaust piping.

(a) Exhaust piping must be heat and corrosion resistant, and must have provisions to prevent failure due to expansion by operating temperatures.

(b) Exhaust piping must be supported to withstand any vibration and inertia loads to which it would be subjected in operations.

(c) Exhaust piping connected to components between which relative motion could exist must have provisions for flexibility.

*Explanation.* The proposal is similar to the current provisions of §§ 23.1123, 25.1123 and 29.1123. The conditions necessitating the requirements of those sections are also applicable to rotorcraft certificated under Part 27.

*Ref. Proposal No. 856; § 27.1123.*

## § 27.1143 [Amended]

2-125. By amending § 27.1143 in a manner substantively identical to that proposed for § 23.1143(e).

2-126. By revising § 27.1185(a) and (b) to read as follows:

## § 27.1185 Flammable fluids.

(a) Each fuel tank must be isolated from the engines by a firewall or shroud.

(b) Each tank or reservoir, other than a fuel tank, that is part of a system containing flammable fluids or gases must be isolated from the engine by a firewall or shroud, unless the design of the system, the materials used in the tank and its supports, the shutoff means, and the connections, lines and controls provide a degree of safety equal to that which would exist if the tank or reservoir were isolated from the engines.

*Explanation.* Section 27.1185(a) and (b) make a distinction in the isolation requirements for fuel and flammable fluid tanks based on the rotorcraft powerplant. The FAA believes the only distinction that is appropriate is between fuel tanks and other flammable fluid tanks and reservoirs. The proposal would provide for such treatment. It should be noted that § 27.1191(f), in part, requires that the shrouds and firewalls required under the proposal must be fireproof.

*Ref. Proposal No. 860; § 27.1185.*

2-127. By revising § 27.1322 to read as follows:

## § 27.1322 Warning, caution, and advisory lights.

If warning, caution or advisory lights are installed they must, unless otherwise approved by the Administrator, be—

(a) Red, for warning lights (lights indicating a hazard which may require immediate corrective action);

(b) Amber, for caution lights (lights indicating the possible need for future corrective action);

(c) Green, for safe operation lights;

(d) Blue, for position indication, agreement, and correct response lights; and

(e) Any other color, including white, for lights not described in paragraphs (a) through (d) of this section, provided the color differs sufficient from the colors prescribed in paragraphs (a)



through (d) of this section to avoid possible confusion.

*Explanation.* See the proposal for § 23.1322.

*Ref.* Proposal No. 865; § 27.1322.

§ 27.1325 [Amended]

2-128. By adding a new § 27.1325(b) that would be substantively identical to the proposed new § 23.1325(c).

2-129. By adding a new § 27.1329 to read as follows:

§ 27.1329 Automatic pilot system.

(a) Each automatic pilot system must be approved, and must be designed so that the automatic pilot can—

(1) Be quickly and positively disengaged by the pilots without moving their hands from the normal position on the cyclic control; or

(2) Be sufficiently overpowered by one pilot to let him control the rotorcraft.

(b) Unless there is automatic synchronization, each system must have a means to readily indicate to the pilot the alignment of the actuating device in relation to the control system it operates.

(c) Each manually operated control for the system's operation must be readily accessible to the pilots.

(d) The system must be designed and adjusted so that, within the range of adjustment available to the pilot, it cannot produce hazardous loads on the rotorcraft, or create hazardous deviations in the flight path, under any flight condition appropriate to its use, either during normal operation or in the event of a malfunction, assuming that corrective action begins within a reasonable period of time.

*Explanation.* Autopilots are being incorporated in normal category helicopters. The proposal would introduce provisions applicable to such devices into Part 27.

*Ref.* Proposal No. 868; § 27.1329.

§ 27.1351 [Amended]

2-130. By amending § 27.1351(c) in a manner substantively identical to that proposed for § 23.1351(c).

2-131. By adding a new § 27.1353(f) to read as follows:

§ 27.1353 Storage battery design and installation.

(f) Nickel cadmium battery installations capable of being used to start an engine or auxiliary power unit must have—

(1) A system to control the charging rate of the battery automatically so as to prevent battery overheating;

(2) A battery temperature sensing and over-temperature warning system with a means for disconnecting the battery from its charging source in the event of an over-temperature condition; or

(3) A battery failure sensing and warning system with a means for disconnecting the battery from its charging source in the event of a battery failure.

If compliance is shown with subparagraphs (2) or (3) of this paragraph the

operating procedures for disconnecting the battery from its charging source must be established and included in the Rotorcraft Flight Manual.

*Explanation.* See the proposal for § 23.1353(f).

*Ref.* Proposal No. 870; § 27.1353(f).

§ 27.1385 [Amended]

2-132. By amending § 27.1385 in a manner substantively identical to that proposed for § 25.1385.

2-133. By redesignating the current language of § 27.1411 as § 27.1411(a) and by adding a new § 27.1411(b) to read as follows:

§ 27.1411 General.

(a) \* \* \*

(b) Stowage provisions for required safety equipment must be furnished and must—

(1) Be arranged so that the equipment is directly accessible and its location is obvious; and

(2) Protect the safety equipment from damage caused by being subjected to the inertia loads specified in § 27.561.

*Explanation.* The proposal would add a requirement for stowage provisions for all safety equipment in § 27.1411 and would provide standards applicable to such stowage provisions.

*Ref.* Proposal No. 369; § 27.1411.

2-134. By adding a sentence to the end of § 27.1415(b) to read as follows:

§ 27.1415 Ditching equipment.

(b) \* \* \* The storage provisions for life preservers must accommodate one life preserver for each occupant for which certification for ditching is requested.

*Explanation.* The proposal would require adequate storage provisions for life preservers.

*Ref.* Proposal No. 370; § 27.1415.

2-135. By redesignating § 27.1545(b) (2) and (3) as (b) (3) and (4), respectively, by revising § 27.1545(b) (1), and adding a new § 27.1545(b) (2), to read as follows:

§ 27.1549 [Amended]

2-136. By amending § 27.1549 in a manner substantively identical to that proposed for § 25.1549.

§ 27.1555 [Amended]

2-137. By amending § 27.1555(c) in a manner substantively identical to that proposed for § 29.1555(c).

§ 27.1557 [Amended]

2-138. By amending § 27.1557(c) in a manner substantively identical to that proposed for § 25.1557(b).

2-139. By adding a new § 27.1581(d) to read as follows:

§ 27.1581 General.

(d) *Table of contents.* Each Rotorcraft Flight Manual must include a table of contents if the complexity of the manual indicates a need for it.

*Explanation.* The FAA believes that a Rotorcraft Flight Manual should have a table of contents as needed to prevent undue delay in finding information. The proposed rule would require at least a determination as to the need for a table of contents. The FAA recognizes that particular Rotorcraft Flight Manuals may be of such limited scope that there is no need for a table of contents.

*Ref.* Proposal No. 883; § 27.1581(d).

§ 27.1545 Airspeed indicator.

- (b) \* \* \*
- (1) A red radial line—
- (i) For rotorcraft other than helicopters, at  $V_{NE}$ ; and
- (ii) For helicopters, at  $V_{NE}$  (power-on)
- (2) A red, cross-hatched radial line at  $V_{NE}$  (power-off) for helicopters, if  $V_{NE}$  (power-off) is less than  $V_{NE}$  (power-on).

*Explanation.* Proposals are under consideration in the Airworthiness Review that would permit certification of helicopters having a different  $V_{NE}$  for the power-off condition than for the power-on condition. This proposed change would provide for distinctive marks at each approved  $V_{NE}$ .

*Ref.* Proposal No. 881, 836; § 27.1545, 27.143(e).

2-140. By revising § 27.1587(a); by striking the word "and" following the semicolon at the end of § 27.1587(b) (1); by striking the period at the end of § 27.1587(b) (2) (ii) and inserting in its place a semicolon followed by the word "and"; and by adding a new § 27.1587(b) (3) to read as follows:

§ 27.1587 Performance information.

(a) The rotorcraft must be furnished with the following information, determined in accordance with §§ 27.51 through 27.79 and § 27.143(c):

(1) Enough information to determine the limiting height-speed envelope.

(2) Information relative to—

- (i) The hovering ceilings and the steady rates of climb and descent, as affected by any pertinent factors such as airspeed, temperature, and altitude; and
- (ii) The maximum safe wind for operation near the ground.

(b) \* \* \*

(3) The horizontal takeoff distance determined in accordance with § 27.65 (a) (2) (i).

*Explanation.* This proposed change would clarify that the specified information need only be furnished for rotorcraft for which there is a test required that would develop the information. Also see the proposal for § 27.65 (a) (2).

*Ref.* Proposal Nos. 373, 833; §§ 27.1587, 27.65(a) (2)

PART 29—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY ROTORCRAFT

2-141. By adding a new § 29.25(c) to read as follows:

## § 29.25 Weight limits.

(c) *Total weight with jettisonable external load.* A total weight for the rotorcraft with jettisonable external load attached that is greater than the maximum weight established under paragraph (a) of this section may be established if—

(1) The portion of the total weight that is greater than the maximum weight established under paragraph (a) of this section is made up only of the weight of all or part of the jettisonable external load; and

(2) Structural components of the rotorcraft are shown to comply with the applicable structural requirements of this part under the increased loads and stresses caused by the weight increase over that established under paragraph (a) of this section.

*Explanation.* See proposal for § 27.25(c).

*Ref.* Proposal No. 539; § 133.43(c).

2-142. By revising the lead-in of § 29.63 to read as follows:

## § 29.63 Takeoff: category B.

The horizontal distance required to take off and climb over a 50-foot obstacle must be established with the most unfavorable center of gravity. The takeoff may be begun in any manner if—

*Explanation.* The FAA believes this section should be updated to require the establishment of the horizontal distance required to clear a 50-foot obstacle. It would not require that there actually be such an obstacle in the flight path. There is no requirement for a flight profile to be constructed for category B helicopters.

*Ref.* Proposal No. 889; § 29.63.

2-143. By revising § 29.67(a)(1)(iv) and (a)(2)(iv) to read as follows:

## § 29.67 Climb: one engine inoperative.

(a) \* \* \*

(1) \* \* \*

(iv) The takeoff safety speed selected by the applicant; and

(2) \* \* \*

(iv) A speed selected by the applicant; and

*Explanation.* This change would clarify that the speeds for compliance with the requirements of subparagraphs (a)(1) and (a)(2) may be different, and that the speed in subparagraph (a)(1) is the takeoff safety speed used in establishing the takeoff climbout path under § 29.59(c).

*Ref.* Proposal No. 377; § 29.67(a).

2-144. By revising § 29.71 to read as follows:

## § 29.71 Helicopter angle of glide: category B.

For each category B helicopter, except multiengine helicopters meeting the requirements of § 29.67(b), the steady angle of glide must be determined in autorotation—

(a) At the forward speed for minimum rate of descent as selected by the applicant;

(b) At the forward speed for best glide angle;

(c) At maximum weight; and

(d) At the rotor speed or speeds selected by the applicant.

*Explanation.* The proposed changes would update the requirement to provide for determination of specific rotor speed and forward speed for both the best glide and minimum rate of descent conditions in autorotation. In addition, the change would establish that the requirement applies only to single-engine helicopters and multiengine category B helicopters not meeting the category A engine installation requirements.

*Ref.* Proposal No. 379; § 29.71.

## § 29.75 [Amended]

2-145. By amending § 29.75(b)(2) by deleting the words "balked landing" and the commas preceding and following those words.

*Explanation.* The requirement to establish a balked landing flight path for category A rotorcraft is covered by § 29.77. The proposed change would clarify that the requirement applies only to category A rotorcraft.

*Ref.* Proposal No. 380; § 29.75.

## § 29.141 [Amended]

2-146. By amending § 29.141(a) in a manner substantively identical to that proposed for § 27.141(a).

## § 29.173 [Amended]

2-147. By amending § 29.173(a) in a manner substantively identical to that proposed for § 27.173(a).

2-148. By revising § 29.175(d)(2)(iv) to read as follows:

## § 29.175 Demonstration of static longitudinal stability.

(d) \* \* \*

(2) \* \* \*

(iv) The landing gear extended; and

*Explanation.* Section 29.175(d) provides for a demonstration of static longitudinal stability in the hovering condition. The proposal would revise subparagraph (2)(iv) to require the more realistic landing gear position during the demonstration.

*Ref.* Proposal No. 386; § 29.175(d).

2-149. By revising § 29.397, including its title, to read as follows:

## § 29.397 Limit pilot forces and torques.

(a) Except as provided in paragraph (b) of this section, the limit pilot forces are as follows:

(1) For foot controls, 130 pounds.

(2) For stick controls, 100 pounds fore and aft, and 67 pounds laterally.

(b) For flap, tab, stabilizer, rotor brake, and landing gear operating controls, the following apply:

(1) Crank, wheel, and level controls,  $1\frac{1}{2}R \times 50$  pounds, but not less than 50 pounds nor more than 100 pounds for hand operated controls or 130 pounds for

foot operated controls, applied at any angle within 20 degrees of the plane of motion of the control. R=radius in inches.

(2) Twist controls, 133 inch-pounds.

*Explanation.* The proposal would provide more complete requirements for rotorcraft controls, including those often referred to as "secondary controls" which would be covered by paragraph (b). The present rules apply to all controls but the FAA has determined that a distinction between "primary" and "secondary" controls, such as is provided in the airplane parts, is justified on the basis of experience. In addition, the present requirement relating to primary wheel controls would be deleted as unnecessary.

*Ref.* Proposal No. 898; § 29.405.

2-150. By adding a new § 29.563 to read as follows:

## § 29.563 Structural ditching provisions.

Structural strength considerations of ditching must be in accordance with § 29.801(e).

*Explanation.* See the proposal for § 29.801.

*Ref.* Proposal No. 390; § 29.563.

2-151. By revising the lead-in of § 29.603 to read as follows:

## § 29.603 Materials.

The suitability and durability of materials used for parts, the failure of which could adversely affect safety, must—

*Explanation.* See the proposal for § 25.603.

*Ref.* Proposal No. 212; § 25.603.

## § 29.685 [Amended]

2-152. By amending § 29.685(a) by deleting the word "or" after "passengers", and by striking the period after the word "objects" and inserting a comma in its place, followed by the words "or the freezing of moisture."

*Explanation.* See the proposal for § 25.685.

*Ref.* Proposal No. 225; § 25.685.

## § 29.733 [Amended]

2-153. By amending § 29.733 in a manner substantively identical to that proposed for § 23.733.

2-154. By adding a new § 29.783(g) to read as follows:

## § 29.783 Doors.

(g) If an integral stair is installed in a passenger entry door that is qualified as a passenger emergency exit, the stair must be designed so the under the following conditions the rate of passenger emergency egress will not be impaired:

(1) The door, integral stair, and operating mechanism have been subjected to the inertia forces specified in § 29.561(a)(3) acting separately relative to the surrounding structure.

(2) The rotorcraft is in the normal ground attitude and in each of the attitudes corresponding to collapse of one

or more legs or primary members, as applicable, of the landing gear.

*Explanation.* There is presently no requirement applicable to "airstair doors" in transport helicopters. Such a door has been made for one helicopter design. The proposed rule would provide a standard consistent with the one for transport airplanes that is in Part 25.

*Ref. Proposal No. 905; §29.783(g).*

2-155. By adding a new § 29.787(d) to read as follows:

§ 29.787 Cargo compartments.

(d) Cargo compartment lamps must be installed so as to prevent contact between lamp bulbs and cargo.

*Explanation.* Continued direct contact between a hot bulb and cargo could cause a fire. A protective metal screen on the lamp could prevent such contact and also protect the bulb to some extent from damage. Hazardous damage to a lamp that could be caused by shifting cargo is required to be accounted for under present paragraph (b) of the rule.

*Ref. Proposal No. 96; § 23.787(f).*

2-156. By adding a new § 29.801 to read as follows:

§ 29.801 Ditching

(a) If certification with ditching provisions is requested, the rotorcraft must meet the requirements of this section and §§ 29.807(d), 29.1411 and 29.1415.

(b) Each practicable design measure, compatible with the general characteristics of the rotorcraft, must be taken to minimize the probability that in an emergency landing on water, the behavior of the rotorcraft would cause immediate injury to the occupants or would make it impossible for them to escape.

(c) The probable behavior of the rotorcraft in a water landing must be investigated by model tests or by comparison with rotorcraft of similar configuration for which the ditching characteristics are known. Scoops, flaps, projections, and any other factors likely to affect the hydrodynamic characteristics of the rotorcraft must be considered.

(d) It must be shown that, under reasonably probable water conditions, the flotation time and trim of the rotorcraft will allow the occupants to leave the rotorcraft and enter the liferafts required by 29.1415. If compliance with this provision is shown by buoyancy and trim computations, appropriate allowances must be made for probable structural damage and leakage. If the rotorcraft has fuel tanks (with fuel jettisoning provisions) that can reasonably be expected to withstand a ditching without leakage, the jettisonable volume of fuel may be considered as buoyancy volume.

(e) Unless the effects of the collapse of external doors and windows are accounted for in the investigation of the probable behavior of the rotorcraft in a water landing (as prescribed in paragraphs (c) and (d) of this section), the external doors and windows must be designed to withstand the probable maximum local pressures.

*Explanation.* The regulations do not fully provide for the ditching of a helicopter. Sections 29.1411, 27.1415, and 29.1415 establish equipment standards for ditching but the structural, emergency exits and flotation requirements are absent. The proposed regulation along with those proposed for §§ 27.563, 29.563, 27.801, 27.807(d), 29.807(d), 27.1411, and 27.1415 will establish the requirements for the missing parameters. The regulation proposed has been taken from § 25.801 and reworded only as necessary to accommodate the rotorcraft conditions and regulations numbering.

*Ref. Proposal No. 394; § 29.801.*

2-157. By redesignating § 29.807 (d) and (e) as (e) and (f) respectively, and adding a new § 29.807(d) to read as follows:

§ 29.807 Passenger emergency exits.

(d) *Ditching emergency exits for passengers.* Ditching emergency exits must be provided in accordance with the following requirements, unless the emergency exits required by paragraph (b) and (c) of this section already meet them:

(1) For rotorcraft that have a passenger seating configuration, excluding pilots seats, of nine seats or less, one exit above the waterline in each side of the rotorcraft, meeting at least the dimensions of a Type IV exit.

(2) For rotorcraft that have a passenger seating configuration, excluding pilots seats, of 10 seats or more, one exit above the waterline in a side of the rotorcraft meeting at least the dimensions of a Type III exit, for each unit (or part of a unit) of 35 passenger seats, but no less than two such exits in the passenger cabin, with one on each side of the rotorcraft. However, where it has been shown through analysis, ditching demonstrations, or any other tests found necessary by the Administrator, that the evacuation capability of the rotorcraft during ditching is improved by the use of larger exits, or by other means, the passenger seat to exit ratio may be increased.

(3) If side exits cannot be above the waterline, the side exits must be replaced by an equal number of readily accessible overhead hatches of not less than the dimensions of a Type III exit except that, for rotorcraft with a passenger configuration, excluding pilots seats, of 35 seats or less, the two required side exits need be replaced by only one overhead hatch.

*Explanation.* See the proposal for § 29.801. It should be noted that under the proposal ditching exits would be required whether or not ditching certification is requested.

*Ref. Proposal No. 395; § 29.807 (d), (e), (f).*

2-158. By adding a new § 29.813(c) to read as follows:

§ 29.813 Emergency exit access.

(c) There must be access from each aisle to each Type III and Type IV exit, and

(1) For rotorcraft that have a passenger seating configuration, excluding pilot seats, of 20 or more, the projected opening of the exit provided must not be obstructed by seats, berths, or other protrusions (including seatbacks in any position) for a distance from that exit of not less than the width of the narrowest passenger seat installed on the rotorcraft;

(2) For rotorcraft that have a passenger seating configuration, excluding pilot seats, of 19 or less, there may be minor obstructions in the region described in subparagraph (1) of this paragraph, if there are compensating factors to maintain the effectiveness of the exit.

*Explanation.* The accessibility requirements for Types III and IV exits should be the same for transport helicopters and airplanes. Section 25.813(c) has been used as a "guideline" for helicopter certification programs in the past. The proposed rule would establish the standards for transport helicopters.

*Ref. Proposal No. 906; § 29.813(c).*

§ 29.815 [Amended]

2-159. By amending the table in § 29.815 by adding an asterisk after the number "12" in the first line of the table; by striking the number "18" (incorrectly specified as "81" in the Code of Federal Regulations) in the first line of the table and inserting the number "15" in its place; and by adding a footnote to the table to read, "A narrower width not less than 9 inches may be approved when substantiated by tests found necessary by the Administrator."

*Explanation.* The FAA knows of no distinguishing factor that would require different aisle widths for transport category rotorcraft and airplanes. The 18 inch width would be reduced to 15 inches to be consistent with Part 25 in this regard. Similarly, a 9 inch lower limit is proposed for the reasons discussed in connection with the proposal for § 25.815.

*Ref. Proposal No. 907; § 29.815.*

2-160. By revising § 29.853(c) to read as follows:

§ 29.853 Compartment interiors.

(c) If smoking is to be prohibited, there must be a placard so stating, and if smoking is to be allowed—

(1) There must be an adequate number of self-contained, removable ash trays; and

(2) Where the crew compartment is separated from the passenger compartment, there must be at least one sign (using either letters or symbols) notifying all passengers when smoking is prohibited. Signs which notify when smoking is prohibited must—

(i) When illuminated, be legible to each passenger seated in the passenger cabin under all probable lighting conditions; and

(ii) When illuminated internally, be so constructed that the crew can turn them on and off;

*Explanation.* See the proposal for § 23.853(c).

*Ref.* Proposal No. 911; § 29.853.

2-161. By adding a new center heading a new § 29.865 following § 29.863 to read as follows:

**EXTERNAL LOAD ATTACHING MEANS**

**§ 29.865 External load attaching means.**

(a) It must be shown by analysis or test, or both, that the rotorcraft external-load attaching means can withstand a limit static load equal to 2.5 times the maximum external load for which authorization is requested, applied in the vertical direction and in any direction making an angle of 30 degrees with the vertical, except for those directions having a forward component. However, the 30-degree angle may be reduced to a lesser angle if an operating limitation is established limiting external load operations to such angles for which compliance with this paragraph has been shown.

(b) The external load attaching means for Class B and Class C rotorcraft-load combinations must include a device to enable the pilot to release the external load quickly during flight. This quick-release device, and the means by which it is controlled, must comply with the following:

(1) A control for the quick-release device must be installed on one of the pilot's primary controls and must be designed and located so that it may be operated by the pilot without hazardously limiting his ability to control the rotorcraft during an emergency situation.

(2) In addition a manual mechanical control for the quick-release device, readily accessible either to the pilot or to another crew member, must be provided.

(3) The quick-release device must function properly with all external loads up to and including the maximum external load for which authorization is requested.

(c) A placard or marking must be installed next to the external-load attaching means stating the maximum authorized external load as demonstrated under § 29.25 and this section.

*Explanation.* The proposal for § 27.865 and § 29.865 are intended to remove certain airworthiness requirements from § 133.43 and place them in Parts 27 and 29 with certain additions and clarifications. The proposal, if adopted, would provide for the approval of external load operations at weights greater than the maximum weight. See also the proposal for § 27.25.

*Ref.* Proposal No. 848; § 27.865.

**§ 29.903 [Amended]**

2-162. By amending § 29.903 in a manner substantively identical to that proposed for § 23.903, and revising § 29.903(c) (1) to read as follows:

(c) \* \* \*

(1) Each component of the engine stopping system that is located on the

engine side of the firewall, and that might be exposed to fire, must be at least fire resistant; or

*Explanation.* The current rule contains a requirement that engine controls, including those that are not a part of the engine stopping system, must be fire resistant. However, the need for engine controls other than stopping controls after an engine fire is questionable. The proposal would delete from the requirement coverage of engine controls other than stopping controls. It should be noted that the option of providing duplicate controls would be retained under the proposal. Also, see the proposal for § 23.903.

*Ref.* Proposal No. 919; § 29.903(c).

2-163. By revising the second sentence of § 29.917(a) to read as follows:

**§ 29.917 Design.**

(a) \* \* \*. This includes gear boxes, shafting, universal joints, couplings, rotor brake assemblies, clutches, supporting bearings for shafting, any attendant accessory pads or drives, and any cooling fans that are a part of, attached to, or mounted on the rotor drive system.

*Explanation.* The proposal would revise § 29.917(a) to contain a positive description of those cooling fans to be considered as a part of the rotor drive system.

*Ref.* Proposal No. 921; § 29.917.

**§ 29.927 [Amended]**

2-164. By amending § 29.927(b) (2) in a manner substantively identical to that proposed for § 27.927(b) (2).

2-165. By revising § 29.931 to read as follows:

**§ 29.931 Shafting critical speed.**

(a) The critical speeds of any shafting must be determined by demonstration except that analytical methods may be used if reliable methods of analysis are available for the particular design.

(b) If any critical speed lies within, or close to, the operating ranges for idling, power-on, and autorotative conditions, the stresses occurring at that speed must be within safe limits. This must be shown by tests.

(c) If analytical methods are used and show that no critical speed lies within the permissible operating ranges, the margins between the calculated critical speeds and the limits of the allowable operating ranges must be adequate to allow for possible variations between the computed and actual values.

*Explanation.* This proposal is identical to the critical speeds requirements of § 27.931. Part 27 contains a more comprehensive and realistic requirement.

*Ref.* Proposal No. 926; § 29.931.

2-166. By adding a new § 29.939(c) to read as follows:

**§ 29.939 Turbine engine operating characteristics.**

(c) For governor-controlled engines, it must be shown that there exists no hazardous torsional instability of the drive system associated with critical combinations of power, rotational speed, and control displacement.

*Explanation.* Helicopter drive systems usually exhibit a first order torsional oscillatory mode at from three to seven c.p.s. The governor in the fuel control will have a response rate on the order of one-third to one-seventh second, thus causing fuel flow and the corresponding engine torque to excite the first or possibly the second order natural torsional mode of the helicopter drive system. When this occurs, it can be detected early in the manufacturer's development program, and design changes to achieve a satisfactory condition can then be made. The proposal would require that it be shown that no hazardous torsional instability exists.

*Ref.* Proposal No. 927; § 29.939(c).

**§ 29.951 [Amended]**

2-167. By amending § 29.951(a) in a manner substantively identical to that proposed for § 25.951(a).

**§ 29.977 [Amended]**

2-168. By amending § 29.977 in a manner substantively identical to that proposed for § 23.977.

**§ 29.979 [Amended]**

2-169. By adding new §§ 29.979 (d) and (e) that would be substantively identical to the proposed new §§ 25.979 (d) and (e).

**§ 29.999 [Amended]**

2-170. By amending § 29.999(b) in a manner substantively identical to that proposed for § 25.999(b).

**§ 29.1041 [Amended]**

2-171. By amending § 29.1041(a) in a manner substantively identical to that proposed for § 25.1041.

2-172. By revising § 29.1043(c) to read as follows:

**§ 29.1043 Cooling tests.**

(c) *Correction factor (except cylinder barrels).* Unless a more rational correction applies, temperatures of engine fluids and power-plant components (except cylinder barrels) for which temperature limits are established, must be corrected by adding to them the difference between the maximum ambient atmospheric temperature and the temperature of the ambient air at the time of the first occurrence of the maximum component or fluid temperature recorded during the cooling test.

*Explanation.* See the proposal for § 27.1043(c).

*Ref.* Proposal No. 933; § 29.1043(e).

§ 29.1093 [Amended]

2-173. By amending § 29.1093 in a manner substantively identical to that proposed for § 23.1093.

§ 29.1125 [Amended]

2-174. By amending § 29.1125 in manner substantively identical to that proposed for §§ 23.1125 and 25.1125.

§ 29.1143 [Amended]

2-175. By amending § 29.1143 in a manner substantively identical to that proposed for § 23.1143(e), and by amending paragraph (d) by striking the words "antidetontant injection" in the first and second sentences and inserting in place thereof, in the first sentence, the words "fluid injection (other than fuel)" and, in the second sentence, the words "injection system".

*Explanation.* See the proposals for §§ 23.1143(e) and 25.1143.

*Ref. Proposals Nos.* 663, 767; §§ 23.1143, 25.1143.

§ 29.1165 [Amended]

2-176. By amending § 29.1165(f) in a manner substantively identical to that proposed for § 23.1165(e).

§ 29.1167 [New]

2-177. By adding a new § 29.1167 that would be substantively identical to the proposed new § 25.1167.

2-178. By revising § 29.1189(a) to read as follows:

§ 29.1189 Shutoff means.

(a) There must be means to shut off or otherwise prevent hazardous quantities of fuel, oil, de-icing fluid, and other flammable fluids from flowing into, within, or through any designated fire zone, except that this means need not be provided—

- (1) For lines and fittings forming an integral part of an engine;
- (2) For oil systems for turbine engine installations in which all external components of the oil system, including oil tanks, are fireproof; or
- (3) For engine oil systems in category B rotorcraft using reciprocating engines of less than 500 cubic inches displacement.

*Explanation.* Section 29.1189(a) requires flammable fluid shutoff means. However, under § 25.1189 turbine-powered airplanes have been certificated without a shutoff means for their oil system. The service experience of these airplanes has shown that oil shutoff means are not essential for turbines and the proposal would relax the requirement for oil shutoff means on turbine engine installations in rotorcraft certificated under Part 29.

*Ref. Proposal No.* 942; § 29.1189(a).

§ 29.1197 [Amended]

2-179. By amending § 29.1197(a) in a manner substantively identical to that proposed for § 25.1197(a).

§ 29.1303 [Amended]

2-180. By amending § 29.1303(d) in a manner substantively identical to that proposed for § 25.1303(a)(2).

2-181. By revising § 29.1307 to read as follows:

§ 29.1307 Miscellaneous equipment.

The following is required miscellaneous equipment:

- (a) An approved seat for each occupant.
- (b) A master switch arrangement for electrical circuits other than ignition.
- (c) Hand fire extinguishers.
- (d) A windshield wiper or equivalent device for each pilot station.
- (e) A two-way radio communication system.

*Explanation.* The proposal would eliminate requirements already covered by other provisions in Part 29.

*Ref. Proposal No.* 403; § 29.1307.

2-182. By revising § 29.1322 to read as follows:

§ 29.1322 Warning, caution, and advisory lights.

If warning, caution or advisory lights are installed they must, unless otherwise approved by the Administrator, be—

- (a) Red, for warning lights (lights indicating a hazard which may require immediate corrective action);
- (b) Amber, for caution lights (lights indicating the possible need for future corrective action);
- (c) Green, for safe operation lights;
- (d) Blue, for position indication, agreement, and correct response lights; and
- (e) Any other color, including white, for lights not described in paragraphs (a) through (d) of this section, provided the color differs sufficiently from the colors prescribed in paragraphs (a) through (d) of this section to avoid possible confusion.

*Explanation.* See the proposal for § 23.1322.

*Ref. Proposal No.* 951; § 29.1322.

§ 29.1325 [Amended]

2-183. By adding a new § 29.1325(f) that would be substantively identical to the proposed new § 23.1325(c).

§ 29.1329 [Amended]

2-184. By amending § 29.1329(a)(1) in a manner substantively identical to that proposed for § 27.1329(a)(1).

§ 29.1337 [Amended]

2-185. By amending § 29.1337(a) in a manner substantively identical to that proposed for § 25.1337(a).

2-186. By adding a new § 29.1353(c)(5) to read as follows:

§ 29.1353 Electrical equipment and installation.

- (c) \* \* \*
- (5) Nickel cadmium battery installations capable of being used to start an

engine or auxiliary power unit must have—

- (i) A system to control the charging rate of the battery automatically so as to prevent battery overheating;
  - (ii) A battery temperature sensing and over-temperature warning system with a means for disconnecting the battery from its charging source in the event of an over-temperature condition; or
  - (iii) A battery failure sensing and warning system with a means for disconnecting the battery from its charging source in the event of battery failure.
- If compliance is shown with subparagraph (ii) or (iii) of this paragraph the operating procedures for disconnecting the battery from its charging source must be established and included in the Rotorcraft Flight Manual.

*Explanation.* See the proposal for § 23.1353(f).

*Ref. Proposal No.* 955; § 29.1353(c)(5).

§ 29.1385 [Amended]

2-187. By amending § 29.1385 in a manner substantively identical to that proposed for § 25.1385.

2-188. By redesignating § 29.1545(b)(2) and (3) as (b)(3) and (4), respectively, by revising § 29.1545(b)(1), and adding a new § 29.1545(b)(2), to read as follows:

§ 29.1545 Airspeed indicator.

- (b) \* \* \*
- (1) red radial line—(i) For rotorcraft other than helicopters, at  $V_{NE}$ ; and (ii) For helicopters, at  $V_{NE}$  (power-on).
- (2) A red, cross-hatched radial line at  $V_{NO}$  (power-off) for helicopters, if  $V_{NO}$  (power-off) is less than  $V_{NE}$  (power-on). Each approved  $V_{NE}$ .

*Explanation.* Proposals are under consideration in the Airworthiness Review that would permit certification of helicopters having a different  $V_{NE}$  for the power-off condition than for the power-on condition. This proposed change would provide for distinctive marks at

*Ref. Proposal Nos.* 967; § 29.1545(b)(4).

§ 29.1549 [Amended]

2-189. By amending § 29.1549 in a manner substantively identical to that proposed for § 25.1549.

2-190. By revising § 29.1555(c) to read as follows:

§ 29.1555 Control markings.

- (c) Usable fuel capacity must be marked as follows:
  - (1) For fuel systems having no selector controls, the usable fuel capacity of the system must be indicated at the fuel quantity indicator.
  - (2) For fuel systems having selector controls, the usable fuel capacity available at each selector control position

must be indicated near the selector control.

*Explanation.* The FAA believes that the proposed rule would provide for more relevant information than the present rule.

*Ref. Proposal No. 968; § 29.1555(c).*

**§ 29.1557 [Amended]**

2-191. By amending § 29.1557(c) in a manner substantively identical to that proposed for § 25.1557(b).

2-192. By adding a new § 29.1581(d) to read as follows:

**§ 29.1581 General.**

(d) *Table of contents.* Each Rotorcraft Flight Manual must include a table of contents if the complexity of the manual indicates a need for it.

*Explanation.* The FAA believes that a Rotorcraft Flight Manual should have a table of contents as needed to prevent undue delay in finding information. The proposed rule would require at least a determination as to the need for a table of contents. The FAA recognizes that particular Rotorcraft Flight Manuals may be of such limited scope that there is no need for a table of contents.

*Ref. Proposal No. 970; § 29.1581(d).*

**PART 31—AIRWORTHINESS STANDARDS: MANNED FREE BALLOONS**

2-193. By revising § 31.1(a), redesignating § 31.1(b) as § 31.1(c), and adding a new § 31.1(b) to read as follows:

**§ 31.1 Applicability.**

(a) This part prescribes airworthiness standards for the issue of type certificates and changes to those certificates, for manned free balloons.

(b) Each person who applies under Part 21 for such a certificate or change must show compliance with the applicable requirements of this part.

*Explanation.* The proposal would revise the applicability section to be consistent with those of Parts 23, 25, 27, and 29.

*Ref. Proposal No. 426; § 35.1.*

**§ 31.11 [Reserved]**

**§ 31.20 [New]**

2-194. By redesignating § 31.11 as § 31.20 in Subpart B of Part 31 and by marking § 31.11 "[Reserved]".

*Explanation.* The proposed renumbering of current § 31.11 is necessary to provide for the addition of other proposed flight requirements that would be more appropriately placed prior to current § 31.11.

*Ref. Proposal No. 980; § 31.20.*

2-195. By adding a new § 31.14 to read as follows:

**§ 31.14 Weight limits.**

(a) The range of weights over which the balloon may be safely operated must be established.

(b) *Maximum weight.* The maximum weight is the highest weight at which compliance with each applicable requirement of this part is shown. The maximum weight must be established so that it is not more than—

(i) The highest weight selected by the applicant;

(ii) The design maximum weight which is the highest weight at which compliance with each applicable structural loading condition of this part is shown; or

(iii) The highest weight at which compliance with each applicable flight requirement of this part is shown.

(c) The information established under paragraphs (a) and (b) of this section must be made available to the pilot in accordance with § 31.81 of this part.

*Explanation.* This proposal would require the establishment of maximum weights, and the range of weights for safe operation. The FAA believes such information should be made available to the balloon pilot.

*Ref. Proposal Nos. 978, 977; §§ 31.14, 31.13.*

2-196. By revising § 31.45 to read as follows:

**§ 31.45 Fuel cells.**

If fuel cells are used, the fuel cells, their attachments, and related supporting structure must be shown by tests to be capable of withstanding, without detrimental distortion or failure, any inertia loads to which the installation may be subjected, including the drop tests prescribed in § 31.27(c). In the tests, the fuel cells must be loaded to the weight and pressure equivalent to the full fuel quantity condition.

*Explanation.* While § 31.45 contains general standards pertaining to inertia loads which fuel cells must be able to withstand, that section does not provide specific requirements for fuel cell weight and pressure conditions applicable to the tests. The FAA believes that the fuel cells should be fully loaded and pressurized in order that the tests may be realistic and meaningful. The proposal would amend § 31.45 accordingly. In this connection, since it is possible for the fuel cell, its attachments, and supporting structure to become unsafely distorted and yet not fail, the proposal would also require them to be able to withstand the tests without detrimental distortion. Also see proposed § 31.46.

*Ref. Proposal No. 983; § 31.45.*

2-197. By adding a new § 31.46 to read as follows:

**§ 31.46 Pressurized fuel systems.**

For pressurized fuel systems, each element and its connecting fittings and lines must be tested to an ultimate pressure of at least twice the maximum pressure to which the system will be subjected in normal operation. No part of the system may fail or malfunction during the test. The test configuration must be representative of the normal fuel system installation and balloon configuration.

*Explanation.* In order to distinguish inertia tests and fuel pressure tests, it is proposed to transfer the specialized requirements covering pressurized fuel systems from § 31.45 to a new § 31.46. The new § 31.46 would further clarify test configuration by requiring that it be representative of the normal balloon installation and by making it clear that fuel lines are components that must be pressure tested.

*Ref. Proposal No. 985; § 31.46.*

2-198. By designating the current language of § 31.63 as § 31.63(a) and by adding a new § 31.63(b) to read as follows:

**§ 31.63 Safety belts.**

(a) \* \* \*

(b) This section does not apply to balloons that incorporate a basket or gondola.

*Explanation.* The proposal would delete the requirement for occupant restraints for basket or gondola equipped balloons. The use of a safety belt in a basket or gondola equipped balloon could hinder the pilot in his control of the aircraft.

*Ref. Proposal No. 415; § 31.63.*

2-199. By deleting § 31.85(a) (1) and marking it "[Reserved]" and by adding a new § 31.85(c) to read as follows:

**§ 31.85 Required basic equipment.**

(c) For captive gas balloons, a compass.

*Explanation.* The compass serves a useful purpose in gas balloons where traveling great distances is possible and typical. In hot air balloons where flight distances are rarely great, the compass serves no practical purpose. The proposal would delete the requirement that hot air balloons be equipped with compasses.

*Ref. Proposal No. 416; § 31.85(a) (1).*

**PART 33—AIRWORTHINESS STANDARDS: AIRCRAFT ENGINES**

2-200. By revising § 33.1 to read as follows:

**§ 33.1 Applicability.**

(a) This part prescribes airworthiness standards for the issue of type certificates and changes to those certificates, for aircraft engines.

(b) Each person who applies under Part 21 for such a certificate or change must show compliance with the applicable requirements of this part.

*Explanation.* See the proposal for § 31.1.

*Ref. Proposal No. 426; § 35.1.*

**PART 35—AIRWORTHINESS STANDARDS: PROPELLERS**

2-201. By revising § 35.1 to read as follows:

**§ 35.1 Applicability.**

(a) This part prescribes airworthiness standards for the issue of type cer-

tificates and changes to those certificates, for propellers.

(b) Each person who applies under Part 21 for such a certificate or change must show compliance with the applicable requirements of this part.

*Explanation.* See the proposal for § 31.1.

*Ref.* Proposal No. 426; § 35.1.

2-202. By revising the first sentence of § 35.39(c) (1) to read as follows:

§ 35.39 Endurance test.

(c) \* \* \*

(1) A 100-hour test on a representative engine with the same or higher power and rotational speed and the same or more severe vibration characteristics as the engine with which the propeller is to be used.

*Explanation.* The proposal would permit, during the propeller test specified, the use of engines with higher powers and rotational speeds than the engine with which the propeller would be used. The proposal, however, would require that the engine be representative of the engine on which the propeller is to be used and that the engine have the same or more severe vibrational characteristics.

*Ref.* Proposal No. 437; § 35.39(c) (1).

2-203. By revising § 35.41(e) to read as follows:

§ 35.41 Functional tests.

(e) *Reversible-pitch propellers.* Two hundred complete cycles of control must be made from lowest normal pitch to maximum reverse pitch, and, while in maximum reverse pitch, during each cycle, the propeller must be run for 30 seconds at the maximum power and rotational speed selected by the applicant for maximum reverse pitch.

*Explanation.* Section 35.41(e) covers functional tests for reversible-pitch propellers. It should, but does not, cover operation while in reverse pitch. The proposal conforms to industry practice and updates the section to the state-of-the-art.

*Ref.* Proposal No. 438; § 35.41(e).

2-204. By revising § 35.45(a) to read as follows:

§ 35.45 Teardown inspection.

(a) After completion of the tests prescribed in this subpart, the propeller must be completely disassembled and a detailed inspection must be made of the propeller parts for cracks, wear, distortion, and any other unusual conditions.

*Explanation.* The proposal would delete the requirement for an inspection for fatigue, which is a cause and not evidence of a propeller failure, and would instead provide for inspection for cracks, wear, distortion, and other unusual conditions.

*Ref.* Proposal No. 439; § 35.45(a).

PART 91—GENERAL OPERATING AND FLIGHT RULES

§ 91.14 [Amended]

2-205. By amending the parenthetical expressions contained in §§ 91.14(a) (1) and (a) (2) to read "(except free balloons that incorporate baskets or gondolas and airships)."

*Explanation.* See the proposed revision to § 31.63.

*Ref.* Proposal No. 485; § 91.14(a).

§ 91.21 [Amended]

2-206. By inserting the parenthetical expression "(except a manned free balloon)" between the words "aircraft" and "that" in § 91.21(a).

*Explanation.* The proposal would delete the requirement for dual controls in manned free balloons used for flight instruction since controls in free balloons are accessible to each occupant.

*Ref.* Proposal No. 486; § 91.21(a).

2-207. By revising § 91.33(d) (6) to read as follows:

§ 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates; instrument and equipment requirements.

(d) \* \* \*

(6) Clock (sweep second pointer or digital reading in hours, minutes, and seconds).

*Explanation.* The requirement for a clock with a sweep second hand is not consistent with the state of the art. The proposal provides for the use of digital clocks.

*Ref.* Proposal No. 493; § 91.33(d) (6).

2-208. By adding a new § 91.193(g) to read as follows:

§ 91.193 Emergency equipment.

(g) If the airplane incorporates a class A, B, or E cargo compartment, protective breathing equipment that complies with the requirements of § 25.1439 (b) of this chapter must be installed for the use of appropriate crewmembers.

*Explanation.* The proposal would require that certain airplanes operated under Part 91 Subpart D have installed protective breathing equipment that meet the requirements of § 25.1439. The proposal is a result of recent accident investigations.

*Ref.* Proposal No. 321; § 25.1439.

2-209. By deleting § 91.209(c) and marking it "[Reserved]" and by revising the lead-in of § 91.209(b) and § 91.209 (b) (1) to read as follows:

§ 91.209 Operating in icing conditions.

(b) Except for an airplane that is type certificated for operation into known or forecast icing conditions, no person may fly—

(1) Into known or forecast severe icing conditions or, under IFR, into known or forecast moderate icing conditions; or

*Explanation.* The proposal would update the section to provide for those airplanes approved for operations in icing conditions under type certification provisions other than those presently referenced in § 91.209 (b) and (c).

*Ref.* Proposal No. 1019; § 91.209(b) (2).

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

2-210. By revising § 121.171(b) to read as follows:

§ 121.171 Applicability.

(b) For purposes of this part, "effective length of the runway" for landing means the distance from the point at which the obstruction clearance plane associated with the approach end of the runway intersects the centerline of the runway to the far end thereof.

2-211. By deleting the word "and" at the end of § 121.199(b) (3), by inserting a semicolon and the word "and" at the end of § 121.199(b) (4), and by adding a new § 121.199(b) (5) to read as follows:

§ 121.199 Nontransport category airplanes: takeoff limitations.

(b) \* \* \*

(5) The "effective length of the runway" for takeoff means the distance from the end of the runway at which the takeoff is started to a point at which the obstruction clearance plane associated with the other end of the runway intersects the runway centerline.

*Explanation.* The phrase "effective length of runway" for takeoff has no place of application in Part 121 except in § 121.199. The fact that a definition for that phrase exists in § 121.171(b) and is applicable for purposes of all of Part 121 has caused confusion in the past. The proposal would remove the definition from § 121.171(b) and place it in § 121.199 as clearly applicable only to that section.

*Ref.* Proposal No. 515; § 121.171.

§ 121.331 [Amended]

§ 121.333 [Amended]

2-212. By inserting between the first and second sentences of §§ 121.331(b) and 121.333(b), a sentence that reads—"The required two hours supply is that quantity of oxygen necessary for a constant rate of descent from the airplane's maximum certificated operating altitude to 10,000 feet in ten minutes and followed by 110 minutes at 10,000 feet."

*Explanation.* The proposal would clarify the required oxygen quantities.

*Ref.* Proposal Nos. 530, 531; §§ 121.331 (b), 121.333(b).

2-213. By adding a new § 121.337(d) to read as follows:

**§ 121.337 Protective breathing equipment for the flight crew.**

(d) If the airplane incorporates a class A, B, or E cargo compartment, protective breathing equipment, that complies with the requirements of § 25.1439 (b) of this chapter must be installed for the use of appropriate crewmembers.

*Explanation.* The proposal would require that certain airplanes operated under Part 121 have installed protective breathing equipment that meets the requirements of § 25.1439(b). The proposal arises from the results or recent accident investigations.

*Ref. Proposal No. 321; § 25.1439.*

**PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS**

2-214. By revising the title and introductory language of § 127.105 to read as follows:

**§ 127.105 Engine instruments and equipment—reciprocating engine powered helicopters.**

No person may operate a reciprocating engine powered helicopter unless it is equipped with the following engine instruments and equipment:

2-215. By adding a new § 127.106 to read as follows:

**§ 127.106 Engine instruments and equipment—turbine engine powered helicopters.**

No person may operate a turbine engine powered helicopter unless it is equipped with the following engine instruments and equipment:

- (a) A fuel pressure indicator and warning light for each engine.
- (b) A means of indicating fuel quantity in each fuel tank to be used, and for helicopters with more than one fuel tank, a warning device indicating when the fuel in any independent fuel tank is low.
- (c) An oil pressure indicator and warning light for each engine.
- (d) An oil temperature indicator for each engine.
- (e) An oil temperature indicator and warning light for each main rotor drive gearbox including those gearboxes essential to rotor phasing, having an oil system independent of the engine oil system.
- (f) An oil temperature indicator and warning light for each transmission using a separate oil pump.
- (g) A gas temperature indicator for each engine.
- (h) An output torque indicator for each engine.
- (i) A tachometer (to indicate the speed of the engine rotors with established limiting speeds) for each engine.
- (j) A tachometer for the main rotor or for each main rotor the speed of which may vary appreciably with respect to another main rotor.

The tachometers required by paragraphs (i) and (j) of this section may be

combined in a single instrument, but that instrument must indicate rotor RPM during autorotation.

*Explanation.* The proposal would provide engine instrument and equipment requirements appropriate for turbine powered helicopters used in Part 127 operations.

*Ref. Proposal No. 1098; § 127.106.*

**PART 133—ROTORCRAFT EXTERNAL-LOAD OPERATIONS**

2-216. By revising § 133.1 to read as follows:

**§ 133.1 Applicability.**

This part prescribes operating and certification rules governing the conduct of nonpassenger-carrying rotorcraft external-load operations in the United States by any person (other than as an air carrier) conducting such an operation for compensation or hire. However, this Part does not apply to operations conducted under Part 375 of this Title.

*Explanation.* The purpose of this proposal and the related proposals affecting §§ 27.25, 29.25, 27.865, 29.865, 133.41, 133.43, and § 133.45(c) is to remove certain airworthiness requirements from Part 133 and to place those requirements in Parts 27 and 29.

*Ref. Proposal No. 1099; § 133.1.*

**§ 133.41 [Amended]**

2-217. By deleting the reference to § 133.43(d) (1) and (2) in § 133.41(c) (6) and inserting in its place a reference to § 133.43(a).

*Explanation.* See the proposal for § 133.1.

*Ref. Proposal No. 1101; § 133.45.*

2-218. By revising § 133.43 to read as follows:

**§ 133.43 Structure and design.**

(a) *External-load attaching means and quick release devices.* Unless approved on or before January 17, 1964, under Part 8 of the Civil Air Regulations, each external-load attaching means must have been approved under Part 27 or 29 of this chapter. Each quick release device must meet the applicable requirements of Part 27 or 29 of this chapter.

(b) [Reserved]

(c) *Weight and center of gravity—(1) Weight.* The total weight of the rotorcraft-load combination must not exceed the total weight approved for the rotorcraft during its type certification under Part 27 or 29 of this chapter.

(2) *Center of gravity.* The location of the center of gravity must, for all loading conditions, be within the range established for the rotorcraft during its type certification under Part 27 or 29 of this chapter. For Class C rotorcraft-load combinations, the magnitude and direction of the loading force must be established at those values for which the effective location of the center of gravity remains within its established range.

*Explanation.* See the proposals for §§ 27.25, 29.25, 27.865, 29.865, and 133.1.

*Ref. Proposal Nos. 539, 1100; §§ 133.43(c), 133.43.*

**§ 133.45 [Amended]**

2-219. By deleting the words "(a) and (d) (3)" from § 133.45(c).

*Explanation.* See the proposal for § 133.1.

*Ref. Proposal No. 1101; § 133.45.*

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

2-220. By revising § 135.71(a) (5) to read as follows:

**§ 135.71 Operating information required.**

(a) \* \* \*

(5) In the case of multiengine aircraft, one-engine-inoperative climb performance data, and if the aircraft is approved for use in IFR or over the top operations, that data must be sufficient to enable the pilot to determine compliance with § 135.145(a) (2).

*Explanation.* One-engine-inoperative climb performance data furnished by the operator, for some airplanes, is insufficient to enable pilots planning IFR passenger flights to compute a maximum takeoff weight that will comply with § 135.145(a) (2) which requires limitations on weight to provide for a specified en route climb performance. This proposal would require sufficient data to determine compliance with that section to be made available to the pilots.

*Ref. Proposal No. 1103; § 135.71(a) (5).*

2-221. By revising § 135.165(b) (2) to read as follows:

**§ 135.165 Oxygen equipment requirements.**

(b) \* \* \*

(2) Above 15,000 feet MSL, oxygen to each occupant of the aircraft, except the pilots, for 1 hour unless, at all times during flight above that altitude, the aircraft can safely descend to 15,000 feet MSL within 4 minutes, in which case—

(i) For small airplanes type certificated in the transport category, a 10-minute supply is required; and,

(ii) For other airplanes, a 30-minute supply is required.

*Explanation.* The proposal would update the current provision to provide an oxygen supply requirement for transport category airplanes operated under Part 135, similar to the requirement contained in Part 121, applicable to such airplanes.

*Ref. Proposal No. 554; § 135.165(b) (3).*

**APPENDIX I—"ITEMS FOR NOTICE" FROM THE "PROPOSALS NOT IN AGENDA" WORKBOOK NOT INCLUDED IN THIS NOTICE**

The Committees referred to in this appendix were convened at the First Biennial Airworthiness Review Conference during December 2-11, 1974. They are identified as follows: Committee I (Procedures and Special Issues); Committee II (Flight); Committee



III-1 (Airframe, Large Airplanes); Committee III-2 (Airframe, Small Airplanes and Rotorcraft); Committee IV (Powerplant); and Committee V (Equipment and Systems).

Proposal No.	14 CFR	Remarks
48	21.329	Discussed in committee I.
49	21.329(e)	Do.
51	21.331	Do.
52	21.331(a)	Do.
648	23.991(d)	Held for further study.
664	23.1145(d)	Held pending review of discussions on the proposals on secs. 23.1145(d), 27.1145(c), and 29.1145(d) discussed in committee IV.
701	23.1436(a)	Discussed in committee V.
129	23.1545(a)	Do.
717	23.1587(c)	Discussed in committee II.
171	23.149(e)	Do.
1043	25.253	Do.
182	25.255	Discussed in committee IV.
256	25.851	Held pending action on committee III-1 proposal 731 (sec. 25.853).
269	25.934	Discussed in committee IV.
771	25.1167	Discussed in committee V.
810	25.1436	Do.
869	27.1337(b)	Held pending review of discussions on proposal No. 117, sec. 23.1337(b)(1), in committee IV.
387	29.351	Held for further study.
935	29.1091(e)	Held pending review of discussions in committee IV on similar proposals for pts. 23, 25, and 27.
989	31.51	Held pending review of discussions in committee I on proposals relating to manned free balloons.
1067	Pt. 127 subpt. H.	Discussed in committee IV.
552	135.153	Discussed in committee V.
1104	135.159	Do.

APPENDIX II—"ITEMS FOR NOTICE" FROM THE "PROPOSALS NOT IN AGENDA WORKBOOK" REMOVED FROM THE FIRST BIENNIAL AIRWORTHINESS REVIEW

(1) Proposals Nos. 572 and 574; §§ 21.111 and 21.119(d). The FAA has determined, after further review, that these proposals do not fully attain the objective desired. They have

been withdrawn for additional and may be included in a subsequent Biennial Airworthiness Review Program.

(2) Proposals Nos. 730, 745, and 776; §§ 25.851(b)(3), 25.953(a), and 25.1197(b). The FAA has determined, after further review, that these proposals do not warrant regulatory action at this time. They may be included in a subsequent Biennial Airworthiness Review Program.

(3) Proposal No. 39; § 21.303. The proposal to develop a standard form for Parts Manufacturer Approval applications and to reference that form in § 21.303 is in appropriate as a proposed rule change. Section 21.303(c) describes the information that must be furnished in any application for a Parts Manufacturer Approval and also specifies where that application must be filed. Any application containing that information that is forwarded to the designated location is acceptable.

(4) Proposal No. 491; § 91.33(b). The proposal to expressly except manned free balloons from the requirements of § 91.33(b)(12) is inappropriate as a rule change. Section 91.33 applies only to powered aircraft, and manned free balloons are not powered aircraft.

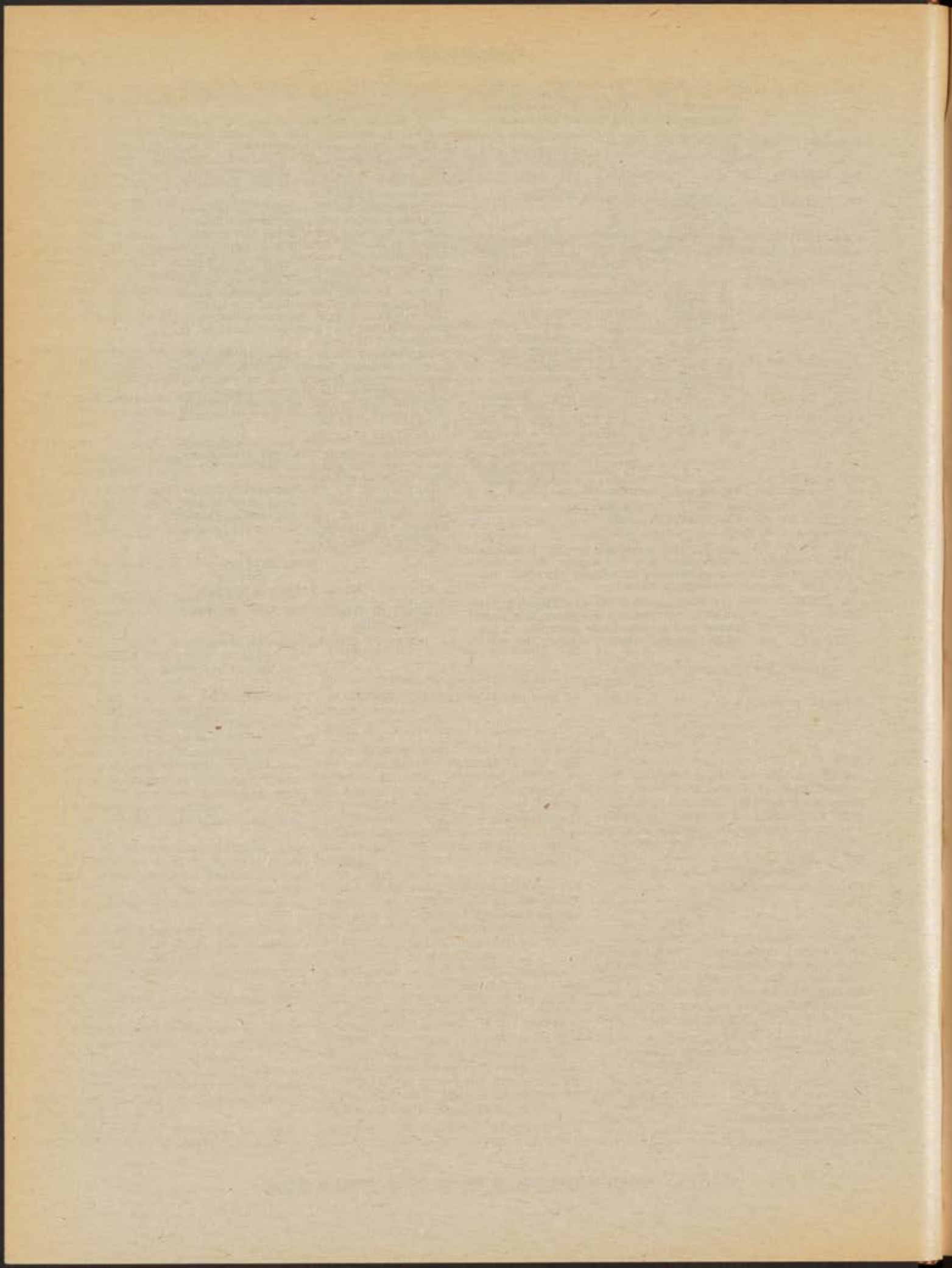
(5) Proposal No. 1014; § 91.73. Withdrawn for further study by FAA's Air Traffic Service. If rulemaking is deemed appropriate, a separate notice will be issued.

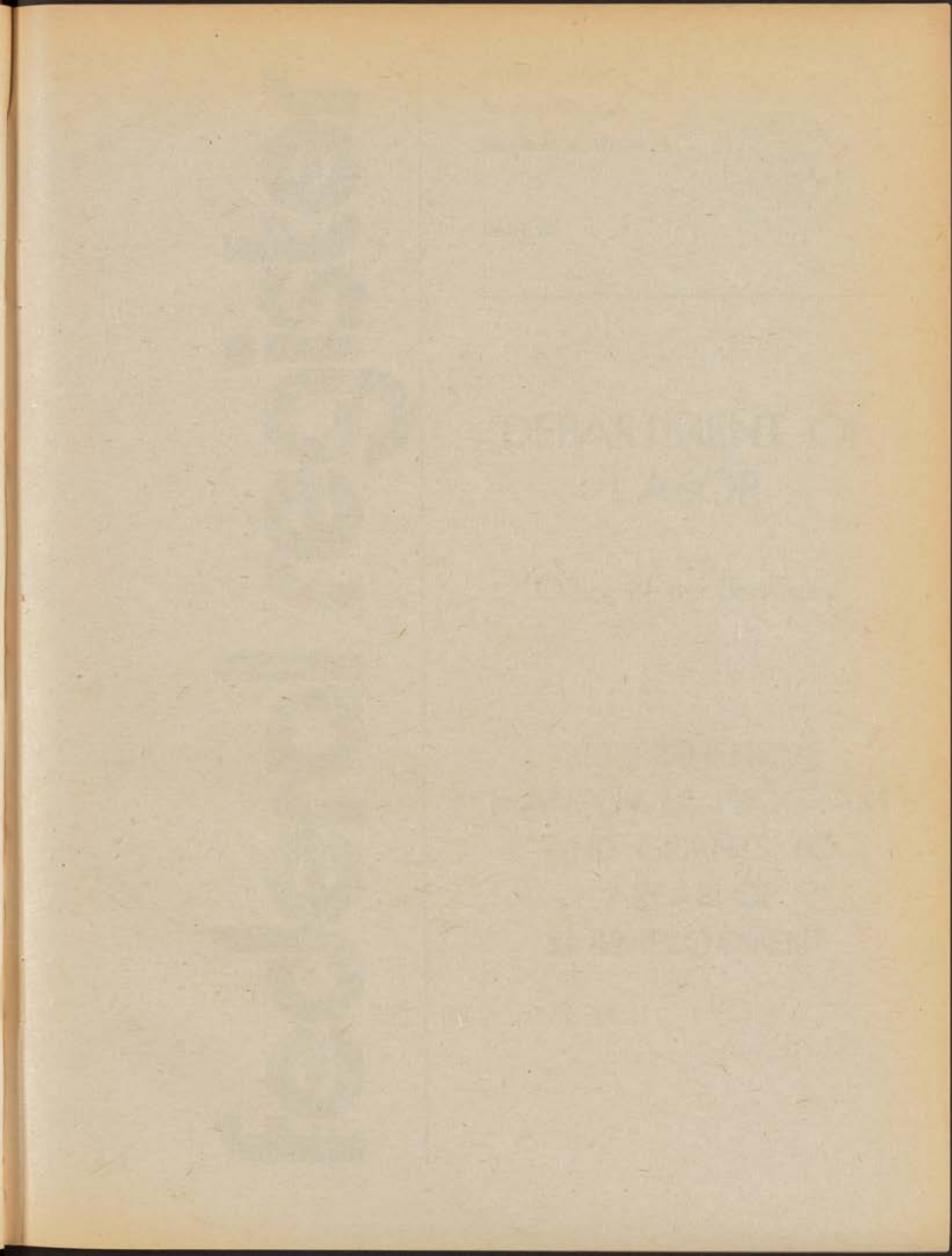
(6) Proposal No. 787; § 25.1307(i). Withdrawn pending separate rulemaking to update Appendix G, Part 121. Corresponding airworthiness standards will be proposed as part of that rulemaking.

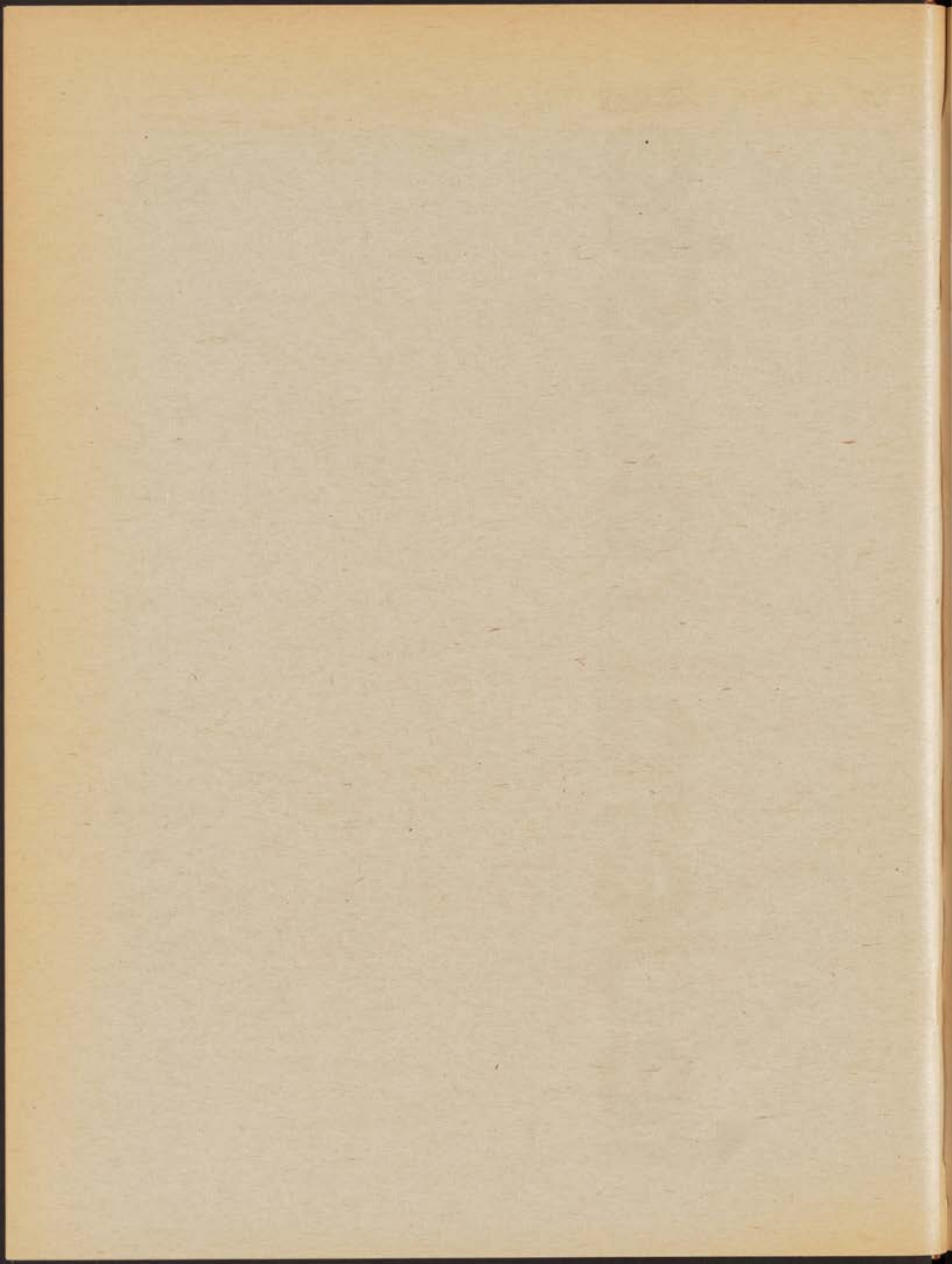
R. P. SKULLY,  
Director,  
Flight Standards Service.

Issued in Washington, D.C., on February 27, 1975.

[FR Doc.75-5731 Filed 3-6-75;8:45 am]







# federal register

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PART III

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## DEPARTMENT OF LABOR

Office of the Secretary



COMPREHENSIVE  
MANPOWER PROGRAM  
AND GRANTS TO  
AREAS OF  
UNEMPLOYMENT

## DEPARTMENT OF LABOR

Office of the Secretary

[ 29 CFR Parts 94, 95, 96, 98 ]

COMPREHENSIVE MANPOWER PROGRAM  
AND GRANTS TO AREAS OF HIGH UN-  
EMPLOYMENT

## Notice of Proposed Rulemaking

The Secretary of Labor proposes to revise Title I and Title II regulations of the Comprehensive Employment and Training Act of 1973, as amended, (hereinafter referred to as the Act), Public Law 93-203, 87 Stat. 839, and Pub. L. 93-567, 88 Stat. 1845, in order to provide for the implementation of programs funded for Fiscal Year 1976. This proposed document is essentially similar to the regulations published in the FEDERAL REGISTER (39 FR 19886) on June 4, 1974, however, programmatic changes have been made to reflect the experiences gained in the first year of implementation. In addition, appropriate changes have been made to reflect the amendments provided by Title I of the Emergency Jobs and Unemployment Assistance Act of 1974 (hereinafter referred to as the "Emergency Jobs Act"), Pub. L. 93-567, 88 Stat. 1845. Title I of the Emergency Jobs Act amends the Comprehensive Employment and Training Act by inserting a new Title VI and redesignating the existing Title VI, and all references thereto, as Title VII, and by redesignating sections 601 through 615 of the Act, and all references thereto, as sections 701 through 715, respectively.

These regulations are being published today as proposed Fiscal Year 1976 regulations. It is the policy of the Department of Labor to solicit and consider comments on its regulations. Accordingly, comments are requested on this proposed document until April 7, 1975, after which the comments received will be evaluated and, if warranted, the proposal will be appropriately amended. Therefore, it is contemplated that the regulations will be published in final form to become effective on July 1, 1975. Interested persons are invited to submit comments, data, or arguments to: Assistant Secretary for Manpower, United States Department of Labor, 6th and D Streets NW., Washington, D.C. 20213. Attention: Pierce A. Quinlan, Associate Manpower Administrator, Office of Manpower Development Programs.

A short explanatory statement is provided to describe the substantive amendments proposed for the Fiscal Year 1976 regulations. A description of these amendments follows:

In § 94.1, Scope and purpose of the Act, the list of Titles of the Act has been amended to be consistent with the provisions of the Emergency Jobs and Unemployment Assistance Act of 1974 (Pub. L. 93-567, 88 Stat. 1845) which established a new Title VI and renumbered the previous Title VI to be a new Title VII. Appropriate changes have been made throughout the regulations to reflect the change of Title VI to Title VII.

In § 94.4, Definitions, the following additions and changes are made:

A definition of "allotment" has been added to mean the total amount of funds under a Title of CETA to be granted to the prime sponsor in any fiscal year.

A definition of the word "audit" has been added to clarify the specific activities that are meant by such a procedure;

A definition of the term "audit standards" has been added to mean specifically the standards found in The Standards for Audit of Government Organizations, Programs, Activities and Functions promulgated by the Comptroller General of the United States;

A definition of "disabled veterans" has been added to mean a person who served in the Armed Forces and who was discharged or released therefrom with other than a dishonorable discharge and who has been given a disability rating of 30 percentum or more, or a person whose discharge was for a disability incurred or aggravated in the line of duty;

A definition for "family" has been added to provide uniform determination of the term economically disadvantaged;

A definition of "Federal Audits" has been added to mean those audits conducted by the U.S. Department of Labor and its agents;

A definition of "manpower allotment" has been added to mean sums received by a prime sponsor distributed under sections 103(a)(1), 103(a)(2), 103(a)(4), and 103(f) of the Act.

A definition of "multijurisdictional agreement" has been added to mean a combination between a State and a unit of local government within the State that has a population of 100,000 or greater for the purposes of operating a comprehensive manpower program under the Act;

A definition of "Non-Federal Audits" has been added to mean those audits conducted by State, county and city governments or their agents.

The definition of "placement" has been changed by deleting the concept of "self-placement."

The definition of "program agents" has been changed to include standards to be used in determining whether combinations of units of local government qualify as a program agent;

The definition of "public service" has been expanded to include child care as a type of work which can be performed and to specify that part-time work may be allowed for certain individuals;

The definition of "significant segments" has been changed to specify the general types of groups which may be defined by the prime sponsor to receive services under the Act.

The definition of "underemployed" has been changed to clarify the application of the poverty level income guideline to the individuals wages rather than the total family income;

The definition of "unemployed person" for the purposes of Title I has been changed to permit the immediate eligibility of a veteran.

The definition of "unemployed person" for the purposes of Title II has been changed to permit the immediate eligibility of a veteran.

In § 95.1, Scope and Purpose of Part 95, paragraph (d) has been corrected to reflect proper references to Title VII of the Act.

In § 95.11, Preapplication for Federal Assistance; Consortium Agreements, the title of this section has been changed from "Notification of intent to apply" to "Preapplication."

The language in paragraphs (a) and (b) has been combined into one paragraph (a) to require that the preapplication process set forth in Federal Management Circular 74-7 (FMC-74-7) issued by the General Services Administration (formerly OMB Circular No. A-102) shall be followed. The previous format was prescribed in § 95.11(b) with a statement that in subsequent fiscal years, OMB A-102 Preapplication for Federal Assistance Form, Part I would be used. The FMC-74-7 form will be used with an attachment of additional information specifically required for CETA. Paragraph (a)(1)(v) simplifies the signature process on the preapplication form for established consortia.

Paragraph (b) has been rewritten to describe the agreement process for consortia. It has been changed to reflect that an established consortium may attest in writing that the agreement is the same as in the prior year. The attestation must be signed by all parties to the consortium.

In § 95.13, Planning process; advisory councils. The language of paragraph (c) has been clarified to indicate that the Prime Sponsor Planning Council functions in relation to Title II funds as well as Title I.

A statement has been added to paragraphs (c) and (d) to emphasize the "representativeness" of representatives to be selected for the Prime Sponsor Planning Council and State Manpower Services Council (SMSC).

Paragraph (d) has been edited to consolidate all functions under (d)(4). The monitoring role of the SMSC has been distinguished from the Federal monitoring role and is required to be clearly defined by the SMSC and publicized to all affected agencies. The language of (d)(4)(v) has been edited to clarify conformance with that provision with the Act.

In § 95.14, Content and description of grant application, the language in paragraph (a) has been clarified to specify that the application will be for the total allotment even if it is to be obligated in increments. The language in the current regulations which referred to additional requirements for grant applications in Part 96 for Title II funds has been deleted. Provision for incorporating Title I and Title II funds into a single grant at the discretion of the ARDM has been added.

The language in paragraph (b) has been changed to reflect the incorporation of public service employment into the Title I narrative description of program. The Program Transition Schedule which was necessary in the first year of operation has been deleted. All employment and training activities have been included in the Program Summary Form.

All assurances applicable to Title I are summarized and every citation of the Act has been included.

In § 95.15, Comments and publication procedures relating to submission of grant application, "no later than the date of its submission of an application to the ARDM" has been deleted from paragraph (a) since subsequent to the first year of program operations publicizing the contents of the grant application will be done 30 days prior to its submission.

Paragraph (b) has been changed to require that a copy of the newspaper publication be sent to the ARDM. The information to be published has been clarified and a comparison of performance against prior year's plan has been added.

The language of paragraph (c) deletes interim FY 1975 clearinghouse procedures; ongoing procedures have been retained.

In § 95.17, Standards for reviewing grant application, two standards have been added to paragraph (b); training for skill shortage occupations, public service jobs satisfying the requirements of § 96.23.

In § 95.21, Modification of grant agreement, the language has been changed to clarify that a grant modification is required when the total allotment changes, not when the obligation changes.

In § 95.22, Modification of Comprehensive Manpower Plan, paragraph (b) has been changed to reflect the requirement for submission of changes to the Narrative Description of Program when necessitated by POP changes. Paragraph (d) has been moved to (e) and an additional condition under which the ARDM may require a modification has been added. A new paragraph providing for modification to the narrative has been added.

In § 95.32, Eligibility for participation in a Title I program, in paragraph (b), subparagraph (2) has been included to indicate that economically disadvantaged, unemployed, or underemployed persons may be eligible to participate in a Title I public service employment program. Previously, only unemployed and underemployed persons were eligible.

In paragraph (d) a statement on the general ineligibility of illegal aliens has been added.

A new paragraph (f) has been added. It provides that Title II participants may be transferred into a Title I funded program without an intervening period of unemployment or a Title II participant may be concurrently enrolled in a Title I component.

In § 95.33, Types of manpower program activity available, in paragraph (d)(3), a statement has been added which provides that public service employment includes subsidized employment opportunities with public employers as well as private non-profit employers.

In paragraph (d)(4)(i), a statement has been inserted that requires the prime sponsor to describe the design of a work experience program in the approved Comprehensive Manpower Plan. The

description includes the basic design, a statement on the characteristics of the work experience participants, the objectives of the activity, the duration and expected outcomes of work experience. A clarification statement has been added which states, "work experience is a subsidized employment activity, however, it may not be used as a substitute for public service employment."

In paragraph (d)(4)(vi), the means of compensation to work experience participants has been limited to wages. Previously, prime sponsors had the option of paying either allowances or wages.

In paragraph (d)(5), two new subparagraphs have been inserted. A new paragraph (iii) indicates that post placement services may be provided to terminated participants for a period of 30 days from termination. Also, a new paragraph (iv) provides that participants enrolled in services to participants, as a component of another activity, may be paid allowances. Participants may also receive allowances for time spent in services to participants if such activities are on a regularly scheduled basis.

In paragraph (d)(6), a new paragraph has been inserted which provides that allowances may be paid to participants enrolled in other manpower activities when they are provided as a component of another activity or as a separate activity on a regularly scheduled basis. These activities must be described in the Comprehensive Manpower Plan. The new paragraph is numbered (iii) Participants benefits.

A new subsection has been added as paragraph (e) Combined activities. This paragraph provides that when a participant is enrolled in a primary activity (more than 50 percent of the scheduled time) for which wages are paid, and simultaneously in an activity for which allowances are payable, the participant may be paid wages for all hours of participation.

In § 95.34, Training allowances, the subsections starting with paragraph (c) Eligibility for allowances through paragraph (k) Repayments have been completely revised. The highlights of the revisions include:

(a) The basis allowance payment system is a straight minimum wage rate of compensation for each scheduled hour of participation.

(b) Scheduled participation may include classroom training, counseling, job orientation, etc., and need not be limited to classroom sessions only.

(c) Dependents allowances are to be provided as an addition to the basic allowances and may not be adjusted or prorated for part-time participation or absences. Dependents allowances may only be waived when the entire basic allowance is waived.

(d) Incentive allowances of a maximum \$30 per week are in lieu of basic allowances to participants who receive public assistance; however, the incentive allowance may be reduced pro rata for absences without good cause or for part-time participation.

(e) The waiver provisions for the basic allowance have been clarified by requiring the prime sponsor to describe the circumstances under which allowances will be waived. In addition, specific conditions of when waiver can be provided have been included.

Sections 95.36, 95.37, 95.38, 95.39, and 95.41 have been deleted and inserted in Part 98 since these sections apply to both Title I and Title II funded programs. This transfer of sections will clarify the operational provisions of Titles I and II programs and provide greater consistency. The remaining §§ 95.40 and 95.42 have been renumbered as §§ 95.36 and 95.37, respectively.

In § 95.52, Grant application, a new sentence has been added at the end of paragraph (a), "A copy of all forms and instructions for the Application for Special Grants are contained in the Forms Preparation Handbook."

In paragraph (b) the language has changed from "OMB Circular A-102" to "FMC 74-7." In line eight and line nineteen, the word "State" was added to precede the word "Vocational."

In § 95.54, Modifications, limitations on use of funds, the language has been clarified that a grant modification is required when the total allotment changes, not when the obligation changes.

In § 95.55, Governor's distribution of vocational education funds, the word "State" added to precede the word "Vocational" in line four of paragraph (a).

In § 95.56, Program operation, the word "State" was added to precede the word "Vocational" in line thirteen of paragraph (a)(1).

Paragraph (a)(2) changes lines six through nine to read, "offenders, institutional training, and supportive services as defined in § 95.33(d)(5) or as authorized as supportive services in vocational education programs administered by a State Vocational Education Board. The services provided must be consistent with the provisions of the Act and the regulations. Vocational education funds allocated under this Subpart D may also be utilized, as appropriate, for the payment of allowances to participants in vocational education training and for administrative costs incurred for the vocational education programs funded under the Act."

In § 95.57, Funding grant administration, the word "State" was added to precede the word "Vocational" in the fourth line of paragraph (b)(2)(i) and (b)(2)(ii).

In § 95.58, Non-financial agreement between prime sponsor and State Vocational Education Board, the title has been changed to add the word "State" to precede the word "Vocational."

In § 96.1, Scope and purpose, a new paragraph (b) has been added stating that all provisions for Title II programs for Indian tribes on Federal and State reservations are found in Subpart D of Part 96.

The original paragraphs (b) and (c) have been relettered as (c) and (d).

In § 96.2, Allocation of funds, in paragraph (b)(2), the words "fiscal year"

have been inserted before the word "allocation" in the last sentence for clarification.

In § 96.3, Eligibility of funds, paragraph (e) (2) has been subdivided into two sections ((e) (2) (i) and (e) (2) (ii)). Paragraph (e) (2) (i) remains unchanged from the original paragraph (e) (2) in the June 4 regulations. Paragraph (e) (2) (ii) has been added to specify that no eligible applicant may make other arrangements for serving an area of substantial unemployment within the jurisdiction of a program agent except with the review and concurrence of the ARDM.

A new paragraph (f) (3) has been added specifying that an eligible applicant or program agent with less than a 6.5 percent unemployment rate must allocate its funds for those areas of substantial unemployment specified by the Secretary.

In §§ 96.10-96.19, dealing with the procedures for obtaining and modifying a grant, revisions have been made to make these procedures consistent with those contained in §§ 95.10-95.22 of Part 95 of the regulations.

Section 96.14(a), has been further revised to indicate that a single grant document may be provided by the Department for obtaining funds under Titles I and II.

In § 96.21(h), Basic responsibilities of eligible applicants, the language has been revised to indicate that eligible applicants must assure that employing agencies provide information regarding their job openings to the employment service for the benefit of special veterans, as specified in § 96.30(a).

In § 96.22, Basic responsibilities of program agents; relationship with eligible applicants, a new paragraph (d) has been added stating that, if a program agent fails to administer its program in accordance with the grant application, the eligible applicant may take corrective action, including the reallocation of funds (subject to the concurrence of the ARDM).

In § 96.23, Acceptable public employment positions, paragraph (b) (4) has been revised to add a sentence specifying that the eligible applicant has the ultimate responsibility for determining the equitable distribution of jobs to State and local agencies and for all other aspects of the jobs.

A new paragraph (b) (5) has been added clarifying that private non-profit agencies which provide public service employment may be allocated jobs.

A new paragraph (b) (6) has been added stating that participants may be outstationed in Federal agencies.

A new paragraph (b) (7) has been added specifying that jobs may be located outside an eligible applicant's jurisdiction, if the eligible applicant feels it is necessary for an effective program, provided that they employ residents of the eligible applicant's jurisdiction and are within reasonable commuting distance.

The original paragraphs (b) (5) through (b) (10) have been renumbered as (b) (8) through (b) (13).

In § 96.24, Maintenance of effort, a paragraph (c) has been added, similar to that included in Title VI, clarifying that no eligible applicant may lay-off, terminate or reduce the working hours of employees in anticipation of hiring them under Title II of CETA.

A paragraph (d) has been added specifying that the ARDM may request the submission of pertinent documentation relevant to the maintenance of effort requirements of § 96.24.

In § 96.25, Responsibility for selecting participants, paragraph (a) has been revised to specify that the ultimate responsibility for the selection of participants rests with the eligible applicant and that it may delegate the administration of this responsibility, subject to its direction.

In § 96.26, Place of residence for participants, the title has been changed from Special limitations on programs and participant selection because several of the original paragraphs have been deleted from this section and placed in Part 98 of these regulations. This has resulted in the renumbering of the original paragraphs and subsections which remain.

Paragraph (a) (2) has been expanded to cover the possibility of an eligible applicant receiving additional funds as a subgrantee of another eligible applicant for manpower program activities as well as for public service jobs. A sentence has been added specifying that jobs or programs must be within reasonable commuting distance of residents of the other eligible applicant's jurisdiction.

Paragraph (b) has been expanded to cover the possibility of both manpower activities and public service jobs being funded and to allow such activities or jobs to be located outside, as well as within, the boundaries of the consortium.

The original paragraphs (b), (c), and (d) have been deleted from Part 96 of these regulations and have been incorporated into Part 98.

In § 96.27, Eligibility for participation in a Title II program, a sentence has been added stating that an individual who obtains permanent, full-time employment after application may no longer be considered eligible.

A new paragraph (b) has been inserted after paragraph (a) stating an individual who has served on active duty in the U.S. Armed Forces for a period of more than 180 days or who was discharged or released from active duty for a service-connected disability shall be immediately eligible, upon discharge, for participation in a Title II program without regard to the 30 day unemployment requirement which would otherwise pertain.

In paragraph (c), the phrase "at the time of the grant award under this Act" has been deleted, and the phrase "upon expiration of the EEA grant" has been added, thus making EEA participants enrolled after the award of the initial CETA grant eligible for CETA Title II programs upon expiration of their jurisdiction's EEA grant.

A new paragraph (d) has been added specifying that Title I enrollees may be transferred into a Title II program only if they met the Title II eligibility requirements at the time of their enrollment in a Title I program.

In paragraph (g) a sentence has been added specifying that no services shall be provided to illegal aliens.

The original paragraphs (d) through (g) have been relettered as paragraphs (e) through (h).

In § 96.28, Special consideration for most severely disadvantaged persons, language has been inserted to indicate that special consideration in enrolling applicants into all manpower activities and services funded with Title II monies shall be given to unemployed persons who are the most severely disadvantaged in terms of the length of time they have been unemployed. In the regulations printed on June 4, 1974, the special consideration was directed only to filling public service jobs under Title II.

In § 96.30, Groups to be provided special consideration, paragraphs (a), (b), and (c) have been revised to indicate that the groups to be provided special consideration may be enrolled in manpower activities as well as in public service jobs.

Paragraph (a) which refers to special consideration for veterans has been further revised to extend special consideration to disabled veterans and individuals who served in the Armed Forces and were discharged within four years before the date of their application.

In § 96.31, Training and supportive services, revisions have been made to indicate that training and supportive services for Title II participants may be provided with either Title I or Title II funds. A sentence encouraging due consideration to be given to existing services of Federal, State and local agencies has been added. The phrase, "provided that such contracts are not entered into with private-for-profit organizations for the employment of participants," has been deleted for editorial purposes.

In § 96.32, Linkages with other manpower programs, a sentence has been added encouraging the maintaining of linkages with agencies that can provide supportive services, such as the elimination of architectural barriers.

In § 96.33, Placement goals, new paragraphs (d), (e), and (f) have been added, similar to those used in the Title VI regulations, clarifying that placement goals established are not to be considered as placement requirements and that an eligible applicant may request a waiver of such goals.

In § 96.34, Compensation for participants, the original paragraph 96.35(b) from the June 4 regulations has been added as paragraph (b) (2). The remainder of the original § 96.35 has been deleted from Part 96 and has been incorporated into Part 98.

A new § 96.35, Administrative Staff, has been added.

The original § 96.36, Retirement Benefits for Participants, has been deleted from Part 96 and incorporated into Part 98.



The original § 96.38, Limitation of Funds, has been renumbered as § 96.36.

In § 96.37, Use of Title II funds for programs under Titles I and IIIA, language has been added in paragraph (a) to indicate that when Title II funds are used to fund programs other than public service employment under either Title I or Part A of Title III, the following sections are not applicable: §§ 96.20, 96.21(b) (c), (d) (e) (g) (h), 96.23, 96.24, 96.27 (e) and (h); §§ 96.31, 96.33, 96.34, and 96.36. In the regulations published on June 4, 1974, only § 96.38(a) was specified as not applicable when Title II monies are used to fund programs under other sections of the Act.

The original paragraph (b), dealing with use of Title II funds for a summer program, has been deleted and the words, "summer employment programs," have been deleted from the § 96.37 title.

In § 96.40, General, a paragraph has been added giving the Division of Indian Manpower Programs full responsibility for all matters pertaining to Title II funding of Indian tribes on Federal and State reservations. For the purposes of those persons working under Subpart D of the Title II regulations, it is noted that all references to the ARDM throughout Part 96 should be interpreted as Director, Division of Indian Manpower Programs.

In § 96.41 Distribution of funds, in paragraph (a), a reference has been added to the ratio for distribution of funds prescribed in Subpart A, section 96.2. Changes in the lettering and numbering of paragraphs subsequent to paragraph (a) are due to the addition of a new paragraph (b).

In paragraph (b) (2), the language in the former paragraph (a) (2) has been changed to read " \* \* \* best available estimates of unemployment \* \* \* ". The reference to population has been deleted.

In paragraph (c), the language in the former paragraph (b) has been changed to read "Funds shall only be granted for individual reservations which have a governing body and either have a population \* \* \* ". Reference to a governing body has been added. The words "section 302" have been added following the reference to Title III.

Paragraph (d) is the former paragraph (c).

In paragraph (e), the language in the former paragraph (d) has been changed to read "Within a single reservation, or within those small reservations which are members of a consortium, the eligible applicant \* \* \* ". This language clarifies the original sentence.

In § 96.42, Eligibility for funds, the entire section has been rewritten.

Section 96.43, Funding of prime sponsors, has been added and supersedes the previous § 96.43 which was entitled, Assistance by the Secretary.

Section 96.44, Planning process; advisory councils, has been added. It prescribes that eligible applicants should utilize their planning councils. This section replaces the former § 96.44 which was entitled, Nepotism. The Nepotism section is now § 96.48.

In § 96.45, Comment and publication procedures relating to submission of Indian grant applications, has been renumbered. This section was formerly numbered 96.47.

In paragraph (a), the reference to "the ARDM" has been changed to "the Director, Division of Indian Manpower Programs."

In paragraph (b), the words "of this section" and "available" have been deleted; the reference to "the ARDM" has been changed to "the Director, Division of Indian Manpower Programs."

In paragraph (c), the reference to "the ARDM" has been changed to "the Director, Division of Indian Manpower Programs."

Section 96.46, Assistance by the Director, Division of Indian Manpower Programs, has been renumbered. It was formerly numbered § 96.43. New language has been added providing for assistance from the Director, Division of Indian Manpower Programs rather than from the Secretary.

Section 96.47, Participant eligibility has been added. Section 96.47 was previously entitled Comment and publication procedures relating to submission of Indian grant procedures.

Section 96.48, Nepotism, has been renumbered. This section was formerly § 96.44.

Section 96.49, Non-discrimination, has been renumbered. This section was formerly § 96.45.

Section 96.50, Subgrants, this section was formerly § 96.46. The former language " \* \* \* requirements concerning subgrants, \* \* \* " has been changed to " \* \* \* requirements as set forth in § 95.41 concerning subgrants."

Section 96.51, Travel requirements. This section has been added.

In Part 98, Administrative Provisions, references have been corrected from Title VI to Title VII of the Act. All references to OMB Circular A-102 have been changed to FMC 74-7 and references to OMB Circular A-87 have been changed to 41 CFR Part 1-15.

In § 98.2, Payment, the language has been revised to clarify when the advance or reimbursement system of payments will be followed and to provide for working capital advances. Also, the procedure to be followed for direct funding of contracts under the Integrated Grant Administration Program has been added.

In § 98.3, Letter of credit, the language has been revised to clarify the conditions for use of a letter of credit.

In § 98.4, Payment by Treasury check, the language has been revised to clarify the conditions governing use of Treasury checks; to provide for working capital advances and to set forth conditions under which the maintenance of separate bank accounts may be required.

In § 98.5, Financial management systems, a new paragraph (c) has been added setting forth what financial documentation is required to fulfill the requirement that auditable records be maintained by the grantee.

In § 98.6, Audit, paragraph (b) has been revised to provide for coordination

of audit schedules with the grantee to the extent practical.

Paragraph (c) has been revised to provide for funding of departmental audits of grantees from other than grant funds.

Paragraph (d) has been revised adding the provision for selected reviews of economy and efficiency and program results.

Paragraph (e) has been added to require grantees to audit subgrant and contractor programs with the audits funded from the grant.

Paragraph (f) has been added to provide for preliminary audit surveys under specified conditions.

Paragraph (g) has been added setting forth the procedures which will be followed in issuing audit reports and resolving audit questions.

In § 98.8, Quarterly progress report, a new paragraph (i) has been added to require monthly reporting of participants on board at the end of the month and accrued expenditures. The old paragraph (i) has been redesignated (j).

In § 98.9, Quarterly Summary of Client Characteristics, the name of the Quarterly Summary of Client Characteristics has changed to the Quarterly Summary of Participant Characteristics.

In § 98.10(a), Report of Federal cash transactions, "an annual grant" has been changed to "annual grants" to require grantees receiving grants totalling \$1 million or more to submit the Report of Federal Cash Transactions monthly.

In § 98.12, Allowable Federal costs, paragraph (a) has been revised to provide for appropriate section of 41 CFR 1-15 to apply to cost determination depending on the type of grantee or contractor organization.

Paragraph (a) (ii) has been added providing procedures for approval of indirect cost rates.

Paragraph (b) has been revised to limit the restriction on use of materials, equipment, supplies and real property to administrative activities and to provide for purchase of training materials, work tools, uniforms or other equipment for the ownership of participants in public service employment activities.

A new paragraph (c) (2) has been added setting forth principles to be followed in classifying costs by cost category.

A new paragraph (f) sets forth examples of costs allowable under each of the cost categories.

In § 98.13, Allocation of allowable costs among program activities, a comma has been inserted in paragraph (a) between the words "training" and "allowances".

Paragraph (b) has been revised to indicate that wages and fringe benefits are an allowable cost with public and non-profit employers only.

Paragraph (d) has been revised deleting the word "allowances" since this type of cost will no longer be allowable under work experience activities.

In paragraph (e) (2), the words "including post placement services" after the words "supportive services" have been inserted.

In paragraph (f), misspelled words "categories" has been corrected to "categories" and "area" to "are".

In § 98.14, Basic personnel standards for grantees, paragraph (c) has been revised to clarify how personnel standards will be applied to consortiums.

Paragraph (d) has been relettered (e).

A new paragraph (d) has been added to require units exempt from basic personnel principles under paragraph (c) to ensure equal employment opportunity based on objective standards.

In § 98.15, Adjustments in payments, the content of paragraph (a) and (b) have been combined in a new paragraph (a) and the provision for the Secretary to withhold funds has been added.

A new paragraph (b) establishes the grantees responsibility to maintain program levels irrespective of action by the Secretary under paragraph (a).

In § 98.16, Termination of grant, paragraph (b) has been relettered (c). A new paragraph (b) reflects the Secretary's discretion to suspend payments and withdraw granted funds in emergency situations pending a hearing on the matter.

In § 98.17, Grant closeout procedures, a new paragraph (b) has been added to provide cancellation/adjustments of letter of credit by the ARDM upon notification of the termination of the grant.

Paragraph (e) has been added to indicate that procedures for closeout of grants concerning subgrants and contracts which extend beyond the specified termination of the grant will be contained in the Forms Preparation Handbook.

In § 98.18, the title has been changed to read "Maintenance and Retention of Records".

Paragraph (5)(b) has been added to specify that a grantee may make PSE participant information available to the public to the same degree it makes information available regarding its own employees.

In § 98.19, Program income, paragraph (c) has revised "Attachment N of OMB Circular A-102" to read "the MA Property Handbook which implements Attachment N of FMC 74-7".

In § 98.20, Procurement standards, the waiver of approval requirements for OJT sole source contracts has been added.

In § 98.21, Nondiscrimination and equal employment opportunities, the EEO requirement previously contained in Part 96 has been incorporated into this section.

Paragraph (a) has been relettered (b) and "age" has been included as a prohibition against age discrimination.

Paragraph (b)(2) has been added to provide for an interpretation that the prohibition against age discrimination shall not be interpreted to prohibit establishment of training and employment programs designed to serve the legitimate needs of specific age groups or the establishment of bona fide qualifications for participation in any program under the Act.

In § 98.22, Nepotism, the nepotism requirement previously contained in Part

96 has been incorporated into this section.

In § 98.23, the title has been changed to read "Special limitations on participant activities."

Paragraph (a)(1) and (2) were revised deleting restrictions on participants activities which are no longer applicable as a result of amendment to Chapter 15 of Title 5, United States Code.

In § 98.24, a new section has been added to incorporate general benefit requirements previously contained in Part 96, and to provide that appropriate insurance coverage comparable to coverage provided by workmen's compensation shall be provided to participants in classroom training programs and services to clients and shall be chargeable to Administration as provided in § 98.12(e)(2).

In § 98.25, a new section has been added to incorporate the provisions concerning retirement benefits previously contained in Part 96.

In § 98.26, a new section has been added to incorporate eligible applicant and prime sponsor review requirements previously contained in Part 95 and redesignated "Procedures for resolving issues between grantees and complainants."

In § 98.27, a new section has been added to incorporate provision for grantee contracts and subgrants previously contained in Part 95.

In § 98.28, a new section has been added to incorporate non-Federal status of participants previously contained in Part 95.

Paragraph (b) has been added to set forth standards which govern the placement of participants on Federal worksites for training and employment opportunities.

In § 98.41, a reference to § 98.46 has been inserted in paragraph (b)(4).

In §§ 98.44 and 98.48 misspelled words have been corrected.

#### PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

##### Sec.

- 94.1 Scope and purpose of the Act.  
94.2 Format for the regulations promulgated under the Act.  
94.3 Consolidated table of contents for Parts 94-99.  
94.4 Definitions.

**AUTHORITY:** Comprehensive Employment and Training Act of 1973, as amended (Pub. L. 93-203, 87 Stat. 839, Pub. L. 93-567, 88 Stat. 1845), sec. 702(a) unless otherwise noted.

##### § 94.1 Scope and purpose of the Act.

(a) It is the purpose of the Act to provide job training and employment opportunities for economically disadvantaged, unemployed and underemployed persons, and to assure that training and other services lead to maximum employment opportunities and enhance self-sufficiency. The purposes of the Act are to be accomplished by the establishment of a flexible and decentralized system of Federal, State and local programs.

(b) The Act is comprised of seven titles, as follows:

(1) Title I establishes a program to provide comprehensive manpower services throughout the Nation, including the development and creation of job opportunities, and the training, education and other services needed to enable individuals to secure and retain employment at their maximum capacity.

(2) Title II authorizes public service employment and manpower training programs for unemployed and underemployed persons in areas of substantial unemployment.

(3) Title III provides for the establishment and administration by the Secretary of Labor of:

(i) Special programs for Indians, seasonal farmworkers either migratory or non-migratory;

(ii) Manpower services for youth, offenders, older workers, persons of limited English-speaking ability and other special target groups; and

(iii) Research, training and evaluation of programs and activities conducted under the Act.

(4) Title IV establishes a Job Corps within the Department of Labor to provide residential and non-residential manpower services for low-income disadvantaged young men and women.

(5) Title V, establishes a National Commission for Manpower Policy. The responsibilities of the Commission include the examination of national manpower issues, the suggestions of ways and means of dealing with such issues and advising the Secretary on national manpower issues.

(6) Title VI, authorizes additional public service jobs and training programs for unemployed and underemployed persons and provides special provisions for programs in areas of excessively high unemployment. Title I of the Emergency Jobs and Unemployment Assistance Act of 1974, Pub. L. 93-567, 88 Stat. 1845 amended the Comprehensive Employment and Training Act of 1973, Pub. L. 93-203, 87 Stat. 839, by inserting the new Title VI described here and redesignating the existing Title VI as Title VII.

(7) Title VII, formerly Title VI, sets forth the general provisions, including applicable definitions, under the Act.

##### § 94.2 Format for the regulations promulgated under the Act.

(a) The regulations promulgated to carry out Titles I and II of the Act are set forth in Parts 94 through 99 of Title 29, Code of Federal Regulations.

(b) As each substantive Title of the Act provides for the establishment of a specific type of program, the regulations promulgated in Parts 94 through 99 provide for a separate part of each basic type of activity (e.g., Part 95 deals with comprehensive manpower programs; Part 96 deals with Title II programs). Two parts are also included which deal with general matters relating to the Act: Part 94 deals with basic explanatory and definitional matters, and Part 98 deals with general administrative matters.

(c) Statutory authority for the regulations contained in this Part 94 may be found in section 702(a) of the Act, as well as other substantive provisions of the Act. Applicable statutory provisions, other than section 702(a), are noted generally in these regulations.

§ 94.3 Consolidated table of contents for Parts 94-99.

The table of contents for Parts 94-99 is as follows:

PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

- Sec.
- 94.1 Scope and purpose of the Act.
- 94.2 Format for the regulations promulgated under the Act to implement Titles I and II.
- 94.3 Consolidated table of contents for Parts 94-99.
- 94.4 Definitions.

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

SUBPART A—GENERAL

- 95.1 Scope and purpose of Part 95.
- 95.2 Allocation of funds.
- 95.3 Eligibility for funds.
- 95.4 Data base for determining eligibility.

SUBPART B—GRANT PLANNING, APPLICATION AND MODIFICATION PROCEDURES

- 95.10 General.
- 95.11 Preapplication for Federal Assistance; consortium agreements.
- 95.12 Prime sponsor designation.
- 95.13 Planning process; advisory councils.
- 95.14 Content and description of grant application.
- 95.15 Comment and publication procedures relating to submission of grant application.
- 95.16 Submission of grant application.
- 95.17 Standards for reviewing grant applications.
- 95.18 Application approval; grant agreement.
- 95.19 Application disapproval.
- 95.20 Use of alternative prime sponsors; services by the Secretary.
- 95.21 Modification of grant agreement.
- 95.22 Modification of Comprehensive Manpower Plan.

SUBPART C—PROGRAM OPERATION

- 95.30 General.
- 95.31 Basic responsibilities of prime sponsors.
- 95.32 Eligibility for participation in a Title I Program.
- 95.33 Types of manpower program activities available.
- 95.34 Training allowances.
- 95.35 Wages; minimum duration of training and reasonable expectation of employment.
- 95.36 Training for lower wage industries; relocation of industries.
- 95.37 Cooperative relationships between prime sponsor and other manpower agencies.

SUBPART D—SPECIAL GRANTS TO GOVERNORS

- 95.50 General.
- 95.51 Distribution of funds.
- 95.52 Grant application.
- 95.53 Application approval and disapproval; grant agreement.
- 95.54 Modifications; limitations on use of funds.
- 95.55 Governor's distribution of vocational education funds.

- Sec.
- 95.56 Program operations.
- 95.57 Funding; grant administration.
- 95.58 Nonfinancial agreement between prime sponsor and State Vocational Education Board.
- 95.59 Coordination with prime sponsor.

AUTHORITY: Comprehensive Employment and Training Act of 1973, as amended (Pub. L. 93-203, 87 Stat. 839; Pub. L. 93-567, 88 Stat. 1845), Sec. 702(a) unless otherwise noted.

PART 96—PROGRAMS UNDER TITLE II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

SUBPART A—GENERAL

- 96.1 Scope and purpose.
- 96.2 Allocation of funds.
- 96.3 Eligibility for funds.

SUBPART B—GRANT APPLICATION

- 96.10 General.
- 96.11 Preapplication for Federal Assistance; Consortium Agreements.
- 96.12 Eligible Applicant Designation.
- 96.13 Planning Process; Advisory Councils.
- 96.14 Content and description of grant application of grant application.
- 96.16 Submission of grant application; Standards for reviewing grant application.
- 96.17 Application Approval; Application Disapproval; Grant Agreement.
- 96.18 Use of Alternative Eligible Applicant; Services by the Secretary.
- 96.19 Modification of Grant Agreement; Modification of Comprehensive Title II Plan.

SUBPART C—PROGRAM OPERATION

- 96.20 General.
- 96.21 Basic responsibilities of eligible applicants.
- 96.22 Basic responsibilities of program agents; relationship with eligible applicants.
- 96.23 Acceptable public employment positions.
- 96.24 Maintenance of effort.
- 96.25 Responsibility for selecting participants.
- 96.26 Place of residence for participants.
- 96.27 Eligibility for participation in a Title II Program.
- 96.28 Special consideration for most severely disadvantaged persons.
- 96.29 Serving significant segments of the population.
- 96.30 Groups to be provided special consideration.
- 96.31 Training and supportive services.
- 96.32 Linkages with other manpower programs.
- 96.33 Placement goals.
- 96.34 Compensation for participants.
- 96.35 Administrative staff.
- 96.36 Limitation on funds.
- 96.37 Use of Title II funds for programs under Titles I and III-A.

SUBPART D—SPECIAL CONDITIONS FOR GRANTS TO INDIAN TRIBES ON FEDERAL AND STATE RESERVATIONS

- 96.40 General.
- 96.41 Distribution of funds.
- 96.42 Eligibility for funds.
- 96.43 Funding of eligible applicants.
- 96.44 Planning Process; Advisory Councils.
- 96.45 Comment and publication procedures relating to submission of Indian grant applications.
- 96.46 Assistance by the Director, Division of Indian Manpower Programs.
- 96.47 Participant eligibility.
- 96.48 Nepotism.
- 96.49 Nondiscrimination.

- Sec.
  - 96.50 Subgrants.
  - 96.51 Travel requirements.
- AUTHORITY: Comprehensive Employment and Training Act of 1973, as amended (Pub. L. 93-203, sec. 702(a), 87 Stat. 839; Pub. L. 93-567, 88 Stat. 184), sec. 702(a), unless otherwise noted.

PART 97—SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

SUBPART A—1974 SUMMER PROGRAM FOR ECONOMICALLY DISADVANTAGED YOUTH

- 97.1 Scope and purpose.
- 97.2 Definitions.
- 97.3 Allocations of funds.
- 97.4 Eligibility for funds.
- 97.5 Notification of intent.
- 97.6 Application for grants; standards for reviewing grant applications.
- 97.7 Application approval and disapproval.
- 97.8 Use of alternative sponsors and services by the Secretary.
- 97.9 Content and description of grant application.
- 97.10 Modification of the grant agreement; modification of the program plan.
- 97.11 Basic responsibilities of sponsors.
- 97.12 Eligibility for participation.
- 97.13 Types of manpower services available in the summer program for economically disadvantaged youth.
- 97.14 Participant benefits.
- 97.15 Sponsor review.
- 97.16 Non-Federal Status of participants.
- 97.17 Worksite standards; safety and health requirements for participants.
- 97.18 Training for lower wage industries and relocation of industries.
- 97.19 Sponsor contract and subgrants.
- 97.20 Cooperative relationships between sponsors and other manpower agencies.
- 97.21 Reporting requirements.
- 97.22 Terminal date for 1974 summer program.

PART 98—ADMINISTRATIVE PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

SUBPART A—GRANT ADMINISTRATION

- 98.1 General.
- 98.2 Payment.
- 98.3 Letter of credit.
- 98.4 Payment by Treasury check.
- 98.5 Financial management systems.
- 98.6 Audit.
- 98.7 Reporting requirements in general.
- 98.8 Quarterly Progress Report.
- 98.9 Quarterly Summary of Participant Characteristics.
- 98.10 Report of Federal Cash Transactions.
- 98.11 Reallocations of funds.
- 98.12 Allowable Federal costs.
- 98.13 Allocation of allowable costs among program activities.
- 98.14 Basic personnel standards for grantees.
- 98.15 Adjustments in payments.
- 98.16 Termination of grant.
- 98.17 Grant closeout procedures.
- 98.18 Maintenance and retention of records.
- 98.19 Program income.
- 98.20 Procurement standards.
- 98.21 Nondiscrimination and equal employment opportunities.
- 98.22 Nepotism.
- 98.23 Special limitations on participant activities.
- 98.24 General benefits and working conditions for program participants.
- 98.25 Retirement benefits for participants.
- 98.26 Procedures for resolving issues between grantees and complainants.

Sec.  
98.27 Grantee contracts and subgrants.  
98.28 Non-Federal status of participants.

**SUBPART B—ASSESSMENT AND EVALUATION**

98.30 General.  
98.31 Responsibilities of the prime sponsor or eligible applicant.  
98.32 Responsibilities of the Secretary.  
98.33 Limitation.  
98.34 Consultation with the Secretary of Health, Education, and Welfare.

**SUBPART C—HEARINGS AND JUDICIAL REVIEW**

98.40 Purpose and policy.  
98.41 Review of plans and applications; violations.  
98.42 Complaints; filing of formal allegations; dismissal.  
98.43 Forms.  
98.44 Contents of formal allegation; amendment.  
98.45 Investigations.  
98.46 Opportunity for hearings; when required.  
98.47 Hearings.  
98.48 Initial certification, decisions and notices.  
98.49 Judicial review.

**AUTHORITY:** Comprehensive Employment and Training Act of 1973, as amended (Pub. L. 93-203, 87 Stat. 839; Pub. L. 93-567, 88 Stat. 1845), sec. 702(a), unless otherwise noted.

**PART 99—PROGRAMS UNDER TITLE VI OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT**

**SUBPART A—GENERAL**

99.1 Scope and purpose of Part 99.  
99.2 Allocation of funds.  
99.3 Eligibility for funds.

**SUBPART B—GRANT APPLICATION**

99.10 General.  
99.11 Program planning.  
99.12 Initial funding.  
99.13 Comments and publication procedures relating to submission of application for initial funding.  
99.14 Review and approval of application for initial funding.  
99.15 Full funding.  
99.16 Comments and publication procedures on modification for full funding.  
99.17 Standards for reviewing grant application.  
99.18 Application approval and disapproval.  
99.19 Use of alternative eligible applicants.  
99.20 Modification of grant agreements.  
99.21 Modification of an employment plan.

**SUBPART C—PROGRAM OPERATION REQUIREMENTS FOR ELIGIBLE APPLICANTS**

99.30 General.  
99.31 Basic responsibilities of eligible applicants.  
99.32 Program performance requirements for eligible applicants.  
99.33 Basic responsibilities of program agents; relationship with applicants.  
99.34 Public service job activities that may be funded under Title VI.  
99.35 Maintenance of effort; responsibility for selecting participants; special limitation on programs and participant selection.  
99.36 Eligibility for participation in a Title VI program.  
99.37 Eligibility considerations for special groups.  
99.38 Serving significant segments of the population.

Sec.  
99.39 Linkages with other manpower programs.  
99.40 Placement goals.  
99.41 Compensation and working conditions for participants.  
99.42 Worksite standards for public service jobs funded under Title VI.  
99.43 Retirement benefits for public service job participants.

**SUBPART D—SPECIAL PROVISIONS FOR AREAS OF EXCESSIVELY HIGH UNEMPLOYMENT**

99.50 General.  
99.51 Basic responsibilities of eligible applicants.  
99.52 Public service job activities that may be funded in areas of excessively high unemployment.  
99.53 Eligibility for participation in a project or program in a Title VI area of excessively high unemployment.

**SUBPART E—ADMINISTRATIVE PROVISIONS**

99.70 General.  
99.71 Payments, financial management systems and audit.  
99.72 Reporting requirements.  
99.73 Reallocation of funds.  
99.74 Allowable Federal costs.  
99.75 Eligible applicant contracts and subgrants.  
99.76 Allocations of allowable costs among program activities.  
99.77 Basic personnel standards for eligible applicants.  
99.78 Adjustments in payments.  
99.79 Termination of grant and grant closeout procedures.  
99.80 Retention of records.  
99.81 Program income and procurement standards.  
99.82 Nondiscrimination, equal employment opportunities, nepotism and restriction on political activities.  
99.83 Assessment and evaluation.  
99.84 Hearing and judicial review.

**SUBPART F—SPECIAL CONDITIONS FOR GRANTS TO INDIAN TRIBES ON FEDERAL OR STATE RESERVATIONS**

99.90 General.  
99.91 Grant responsibility.  
99.92 Distribution of funds.  
99.93 Eligibility for funds.  
99.94 Funding of prime sponsors.  
99.95 Participant eligibility.  
99.96 Comments and publication procedures relating to submission of applications for funding.  
99.97 Planning process; advisory councils.  
99.98 Travel requirements.  
99.99 Nepotism.  
99.100 Non-discrimination.  
99.101 Subgrants.

**AUTHORITY:** Comprehensive Employment and Training Act of 1973, as amended (Pub. L. 93-203, 87 Stat. 839; Pub. L. 93-567, 88 Stat. 1845), sec. 702(a), unless otherwise noted.

#### § 94.4 Definitions.

The following definitions consistent with 701(a) of the Act, apply to Parts 94 through 99, inclusive:

(a) "Act" shall mean the Comprehensive Employment and Training Act of 1973, as amended (Pub. L. 93-203, 87 Stat. 839; Pub. L. 93-567, 88 Stat. 1845).

(b) "Allocation" shall mean the distribution of funds among prime sponsors or eligible applicants according to the formulas contained in the Act.

(c) "Allotment" shall mean the total amount of funds to be granted to a prime

sponsor or eligible applicant for any fiscal year under Title I or Title II of the Act.

(d) "ARDM" shall mean the Department of Labor's Assistant Regional Director for Manpower, or his designee, having the responsibility for the area in which a prime sponsor or eligible applicant is located.

(e) (1) "Area of substantial unemployment" shall for Title II mean any area, other than in relation to an Indian tribe, which:

(i) Has a population of at least 10,000 persons;

(ii) Qualifies for a minimum allocation of \$25,000 under Title II of the Act; and

(iii) Has a rate of unemployment of at least 6.5 percent for a period of three consecutive months, as determined by the Secretary of Labor at least once each fiscal year.

(2) "Area of substantial unemployment" shall mean, in relation to an Indian tribe, an Indian reservation, as a whole, with a rate of unemployment of at least 6.5 percent for a period of three consecutive months, as determined by the Secretary of Labor at least once each fiscal year.

(f) "Audit" shall mean a systematic review or appraisal to determine and report whether:

(1) Financial operations are being properly conducted;

(2) Financial reports are presented fairly; and

(3) Applicable laws and regulations are being complied with. A selected number of operational audits will include a review of economy and efficiency and/or program results of programs under the Act.

(g) "Audit Standards" shall mean those standards set forth in The Standards for Audit of Government Organizations, Programs, Activities and Functions promulgated by the Comptroller General of the United States.

(h) "Balance of county" shall mean the area within the jurisdiction of a county, as a prime sponsor or eligible applicant, that is not included in the comprehensive manpower plan of another prime sponsor or eligible applicant.

(i) "Balance of State" shall mean the area within the jurisdiction of a State, as a prime sponsor or eligible applicant, which is not included in the comprehensive manpower plan of another prime sponsor or eligible applicant.

(j) "Capital improvement" shall mean any modification, addition, or restoration which increases the value, usefulness, productivity, or serviceable life of an existing building, structure, or major item of equipment which is classified for accounting purposes as "fixed asset" and the recorded value of which is increased by the cost of the improvement and subject to depreciation.

(k) "Certification" shall mean a legally binding statement that certain requirements have been fulfilled.

(l) "Chief elected official" and "chief executive officer" shall include their designees.

(m) "Client community" shall mean the group or groups of people to be served by a program or program activity; for example, the unemployed, persons of limited English speaking ability, seasonal farmworkers either migratory or non-migratory and economically disadvantaged.

(n) "Community-based organizations" shall mean organizations which are representative of communities or significant segments of communities and which provide manpower services (for example Opportunities Industrialization Centers, Urban League, Jobs for Progress, Mainstream, Community Action Agencies and other community organizations).

(o) "Compensation" as applied to a participant in a Title II program shall mean the wages and salary payable, but does not include fringe benefits or supportive services.

(p) "Consortium" shall mean an agreement among local units of government, consistent with the requirements of § 95.3 of this Part, to plan and operate a comprehensive manpower program under the Act.

(q) "Contractor" shall mean any person, corporation, partnership, or similar entity or a public agency, which enters into a contract with the Department, with a grantee, or with a subgrantee under the Act.

(r) "Construction" shall mean the erection, installation, or assembly of a new facility or a major addition, expansion, or extension of an existing facility, and the related site preparation, excavation, filling and landscaping or other land improvements.

(s) "Department" shall mean the United States Department of Labor and includes each of its operating agencies and other organizational units.

(t) "Dependent" shall mean:

(1) Any relative who is a member of the immediate household of, and for whom the participant has or has assumed, a responsibility for support: Provided, that, the following relatives need not be members of the participant's household, if the participant is the head of family:

(i) Parents of the participant head of family;

(ii) Children of the participant head of family;

(iii) Relatives of the participant head of family who are unemployable because of physical or mental disability; or

(2) Any individual who:

(i) Is currently being supported by the participant head of family and is a member of the participant's immediate household; and

(ii) During the preceding twelve months, earned less than \$750.

(u) "Disabled veteran" shall mean a person who served in the Armed Forces and who was discharged or released therefrom with other than a dishonorable discharge and who has been given a disability rating of 30 per centum or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.

(v) "Economically disadvantaged" shall mean a person who is a member of a family:

(1) Which receives cash welfare payments; or

(2) Whose annual income in relation to family size does not exceed the poverty level determined in accordance with criteria established by the Office of Management and Budget (OMB).

(w) "Eligible applicant for purposes of Title II" shall mean a prime sponsor or an Indian tribe on a Federal or State reservation which includes an area or areas of substantial unemployment.

(x) "Employing agency" for purposes of public service employment programs shall mean any employer designated by an eligible applicant, program agent, or other subgrantee, or by the Secretary of Labor, to employ participants pursuant to public service employment programs under the Act. The term shall include an eligible applicant, program agent, or other subgrantee when acting as employer.

(y) "Family" shall mean one or more persons living in a single household who are related to each other by blood, marriage, or adoption; except that an unmarried member of a household:

(1) Who is 18 or older, and

(2) Who receives less than 50 percent (50%) of his/her maintenance from the family, shall not be considered a member of the family.

(z) "Federal Audits" shall mean those audits conducted by the U.S. Department of Labor and its agents.

(aa) "Federal reservation" shall mean lands which have been set aside for Indian tribes and for which the United States is a trustee, as identified by the Bureau of Indian Affairs, including non-trust land under the tribal jurisdiction.

(bb) "Governor" shall mean the chief executive officer of a State, or his designee.

(cc) "Grantee" shall mean any individual or organization, including a prime sponsor under Title I or Title III of the Act, or an eligible applicant under Title II of the Act which receives a grant from the Department to establish or operate any program or activity under the Act.

(dd) "Health care" includes but is not limited to preventive and clinical medical treatment, voluntary family planning services, nutritional services, and appropriate psychiatric, psychological and prosthetic services, to the extent any such treatment or services are necessary to enable a participant to obtain or retain employment under the Act.

(ee) "Indian tribe" shall mean a tribe, group or band of American Indians or Alaskan natives identified on the basis of historical, geographical or cultural characteristics, or subpart of such a tribe, group or band.

(ff) "Low-income level" shall mean an annual income of \$7,000 with respect to income in 1969; for any later year it shall mean that amount which bears the same relationship to \$7,000 as the Consumer Price Index for that year bears to the Consumer Price Index for 1969, rounded to the nearest \$1,000.

(gg) "Manpower Allotment" means sums received by a prime sponsor distributed under sections 103(a)(1); 103(a)(2); 103(a)(4); and 103(f) of the Act.

(hh) "Multijurisdictional Agreement" shall mean an agreement, consistent with the requirements of § 95.3 of this part, between a State and any unit of general local government within the State that has a population of at least 100,000 persons, to plan and operate a comprehensive manpower program under the Act.

(ii) "Non-Federal Audits" shall mean those audits conducted by State, county, and city governments or their agents.

(jj) "Obligation" shall mean the amount of Federal funds which the Department has legally committed and authorized a prime sponsor, grantee, or eligible applicant to expend.

(kk) "Offender" shall mean any person who is confined in any type of correctional institution, including a community-based facility, or who is subject to any stage of the judicial, correctional or probationary process where manpower training and services may be beneficial, as determined by the Secretary of Labor, after consultation with judicial, correctional, probationary or other appropriate authorities.

(ll) "OMB" shall mean the Office of Management and Budget.

(mm) "Participant" shall mean an individual who qualifies and receives services or takes part in activities under provisions of the Act.

(nn) "Placement" shall mean the hiring into unsubsidized employment by an employer of an individual referred by the prime sponsor or its subgrantee or contractor for a job or an interview, providing that the prime sponsor, subgrantee or contractor completed all of the following steps:

(1) Made prior arrangements with the employer for referral of an individual or individuals;

(2) Referred an individual who has not been specifically designated by the employer;

(3) Verified from a reliable source, preferably the employer, that the individual had entered on a job; and

(4) Recorded the transaction on an employer form or other appropriate form.

There are three levels of placement based on the expected duration of the job:

(1) Short-term placements in jobs which are expected to have a duration of three days or less;

(2) Mid-term placements in jobs which are expected to have a duration from four days to one-hundred-fifty days; and

(3) Long-term placements in jobs which are expected to have a duration of more than one-hundred-fifty days.

Placement does not include referral to another program activity, enrollment in education or training courses not supported under the Act, or entrance into the Armed Forces.

(oo) "Poverty level" shall mean the annual income threshold below which families are considered to live in poverty, as determined in accordance with criteria established by the Director of the Office of Management and Budget.

(pp) "Prime sponsor" shall mean a unit of government, combinations of units of government, or a rural Concentrated Employment Program grantee, as set forth in § 95.3 of this Part, which has entered into a grant with the Department to provide comprehensive manpower services under Title I of the Act.

(qq) "Professional work" shall mean work performed by an individual acting in a bona fide professional capacity, as such term is used in section 13(a)(1) of the Fair Labor Standards Act.

(rr) "Program agent" for purposes of Title II shall mean a subgrantee within the jurisdiction of an eligible applicant which is a unit of general local government or a combination of such units having a population of 50,000 or more which contains an area of substantial unemployment. In determining whether a combination of units of general local government qualifies as a program agent, the eligible applicant shall use the following standards:

(1) The combination of units as a subgrantee possesses the legal authority to receive Federal funds, and to transact business as a representative of the population within its jurisdiction; and

(2) The combination of units as a subgrantee possesses the administrative capability to plan, administer, and operate a manpower program; in making this determination, the eligible applicant may consider whether a combination of units of general local governments which consists of units which are not contiguous to each other is capable of planning, administering, and operating a manpower program.

(ss) "Program of demonstrated effectiveness" shall mean a manpower program, including a program conducted by a community based organization, which has a history of providing manpower services to the economically disadvantaged and has demonstrated the capacity to meet contractual goals at reasonable costs.

(tt) "Public service" shall mean service normally provided by government and includes, but is not limited to, work in such fields as beautification, conservation, crime prevention and control, education, child care, environmental quality, fire protection, health care, housing and neighborhood improvements, manpower services, parks, street and other public safety, recreation, rural development, solid waste removal, transportation, veterans outreach and other fields of human betterment and community improvement. It includes part-time work for individuals who are unable to work full time because of age, handicap, or other factors. It excludes building and highway construction work (except that which is normally performed by the prime sponsor or eligible applicant) and other work which inures primarily to the benefit of a private profit making organization.

(uu) "Rate of unemployment" shall mean the number of unemployed persons, as a percentage of the total number of persons in the civilian labor force, as determined by the Secretary.

(vv) "Secretary" shall mean the Secretary of the United States Department of Labor, or his designee.

(ww) "SESA" shall mean the State employment security agencies affiliated with the United States Employment Service, established by the Wayner-Peyser Act of 1933, as amended. The term shall include the system of public employment service offices and Unemployment Insurance offices.

(xx) "Significant segments" shall mean those groups of people, to be characterized, if appropriate by racial or ethnic, sex, age, occupational or veteran status, which causes them to generally experience unusual difficulty in obtaining employment and who are most in need of the service provided by the Act. Other descriptive categories may be used to define a "significant segment," if appropriate.

(yy) "Special veteran" shall mean an individual who served in the Armed Forces in Indochina or Korea, including the waters adjacent thereto, on or after August 5, 1964, who received other than a dishonorable discharge.

(zz) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(aaa) "State reservation" shall mean an Indian reservation recognized by the State in which it is located.

(bbb) "Subgrantee" shall mean any governmental unit or private nonprofit agency which receives a grant from a prime sponsor, grantee, or eligible applicant under the Act.

(ccc) "Sufficient size and scope" shall mean for Title II an area or combination of areas, other than an Indian reservation, which has a population of 10,000 or more persons and qualifies for a minimum allocation under Title II of \$25,000.

(ddd) "Supportive or manpower services" shall mean services which are designed to contribute to the employability of participants, enhance their employment opportunities, assist them to retain employment, and facilitate their movement into permanent employment not subsidized under the Act.

(eee) "Underemployed" shall mean:

(1) a person who is working part-time but seeking full-time work, or

(2) a person who is working full-time but whose salary relative to his or her family size is below the poverty level.

(fff) "Unemployed persons" shall mean for Title I activities except in the case of welfare recipients:

(1) A person who is without a job and who wants and is available for work, defined as follows:

(i) A person who is without a job is a person who did not work during the calendar week preceding the week in which the determination of his eligibility for participation is made. Except in the case of persons described in para-

graph (fff)(2) of this section, the determination of who wants and is available for work will be made by the prime sponsor or his designee. Persons who have been discouraged from seeking work but are currently available for work, shall not be excluded from eligibility.

(ii) If a person is confined in a jail, penitentiary, or other institution and there is a reasonable expectation that release will follow the completion of training within a reasonable time, the individual shall be considered unemployed.

(iii) A person is not to be considered to be available for work if that individual is without a job because of participation in an on-going strike or lock-out at his usual place of employment.

(2) In the case of welfare recipients, and except for purposes of sections 103 and 202 of the Act, the term "unemployed person" shall mean an adult who, or whose family, receives supplemental security income or money payments pursuant to a State plan approved under the Social Security Act, Title IV (Aid to Families with Dependent Children), or under the Social Security Act, Title XVI (Supplemental Security Income for the Aged, Blind and Disabled), or would be eligible for such payments according to the standards set forth at 45 CFR Part 233 and 20 CFR Part 416 if both parents were not present in the home, and

(i) Who is available for work, and  
(ii) Who is either without a job or working in a job providing sufficient income to enable such a person and his family to be self-supporting without welfare.

(3) A person who has served on active duty in the U.S. Armed Forces for a period of more than 180 days or was discharged or released from active duty for a service-connected disability, shall immediately be eligible, upon discharge, for participation in a program under Title II of the Act without regard to the previous calendar week unemployment requirement which would otherwise pertain.

(ggg) "Unemployed persons" shall mean for Title II activities:

(1) A person who is without a job and who wants and is available for work. Except in the case of persons described in (2) below, the determination of who wants and is available for work will be made by the prime sponsor or his designee. Persons who have been discouraged from seeking work but are currently available for work, shall not be excluded from eligibility.

(2) Except for purpose of sections 103 and 202 of the Act, an adult who, or whose family, receives supplemental security income or money payments pursuant to a State plan approved under the Social Security Act, Title IV (Aid to Families with Dependent Children), or under the Social Security Act, Title XVI (Supplemental Security Income for the Aged, Blind and Disabled) or would be eligible for such payments according to the standards set forth at 45 CFR Part 233 and 20 CFR Part 416 if both parents were not present in the home, and

(i) Is available for work, and

(ii) Who is either without a job or working on a job providing insufficient income to enable such a person and his family to be self-supporting without welfare assistance.

(3) A person is "without a job" if, during the 30 days preceding his application, he has worked no more than 10 hours or has earned no more than \$30 in any calendar week.

(4) A person is not to be considered available for work if he is without a job because of participation in an ongoing strike or lock-out at his usual place of employment.

(5) A person who has served on active duty in the U.S. Armed Forces for a period of more than 180 days or was discharged or released from active duty for a service-connected disability, shall be immediately eligible, upon discharge, for participation in a program under Title II of the Act, without regard to the 30 day unemployment requirement which would otherwise pertain.

(hhh) "Unemployment compensation" shall mean the compensation payable for weeks of unemployment in accordance with the provisions of a State or Federal law, including but not limited to the unemployment compensation laws of the several States, the Railroad Unemployment Insurance Act and 5 U.S.C. Ch. 85 (Federal employees and ex-servicemen's unemployment compensation). This term shall also extend to payments to unemployed individuals under the Disaster Relief Act and other Federal Acts providing assistance to unemployed individuals either as supplemental to State unemployment compensation or in lieu of such compensation.

(iii) "Unit of general local government" shall mean any city, municipality, county, town, township, parish, village or other general purpose political subdivision which has the power to levy taxes and spend funds, as well as general corporate and police powers.

(jjj) "Unsubsidized employment" shall mean employment not financed from funds provided under the Act.

(kkk) "Wagner-Peyser Act" shall mean "An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes," approved June 6, 1933 (48 Stat. 113), as amended (29 U.S.C. 49 et seq.).

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

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**AUTHORITY:** Comprehensive Employment and Training Act of 1973, as amended (Pub. L. 93-203, 87 Stat. 839; Pub. L. 93-567, 88 Stat. 1845), Sec. 702(a) unless otherwise noted.

**Subpart A—General**

**§ 95.1 Scope and purpose of Part 95.**

(a) This Part 95 contains the Department of Labor's regulations for the establishment and provision of comprehensive manpower services, including public service employment, under Title I of the Act.

(b) This Part 95 should be read in conjunction with Parts 94 through 99 of this Title 29, Code of Federal Regulations. These parts, in total, comprise the regulations promulgated by the Secretary pursuant to the authority in the Act.

(c) Definitions for acronyms and major terms may be found in Part 94.

(d) Statutory authority for the regulations contained in this Part 95 may be found in section 702(a) of the Act, as well as other substantive provisions of the Act. Applicable statutory provisions, other than section 702(a), are noted generally in these regulations.

**§ 95.2 Allocation of funds.**

(a) *General.* (1) This § 95.2 sets out the procedures for allocating funds under Title I of the Act. Of the funds avail-

able for Title I in any fiscal year, 80 percent shall be allocated according to the procedures set forth in paragraph (b) of this section. The remaining 20 percent shall be allocated as set out in paragraphs (c) and (d) of this section. (sec. 103)

(2) Allocations made to prime sponsors under this section shall be published in the FEDERAL REGISTER as soon as possible after the enactment of any fiscal year appropriation. The Secretary may publish preliminary allocations to assist prime sponsors in planning for programs under Title I of the Act.

(3) The Secretary may reallocate Title I funds as provided in § 98.11.

(b) *Prime sponsor basic allocations.* (1) Eighty percent of the funds available under Title I of the Act shall be allocated as provided in this paragraph (b). Funds provided pursuant to this paragraph are for prime sponsors, as defined in § 95.3, except for a limited number of prime sponsors which are rural Concentrated Employment Programs (CEP). This paragraph (b) does not apply to rural CEP's.

(2) One percent of the amount available under this paragraph (b) shall be allocated by the Secretary to State prime sponsors for the costs incurred in staffing and servicing State Manpower Services Councils. If such funds exceed the amount needed for these costs, the excess may be used to carry out State services under Section 106 of the Act. Allocations under this paragraph shall be made according to the paragraph (b) (4) of this section allocation formula.

(3) Not less than \$2,000,000 of the funds under paragraph (b) of this section shall be allocated among Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands, consistent with the factors set out in (b) (4) of this section.

(4) Subject to the requirements of paragraph (b) (5) of this section, funds remaining after application of paragraphs (b) (2) and (3) of this section shall be allocated to prime sponsors according to the following basic formula:

(i) Fifty percent of the funds subject to formula allocation shall be allocated on the basis of each prime sponsor area's proportion of the manpower allotment for all prime sponsor areas in the prior fiscal year;

(ii) Thirty-seven and one-half percent of the funds subject to formula allocation shall be allocated on the basis of a prime sponsor's proportion of the total number of unemployed persons (as defined by the Bureau of Labor Statistics) in all prime sponsor areas;

(iii) Twelve and one-half percent of the funds subject to the allocation formula shall be allocated on the basis of a prime sponsor's proportion of the number of adults in low income families in all prime sponsor areas.

(5) (i) No prime sponsor shall be allocated an amount under the paragraph (b) (4) allocation formula which is more than 150 percent of the amount of the manpower allotment obligated in the prior fiscal year for the area served by

the prime sponsor; except that if the amount so allocated is less than 50 percent of the amount of manpower funds to which it is entitled under the (b) (4) allocation formula, such allocation shall be increased to 50 percent of its entitlement under the formula.

(ii) If any prime sponsor, pursuant to paragraph (b) (4) of this section and (5) allocation formula, is allocated less than 90 percent of the manpower allotment that was obligated to that area in the previous fiscal year, that prime sponsor shall, to the extent feasible, be provided an amount from the Secretary's discretionary fund, set out in paragraph (d) of this section, that will bring its funding during the current fiscal year to the 90 percent level.

(c) *Additional prime sponsor allocations.* This paragraph describes those prime sponsor allocations that are not subject to the basic allocation procedures of paragraph (b) of this section.

(1) *Consortia incentive funds.* In order to encourage consortia, as defined in § 95.3, that also comprise substantial portions (e.g., 75 percent) of labor market areas, the Secretary may use up to 5 percent of the funds available for Title I of the Act to provide additional funding for such consortia. Consortia which do not serve such areas shall not be eligible for additional funds. Prior to making decisions concerning these funds, the Assistant Regional Director for Manpower (ARDM) shall consult with the Governors of the appropriate States and afford them an opportunity to make recommendations.

(2) *State manpower services allocations.* The Secretary shall allocate to the States, according to paragraph (b) (4) of this section allocation formula, 4 percent of the funds available under Title I of the Act, to enable the States to provide services, as set out in Subpart D of this Part 95.

(3) *Allocations for prime sponsors which were rural CEP's.* The Secretary shall fund a limited number of prime sponsors which were rural CEP's from any funds available to carry out Title I, except funds allocated under paragraph (b) of this section.

(4) *Vocational education allocation.* The Secretary shall allocate to the Governors, according to paragraph (b) (4) of this section allocation formula, 5 percent of the funds available under Title I to provide financial assistance for vocational education. Each Governor shall allocate these funds as required in Subpart D of this Part 95.

(d) *Secretary's discretionary fund.* Any funds available under Title I that are not allocated under paragraphs (b) and (c) of this section shall be first utilized by the Secretary to assure each prime sponsor, including a limited number of rural CEP prime sponsors, of funding at the 90 percent level, as set out in paragraph (b) (5) (ii) of this section. The Secretary shall utilize the remainder of the funds available under this paragraph at his discretion, taking into considera-

tion (1) the provision of incentive funds for multijurisdictional agreements entered into by States, as set out in § 95.3 (b) and (d); (2) continued funding through prime sponsors of programs of demonstrated effectiveness; and (3) other factors the Secretary deems necessary to the carrying out of his responsibilities under the Act.

#### § 95.3 Eligibility for funds.

(a) Funds may be allocated by the Secretary to prime sponsors (sec. 102). Prime sponsors are:

(1) States;

(2) Units of general local government which have a population of 100,000 or more persons;

(3) (i) Consortia consisting of general local governments which are (A) located in reasonable proximity to each other; (B) each of which retains responsibility for operation of the program; (C) at least one of which has a population of 100,000 or more persons; and (D) which, as a consortium, can plan and operate a comprehensive manpower program that provides administrative and programmatic advantage over the other methods of delivering services under the Act;

(ii) A consortium, under paragraph (a) (3) of this section, which consists of units of local government in more than one State, may be approved by the ARDM after the approval of the Governors of the States involved has been obtained.

(iii) No consortium agreement will be approved if one of the parties to the agreement is a unit of local government which is not eligible to be a prime sponsor under the Act and if, in addition, the effect of the agreement is to render ineligible the prime sponsor otherwise responsible for serving the area of the ineligible local government; provided, however, that nothing in this paragraph shall prohibit the otherwise responsible prime sponsor from granting its consent to such a consortium agreement;

(4) Any unit of general local government, or any combination of such units, without regard to population, which, in exceptional circumstances, is determined by the Secretary, after giving serious consideration to comments from the prime sponsor otherwise responsible for the area and the Governor, (i) to serve a substantial portion (e.g., 75 percent) of a functioning labor market area or to be a rural area with a high level of unemployment, and (ii) to have demonstrated that (A) it has the capability for effectively carrying out a comprehensive manpower program under the Act, evidenced by its effective operation of programs such as CEP or other multicomponent programs, (B) there is a special need for services provided by the Act (e.g., the area has a high proportion of such groups within the population as older workers, high school dropouts, or has a high unemployment rate, substantial outmigration or unique commuting problems), and (C) it will afford admin-

istrative and programmatic advantages over other methods of delivering services under the Act; and

(5) A limited number of CEP grantees, serving rural areas having existing at the time of the enactment of the Act, a high level of unemployment which the Secretary determines have demonstrated through prior performance a special capability for carrying out programs in such areas and are designated for that purpose.

(b) (1) A State may enter into a multijurisdictional agreement with any unit of local government within the State that has a population of at least 100,000 persons in order to provide services within a designated area. Such an agreement may be approved by the ARDM when, to the extent consistent with State and local law, each party signatory to the consortium agreement accepts responsibility for the operation of the program, and the ARDM believes that the parties will, pursuant to the agreement, plan and operate a comprehensive manpower program which provides administrative and programmatic advantages over other methods of delivering services under the Act. All requirements for consortia in Parts 94 through 98 apply to such State multijurisdictional agreements unless otherwise stated.

(2) Incentive funds may be provided for an agreement under paragraph (b) (1) of this section if the agreement includes every eligible prime sponsor in the State.

(c) A consortium which comprises a substantial portion of a functioning labor market (e.g., 75 percent) shall be eligible for incentive funds, as provided in § 95.2 (c) (1). The ARDM shall make such determinations, taking into consideration the definition and listing of labor market areas published by the Department, and the recommendations of the Governors.

(d) Incentive funds for consortia or State agreements shall be a nationally uniform percentage increase of the amount due them under § 95.2 (b) (4), but shall not exceed 10 percent of the amount.

(e) No State, unit of general local government, or consortium may apply or be designated as a prime sponsor for any area within its jurisdiction that is also within the jurisdiction of another prime sponsor unless that other prime sponsor consents or fails to submit an approvable comprehensive manpower plan, or has its plan terminated, in whole or in part, by the Secretary.

(f) Any unit of general local government that does not intend to be served by the prime sponsor which would normally serve it under Title I shall inform that prime sponsor of its determination.

#### § 95.4 Data base for determining eligibility.

In order to determine prime sponsor eligibility, the Secretary shall use the 1970 official Census as published by the U.S. Bureau of the Census or Bureau of the Census certified updates which are satisfactory to the Secretary of Labor.



**Subpart B—Grant Planning, Application, and Modification Procedures**

**§ 95.10 General.**

This Subpart B provides the procedures for obtaining and modifying a grant to operate programs under Title I of the Act. Specifically, this subpart describes the procedures in the grant award process—from preapplication through the grant application process, to review by the Department, approval or disapproval of the grant, and modification. This subpart also describes the functions of prime sponsor Manpower Planning Councils and State Manpower Services Councils.

**§ 95.11 Preapplication for Federal assistance; consortium agreements.**

(a) (1) An applicant interested in receiving financial assistance shall submit a preapplication to the ARDM, the Governor and the appropriate State and areawide A-95 clearinghouses (See OMB Circular A-95). The preapplication will consist of the Preapplication for Federal Assistance form Part I, contained in Federal Management Circular (FMC) 74-7 (formerly OMB Circular A-102), with an attachment giving the following information:

(i) Geographical area(s) to be served;  
 (ii) Population of area(s) to be served;  
 (iii) Certification that applicant, except for CEP prime sponsors, has the required general government authority, as defined in § 94.4 of this chapter;

(iv) Name of any ineligible unit of general local government, located within the prime sponsor applicant's jurisdiction, that has informed the prime sponsor applicant that it will not be participating in the prime sponsor applicant's plan.

(v) Certification that the development of the applicant's plan will be in accordance with the requirements of the Act and regulations (e.g., involvement of local elected officials of the areas to be served); and

(vi) The signature of the chief elected official(s) or chief executive officer(s), as appropriate, of each applicant. For a newly formed consortium, and for a consortium in which one or more members have joined or withdrawn, the signature of the chief elected official or chief executive officer of each consortium member is required. In the case of an established consortium with no membership changes, the preapplication may, with the consent of all consortium members, be signed by the consortium's chief executive officer. In either case, submission shall be by a date set by the Secretary (section 102 (c)).

(b) In addition to the preapplication, each consortium of local governments shall, at a date established by the ARDM, submit to the ARDM for his approval an agreement covering programs funded under Title I and Title II. The agreement shall include the items required by this paragraph (b). The agreement shall be signed by the chief elected official or chief executive officer of each consortium member.

The agreement shall include the following:

(1) A statement that the agreement has been formed under the Comprehensive Employment and Training Act of 1973, as amended. An agreement shall be written to establish a consortium arrangement for the express purpose of conducting a program under the Act or an existing joint powers or other agreement shall be amended to include reference to the Act as part of the agreement.

(2) A listing of the units of government which are parties signatory to the agreement (i.e., the governmental units that are members of a consortium; not those governmental units that are merely served by a consortium);

(3) A listing of any ineligible governmental unit which would normally be within the jurisdiction of the consortium but has informed the members of the agreement of its desire not to have services provided through the consortium;

(4) A description of the geographical areas which will be served through the agreement;

(5) The population to be served;

(6) A certification that State and local law permits services under the consortium agreement to be provided within the entire geographical area covered by the agreement, including within the jurisdiction of any local government located within the geographical area covered by the agreement (i.e., that the agreement is not prevented by State or local law from taking effect in the entire geographical area which it intends to serve);

(7) An attached letter from each unit's chief legal officer assuring that each party signatory has the legal authority, under State or local law, to enter into the consortium agreement (these letters are made part of the agreement);

(8) A statement that one of the following procedures shall be used for signing grant agreements with the Department:

(i) That grant agreements with the Department shall be signed by the chief elected official or chief executive officer of each party to the consortium agreement; or

(ii) That, pursuant to a specific designation in the consortium agreement, grant agreements with the Department shall be signed by the chief elected official or chief executive officer of one or more of the parties to the consortium agreement, or by the chief executive officer of the administrative unit established under paragraph (d) (1) of this section;

(9) A certification that to the extent consistent with State or local law, each party signatory to the consortium agreement accepts responsibility for the operation of the program (i.e., each member of the consortium, rather than any administrative arm, has ultimate responsibility for the program's operation and success);

(10) A description of the powers, functions and responsibilities reserved by the parties to the consortium agreement, specifying the process by which decisions will be made, the process by which each party to the agreement will review and approve the Comprehensive Manpower Plan, and the procedure by which chief

elected officials will participate in the planning and operation of the program, if they so desire. However, no agreement that has been validly entered into prior to the establishment of this requirement by the regulations for this Act published March 19, 1974, need be modified to include this provision.

(11) A statement of the powers, functions and responsibilities which will be delegated to an administrative entity to operate the program and the name and organizational structure of that entity.

(c) An established consortium which submitted an agreement in a prior year shall attest in writing that the agreement remains the same or has been changed in certain specific respects which it shall set forth in the attestation and this attestation shall be signed by the chief elected official or chief executive officer of each consortium member.

(d) In signing grant agreements with the Department, the authorized consortium signator(s) shall certify that the procedures described in the consortium agreement pursuant to paragraph (b) (10) of this section have been utilized.

(e) (1) The consortium shall be the prime sponsor under the Act. An administrative unit or one member of the consortium must be designated to operate the program.

(2) The division of powers, functions, and the responsibilities between the consortium members and the administrative unit shall be workable and clearly delineated. The administrative unit may be delegated the power to enter into contracts and subgrants and other necessary agreements, to receive and expend funds, to employ personnel, to organize and train staff, to develop procedures for program planning, operation, assessment and fiscal management, to evaluate program performance and determine resulting need to reallocate resources, and to modify the grant agreement with the Department. The administrative arm of the consortium should have responsibility for the entire operation of the program, but the consortium members shall reserve to the consortium the right of evaluation and the decision to reprogram funds.

(f) A consortium established under these regulations shall have a stated duration at least equal to the period of the grant.

(g) All preapplications from applicants which are eligible only in exceptional circumstances, as defined in § 95.3 (a) (4) shall, in addition to the requirements of paragraph (a) of this section include in their preapplications a statement and justification that they meet the requirements of § 95.3(a) (4). Consortia formed in exceptional circumstances shall also submit an agreement as required in paragraph (b) of this section.

**§ 95.12 Prime sponsor designation.**

Upon receipt of a completed preapplication, the ARDM shall determine whether the applicant is eligible to be designated as a prime sponsor and shall notify the applicant of his determination. Exhibit M-2, Notice of Preapplica-

tion Review Action, FMC 74-7 will be used. A grant application package (§ 95.14(b)) shall be sent to each applicant designated as being eligible.

§ 95.13 Planning process; advisory councils.

(a) *General.* An applicant for financial assistance shall submit an approvable Comprehensive Manpower Plan, as set out in § 95.14. In developing and modifying such a plan, an applicant shall utilize the advisory councils set out in this section (sections 104, 105, and 107).

(b) *Planning process.* The prime sponsor shall have a planning process for the development of its Comprehensive Manpower Plan. That process shall utilize, as appropriate, the advisory councils established in this section and shall also assure the participation in program planning of community-based organization and the population to be served.

(c) *Prime sponsor Manpower Planning Council.* (1) Each prime sponsor shall appoint a Manpower Planning Council representative of the geographic area to be served. The Planning Council function is advisory. The Council's advisory authority does not free the prime sponsor from its final decision-making responsibilities under the Act.

(2) The Planning Council shall advise the prime sponsor in the setting of basic goals, policies, and procedures for its program under Title I and Title II of the Act. It shall make recommendations regarding program plans, and provide for continuing analyses of needs for employment, training, and related services in such areas. Planning Councils should monitor all manpower programs funded under Title I and Title II of the Act and provide for objective evaluations of other manpower and related programs operating in the prime sponsor's areas, for the purpose of improving the utilization and coordination of the delivery of such services. The procedures for evaluating programs not funded under Title I and Title II of the Act will be developed in cooperation with the agencies affected. The Planning Council shall make recommendations based upon its analyses to the prime sponsor, which will consider them in the content of its overall decision-making responsibility.

(3) Each prime sponsor shall, to the extent practical, include as appointments to its Planning Council members who are representative of the client community (e.g., women, persons of limited English-speaking ability and other minority groups), community-based organizations, the Employment Service, education and training agencies and institutions, business, organized labor, and where appropriate, agriculture. Generally, staff of State or local government agencies would not provide appropriate representation of the client community their agency serves. Persons representative of other interested groups may also be appointed. The prime sponsor shall appoint a chairman of the Planning Council and provide professional, clerical, and technical staff to serve it. Funds

for supportive services and related staff costs for the Planning Council may be made available from a prime sponsor's basic allocation.

(d) *State Manpower Services Council.* (1) A State prime sponsor shall establish, in addition to its Planning Council under paragraph (c), a State Manpower Services Council (SMSC) representative of the geographic area to be served. The SMSC function is advisory and does not relieve the State of its final decision-making responsibilities under the Act.

(2) Consistent with the requirements of Section 107 of the Act, the Governor shall appoint Council members, as follows:

(i) At least one-third of the membership of the Council shall be composed of representatives of prime sponsors who have been designated in accordance with procedures agreed upon by the chief executive officers of such prime sponsors. (All prime sponsors within the State need not be represented; whatever the size of the Council, one-third of its membership shall be representatives of prime sponsors within the State).

(ii) One representative shall be appointed from each of the following: the State Board of Vocational Education, the State Employment Service, and any State agency the Governor believes has an interest in manpower or manpower-related services within the State.

(iii) Representatives shall be appointed from organized labor, business and industry, the general public, community-based organizations, and from the population to be served under the Act (including representation of women, persons of limited English-speaking ability, and other minority groups when such persons represent a significant portion of the client population). Generally, staff of State or local government agencies would not provide appropriate representation under this paragraph.

(3) The Governor shall appoint a chairman for the Council and provide the Council with professional, technical, and clerical staff. The Council shall meet as it deems necessary.

(4) Council responsibilities shall include, but not be limited to:

(i) Reviewing prime sponsor plans, proposed modifications, and comments thereon;

(ii) Reviewing State agency plans for providing services to prime sponsors;

(iii) Making recommendations to prime sponsors, agencies providing manpower services, the Governor, and the general public on improving the coordination and effectiveness of manpower services within the State;

(iv) Monitoring continuously (A) the operation of programs conducted by prime sponsors in the State and (B) the availability, responsiveness, adequacy, and effective coordination of State services provided by all manpower-related agencies. The monitoring conducted by SMSC's shall center on reviewing statewide and inter-prime sponsor issues of utilization and coordination of manpower resources of State agencies, and the coordination of plans and operations in

contiguous areas. This monitoring role is distinct from the Federal role in that the ARDM reviews the activities of an individual prime sponsor for the purpose of surfacing needs for technical assistance, evaluating performance against plan, and compliance with Federal regulations. The extent and procedures for monitoring prime sponsors and State agencies will be defined by the SMSC and publicized to all prime sponsors and State agencies affected prior to their being implemented, and

(v) Submitting an annual report to the Governor which will be a public document, and issuing such other studies, reports, or documents to the Governor and prime sponsors as the SMSC believes necessary to effectively carry out the Act.

(e) *Combined planning and services councils.* In any State where the State is the only prime sponsor, the prime sponsor Planning Council may also perform the functions of the State Manpower Services Council. In such instances, the membership of the prime sponsor's planning council shall reflect the membership requirements of the State Manpower Services Council, in addition to meeting the membership requirements of a Prime Sponsor Planning Council, except that the provision of § 95.13(d)(2)(i) is not required.

§ 95.14 Content and description of grant application.

(a) *General.* (1) This section describes the grant application which prime sponsor applicants will use to apply for their allotment of funds under Title I of the Act. A single grant document may be provided by the ARDM for obtaining funds under Titles I and II. Such a document shall contain all the requirements set out for such grants in these regulations. Procedures for special State grants under Title I are in Subpart D of this Part 95 (sec. 105).

(2) A copy of all forms and instructions are contained in the Forms Preparation Handbook.

(b) *Grant application forms.* (1) *Application for Federal Assistance.* The Application for Federal Assistance identifies the applicant and the amount of funds requested; it provides information concerning the area to be served and the number of people expected to benefit from the program. The form for Part I of the Application for Federal Assistance (Nonconstruction Programs) contained in FMC 74-7 is being used.

(2) *Title I Comprehensive Manpower Plan.* The Title I Comprehensive Manpower Plan is a statement of how the applicant intends to use its Title I funds and to coordinate its activities with other manpower programs and services operating within its jurisdiction. The Title I Comprehensive Manpower Plan consists of the Narrative Description of the Title I Program, the Project Operating Plan, and Occupational Summary, all described below. For consortia the approved consortium agreement shall be a part of the plan.

(i) *Narrative Description of Title I Program.* The Narrative Description of the Title I Program provides for a nar-

rative outline of the proposed program under the Act. It identifies and explains the manpower problems within the applicant's jurisdiction, describes proposed program activities and delivery systems to deal with those problems, and projects the results which may be expected from the program. The Narrative Description of the Title I Program requires a detailed statement on the program including the following items. The Forms Preparation Handbook gives detailed instructions for these items required in the Narrative Description of the Title I Program:

(A) *Objectives and needs for assistance.* (1) Policy statement on purpose of program;

(2) Description of economic conditions;

(3) Description of labor force characteristics;

(4) Explanation of skill shortage occupations;

(5) Definition of manpower needs;

(6) Statement of groups to be served including consideration given to priority groups and occupations;

(7) Statement of goals to be accomplished.

(B) *Results and benefits expected.* (1) Statement relating planned outputs to needs;

(2) Rationale for selection of program activities in the program design;

(3) Statement of how the program design will provide participants with economic self-sufficiency; and

(4) Explanation of how the program will enhance career development.

(C) *Approach.* (1) Description of the planning system and participation of community based organizations;

(2) Statement of strategy for accomplishing goals;

(3) Description of each program activity and service and the enrollee flow;

(4) Description of methods to be used to recruit, select, and determine eligibility of participants;

(5) Description of how persons of limited English-speaking ability will be served if they represent a significant portion of an applicant's program;

(6) Description of the applicant's administrative system including accounting for placements;

(7) Description of allowance payment system;

(8) Description of consideration given to programs of demonstrated effectiveness and explanation of reasons specific delivery agents were selected including reason existing public delivery agents, such as area skills centers and State employment services offices, were not utilized and justification of any duplication of services.

(9) Description of coordination with deliveries of manpower services not supported by the Act;

(10) Justification of administrative costs planned; and

(D) *Geographic location served.* Description of the geographical locations to be served.

(E) *Additional items relating to State applicants.* (1) A description of arrangements for serving all geographic areas

under its jurisdiction (i.e., balance of State) except for areas served by other prime sponsors:

(2) Description of the functions of the State Manpower Services Council;

(3) Description of State Manpower Services to be undertaken.

(F) *Additional items relating to Public Service Employment Programs.*

(1) Description of unmet public service needs and priorities;

(2) Relationship of types of jobs to public service needs described above;

(3) Justification of funding and job allocation to government agencies;

(4) Description of strategy for serving and matching jobs to special veterans skills;

(5) Description of plan for providing services to significant segments of the population, and disabled veterans, special veterans, and those veterans discharged within four years of the date of application, welfare recipients; and former manpower trainees;

(6) Description of the methods of determining rates of compensation when they differ from what is normally paid by the employer and reasons for the difference;

(7) Description of actions to insure compliance with personnel procedures and collective bargaining agreements for jobs above entry level;

(8) Plans to improve and expand employment and advancement opportunities of the target population;

(9) Description of supervisory training, education and other services to participants;

(10) Explanation of linkages with other programs;

(11) Description of efforts to remove artificial barriers; and

(12) Maintenance of effort verification

(i) *Project Operating Plan.* The Project Operating Plan requires a prime sponsor to provide a quantitative statement of planned expenditures, enrollment levels, and outcomes for program participants. It requires a prime sponsor to indicate planned expenditures by cost category (administration, allowances, wages, fringe benefits, training, and services) and by program activity (classroom training, on-the-job training, public service employment, work experience, services to clients, and other activities). It requires also an identification of the number of individuals to be served within the significant segments of the population.

(ii) *Public Service Employment Occupational Summary.* The Occupational Summary requires a prime sponsor operating a public service employment program under the Act to provide a description of proposed job opportunities, occupations and wages, including a comparison of such wages with wages for similar nonsubsidized jobs in the employing agency.

(3) *Assurances and Certifications.* The Assurances and Certifications form is a signature sheet on which the prime sponsor assures and certifies that it will comply with the Act, the regulations of the

Department, other applicable laws, and applicable Federal Management Circulars and Office of Management and Budget (OMB) circulars. The Assurances and Certifications form appears in the Forms Preparation Handbook. Following is a summary of the items which are described in detail on that form:

(1) General Assurances:

(A) Compliance with the Act and regulations;

(B) Compliance with FMC 74-4 and 74-7 and OMB Circular A-95;

(C) Legal authority to apply for the grant (sec. 102(a), 701(a), (9) and (10));

(D) Non-discrimination (sec. 703(1) and 612);

(E) Compliance with Title VI of the Civil Rights Act of 1964;

(F) Compliance with the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (FMC 74-7);

(G) Compliance with the Hatch Act as amended and restrictions on political activities (sec. 710);

(H) Prohibition on use of position for private gain (sec. 602(a));

(I) Access of Comptroller General and Secretary to records and documents pertaining to the Act (sec. 713(2));

(J) Non-support of religious facilities (sec. 703(4));

(K) Maintenance of required health and safety standards (sec. 703(5));

(L) Provision of appropriate employment and training conditions in regard to type of work, geographical region and proficiency of the client (sec. 703(4));

(M) Provision of appropriate workman's compensation to all participants in on-the-job training, work experience or public service employment activities. Such workmen's compensation may be provided through insurance for all participants in classroom training, services to clients, or other activities (sec. 703(6));

(N) Use of funds under the Act to supplement, rather than supplant funds otherwise available, prohibition on displacement of employed workers by participants employed under the Act, and prohibition on impairment of existing contracts for services (sec. 703(11) and 703(7));

(O) Training which has a reasonable expectation to lead to unsubsidized employment and which provides for the development of clients' potential consistent with their capabilities (sec. 703(9), 105(a)(6), and 703(10));

(P) Training only in occupations which require two or more weeks of pre-employment training, unless there are immediate employment opportunities (secs. 703(9), and 105(a)(6));

(Q) Compliance with reporting and recordkeeping requirements of the Act and regulations (secs. 703(12), 311(c));

(R) Contribution to the occupational development or upward mobility of individual clients (sec. 703(13));

(S) Provision of required administrative and accounting controls (sec. 703(14));

(T) Provision for the manpower needs of youth in the area served (sec. 603(15));

(U) Compliance with applicable labor standards pertaining to the work-site or training facility (sec. 111(b), 706);

(V) Services and activities provided under this Act will be administered by or under the supervision of the applicant (sec. 105(a)(1)(D));

(i) Additional assurances for Title I programs, as required by the Act:

(A) Provision of manpower services to those most in need of them, and continued funding of programs of demonstrated effectiveness (sec. 105(a)(1)(D));

(B) Design of programs of institutional skill training for skill shortage occupations (sec. 105(a)(6));

(C) Submission of a comprehensive plan in accordance with section 105(a) and compliance with the provisions of section 105(b);

(D) Arrangements to assist the Secretary in carrying out his responsibilities under sections 105 and 108 of the Act (sec. 105(a)(7));

(iii) Additional assurances relating to public service employment programs as follows:

(A) Special consideration be given to the filling of jobs which provide prospects for advancement or continued employment by providing complementary training and manpower services in accordance with procedures established in section 205(c)(4);

(B) Special consideration to unemployed disabled veterans, special veterans and veterans discharged within four years of the date of application in filling public service jobs and special outreach and coordination efforts to serve such veterans (secs. 205(c)(5), 205(c)(26) and 104(b) of the Emergency Jobs and Unemployment Assistance Act of 1974 (P.L. 93-567));

(C) Provision of public service jobs, to the extent feasible, in occupational fields most likely to expand within the public or private sector as the unemployment rate recedes (sec. 205(c)(6));

(D) Special consideration in filling transitional public service jobs be given to persons most severely disadvantaged in terms of length of unemployment and prospects for finding employment unassisted, but not authorize the hiring of any person when another person is on lay-off from the same or equivalent job (sec. 205(c)(7));

(E) Prohibition against the use of funds to hire any person to fill a job opening created by the action of an employer in laying off or terminating the employment of any other regular employee not supported under the Act in anticipation of filling such vacancy by hiring an employee to be supported under the Act (sec. 205(c)(8));

(F) Consideration of persons who have participated in manpower training programs (sec. 205(c)(9));

(G) Compliance with periodic review procedures pursuant to section 207(a) of the Act (sec. 205(c)(17));

(H) Removal of artificial barriers to public employment by agencies and institutions receiving financial assistance and contributing to the maximum ex-

tent feasible, to the elimination of artificial barriers to employment and occupational advancement (secs. 205(c)(18) and 205(c)(21));

(I) Maintenance or provision of linkages with upgrading and other manpower programs to assist persons employed in public employment programs fulfill their career goals (sec. 205(c)(19));

(J) Selection of all persons employed, other than necessary technical, supervisory, and administrative personnel, from among unemployed and underemployed persons (sec. 205(c)(20));

(K) Employment of not more than one-third of the participants in a bona fide professional capacity except in the case of classroom teachers; the Secretary may waive this limitation in exceptional circumstances (sec. 205(c)(22));

(L) Allocation of jobs equitably to local governments and agencies (sec. 205(c)(23));

(M) Provisions of jobs in each job category which will not infringe upon the promotional opportunities of unsubsidized current employees and provision of jobs only at the entry level in each job category until applicable personnel procedures and collective bargaining agreements have been met (sec. 205(c)(24));

(N) Provision of jobs in addition to those that would otherwise be funded by the prime sponsor without assistance under the Act (sec. 205(c)(25));

(iv) Special certification for State grantees: Compliance with requirements and provisions of sections 106 and 107 of the Act.

#### § 95.15 Comment and publication procedures relating to submission of grant application.

(a) As provided in paragraphs (b) and (c) of this section, each prime sponsor shall provide an opportunity for comment on the application (sections 105(c)(2) and 108).

(b) (1) Each prime sponsor shall publish a summary of the grant application package, including the proposed allocation of funds, in a newspaper or newspapers (including minority newspapers, where feasible) which will provide for a general circulation throughout the area to be served by the prime sponsor's plan. Such publication shall be for three consecutive issues. The publication shall be made 30 days prior to the submission of the application to the ARDM. A copy of the newspaper article shall be transmitted to the ARDM.

(2) The information published shall include the following:

(i) The numbers of individuals to be served and terminated, including the number to be placed in unsubsidized employment;

(ii) The significant segments of the population to be served, and number of planned participants in each segment;

(iii) The program activities and services to be provided by the program in each geographical area and the funds to be planned for each activity and service;

(iv) The total funds in the grant and the distribution of funds by cost categories.

(v) The location and hours when the complete grant application can be reviewed and the address and phone number where comments may be directed;

(vi) A comparison of performance against prior year's plan through the most recent quarter, including items such as:

(A) Comparison of planned and actual enrollments by program activities.

(B) Comparison of planned and actual placements and terminations;

(C) Comparison of planned and actual numbers of individuals in each significant segment;

(D) Comparison of planned and actual expenditures by program activity and cost categories.

(c) In addition to general newspaper circulation, each prime sponsor applicant shall provide a copy of its application for the purpose of commenting thereon, to the Governor and the appropriate State and sub-State A-95 clearinghouse(s) 30 days prior to its submission to the ARDM. It shall provide a summary to appropriate units of general local government with a population of at least 10,000 persons, to Indian prime sponsors, and to labor organizations representing employees engaged in similar work in the same area as that for which enrollees will receive subsidized employment or training.

(d) Comments pursuant to paragraphs (b) and (c) shall be made to the prime sponsor applicant and the ARDM within 30 days of publication. The prime sponsor shall provide copies of these comments to its Prime Sponsor Planning Council and the Governor.

(e) A prime sponsor applicant shall acknowledge any comment made pursuant to this section. It shall inform any party submitting a substantive comment of whether any plan revision will be made in response to the comment and the reasons for the prime sponsor's determination. All substantive comments and responses will be transmitted to the ARDM with the grant application, unless the comments are received after the application's submission, in which case they will be sent separately to the ARDM.

#### § 95.16 Submission of grant application.

(a) Each prime sponsor applicant shall submit its grant application to the ARDM on or before a date set by the Secretary.

(b) A grant application shall include all items set out in § 95.14 of this Part 95.

#### § 95.17 Standards for reviewing grant applications.

(a) A grant application will be reviewed to determine if it meets the requirements of the Act, the regulations promulgated under the Act, and other applicable law.

(b) In reviewing a grant application as provided in paragraph (a), of this section, the ARDM shall determine whether:

- (1) The application is complete.
- (2) The needs and priorities identified in the application are supported and justified by the documentation provided by the prime sponsor.
- (3) The planned expenditures for program activities are substantiated by documentation of the needs and priorities identified in the application.
- (4) The performance goals identified in the application are reasonable in light of past program experience in the same or similar activities and the documentation provided by the prime sponsor.
- (5) Documentation is presented that reasonable arrangements have been made to involve the population to be served and community-based organizations in the planning process, through representation on the Prime Sponsor Manpower Planning Council or through participation in the specific planning of the program.
- (6) The prime sponsor applicant's selection of the method of delivery of services is supported by adequate documentation based on availability and capability of delivery agents and appropriateness of services for the population to be served and provides evidence that due consideration has been given to the utilization of those services and facilities available from Federal, State, and local agencies (section 105(a)(3)(B)).
- (7) Maximum efforts have been made to meet the goals of the prior year's plan; such efforts shall include monitoring, evaluation, and remedial activities.
- (8) The administrative costs in the application are reasonable and provide, to the maximum extent feasible, for Federal funds to be expended for direct program activities and services, and, if administrative costs exceed 20 percent of non PSE activities whether the prime sponsor has cited an adequate reason and provided supporting documentation. Costs for public service employment other than wages and fringe benefits may not exceed 10 percent.
- (9) The prime sponsor has adequate internal administrative controls, accounting requirements, personnel standards, monitoring and evaluation procedures, availability for in-service training and technical assistance, and such other policies as may be necessary to promote the effective use of funds provided under Title I of the Act.
- (10) All parties required to be afforded an opportunity to comment on comprehensive manpower plans have been afforded such an opportunity.
- (11) Any comment on a comprehensive manpower plan evidences noncompliance with the Act, the regulations promulgated pursuant to the Act, or any other applicable law.
- (12) Documentation is presented that programs of institutional training are designed for occupations in which skill shortages exist (105(a)(6)).
- (13) The public service employment job opportunities satisfy the requirements set forth in § 96.23 of this chapter.

§ 95.18 Application approval; grant agreement.

- (a) An application for a grant shall be approved if it meets the requirements of the Act, the regulations promulgated under the Act, other applicable law, and if the ARDM determines that the prime sponsor has demonstrated maximum efforts to meet the goals of the prior year's plan.
- (b) An application for a grant from a consortium, or pursuant to a State multijurisdictional agreement, shall be approved if, in addition, an agreement among the parties has been submitted to and approved by the ARDM.
- (c) A prime sponsor applicant and the Governor shall be notified of action taken on the application. If an application is approved, the ARDM shall provide the prime sponsor with a grant agreement, consisting of the Grant Signature Sheet and the Assurances and Certification Form, and the Comprehensive Manpower Plan which is included by reference. The Comprehensive Manpower Plan shall be attached to the grant agreement.
- (d) The Grant Signature Sheet specifies the amount obligated by the Department, the term of the grant, and is signed by the ARDM and the prime sponsor.

§ 95.19 Application disapproval.

- (a) An application for a grant shall be disapproved if it fails to meet any requirement of the Act, the regulations promulgated under the Act, or any other applicable law (sec. 105 and 108).
- (b) No application shall be disapproved solely because of the percentage of total funds devoted to any allowable program activity.
- (c) No application for a grant shall be disapproved until:
  - (1) The prime sponsor applicant has been notified that its application fails to meet a requirement of the Act, regulations promulgated under the Act, or other applicable law; and
  - (2) The prime sponsor applicant is provided with suggestions as to those corrective steps which may be utilized to remedy any defect found in the application; and
  - (3) The prime sponsor applicant has been provided a reasonable opportunity, but not less than 30 days, to remedy any defect found in the application, but has failed to do so.
- (d) When an application is disapproved, a notice of disapproval shall be transmitted to the prime sponsor and the Governor, accompanied by a statement of the grounds of the disapproval. Such disapproval shall not be effective until notice and opportunity for a hearing has been provided, as required in Subpart C of Part 98.

§ 95.20 Use of alternative prime sponsors; services by the Secretary.

If an application is not filed, as required, or is denied, or if a grant is terminated in whole or in part during a fiscal year, the Secretary may make pro-

vision for the funds so released to be used by the State or another alternative prime sponsor to service the area originally to be served by the primary prime sponsor, or the Secretary may serve such an area directly. In so doing, the Secretary shall make every effort to minimize or prevent any disruption in participant activities (sec. 110(a)).

§ 95.21 Modification of grant agreement.

- (a) A modification to the grant agreement is required when the ARDM requires a change in (1) the term of the grant, (2) the allotment, or (3) the assurances and certifications included in the grant agreement. The procedures for modification of the grant agreement shall be undertaken as described in paragraph (b) through (e) of this section.
- (b) When the term or is changed, the prime sponsor shall also submit revised portions of its Comprehensive Manpower Plan to specifically identify the changes.
- (c) When the term or Title I allotment is changed, the comments and publication procedures provided in § 95.15 shall be followed.
- (d) When the Title I allotment is obligated in increments, each subsequent obligation a new modified grant signature sheet to be signed by representatives of the prime sponsor and the Department of Labor. Such a new signature sheet is not accompanied by a revised Project Operating Plan, and does not require publication or comment procedures.
- (e) A denial of a prime sponsor's request for a grant modification shall be subject to the appeal procedures set out in Part 98.

§ 95.22 Modification of Comprehensive Manpower Plan.

- (a) *General.* Prime sponsors may make three types of modifications to Comprehensive Manpower Plans: major, minor, and narrative. An ARDM may require a modification as described in paragraph (e) of this section.
- (b) *Major plan modification.* (1) When a prime sponsor changes his plan or intends to change his plan beyond the levels indicated, a major modification is required. A major modification is not required solely because actual performance varies from plan in excess of such levels. When a plan modification falls into one of the following categories, it will be considered to be a major plan modification:
  - (i) For grants of \$100,000 or less:
    - (A) When the cumulative transfer of funds among program activities or cost categories exceeds \$5,000; or
    - (B) When the cumulative number of individuals to be served, planned enrollment levels for program activities, planned placement terminations, or individuals to be served within significant client groups is to be increased or decreased by 15 percent or more.
  - (ii) For grants of over \$100,000:
    - (A) When the cumulative transfer of funds among program activities or cost

categories exceeds \$10,000 or 5 percent of the total grant budget whichever is greater.

(B) When the cumulative number of individuals to be served, planned enrollment levels for program activities, planned placement terminations, or individuals to be served within significant client groups is to be increased or decreased by 15 percent or more.

(2) A prime sponsor desiring a major modification shall submit a revised Project Operating Plan and a narrative explanation of the proposed changes to the ARDM. If the proposed changes result in changes to the narrative, rewritten portions of the narrative shall also be submitted. This modification will be forwarded for comment to the Governor, to appropriate units of general local government with a population of at least 10,000 persons, to Indian sponsors, and to labor organizations representing employees engaged in similar work in the same area as that for which participants will receive subsidized employment or training; and the prime sponsor shall publish a summary in a newspaper of general circulation (including minority newspapers, where feasible) in the prime sponsor's area in accordance with the procedures outlined in § 95.15(b). The ARDM shall notify the prime sponsor of final approval or of tentative disapproval within 10 days of receipt of the proposed modification. Final ARDM action on disapproval shall be taken within 30 days of the receipt of the proposed modification. Appeal of any such determination may be obtained through the procedures set out in Part 98 of the regulations.

(c) *Minor plan modification.* A prime sponsor may make any change in its Project Operating Plan which is not set out in paragraph (b) of this section without prior approval, but must show any such change in the first Quarterly Progress Report submitted to the Department after the change has been made. At the same time this report is submitted, an updated Project Operating Plan shall also be submitted to the ARDM. Only those lines and columns affected by the modification need be shown.

(d) *Modification of the Narrative Description of the Title I Program.*

Except as provided below when a prime sponsor changes a portion of its narrative description of the Title I program which does not reflect a change on the Project Operating Plan, it may submit such a change to the ARDM for approval and incorporation into its approved plan. A narrative modification shall be submitted prior to the following items of narrative being changed.

(1) Any change in the allowance payment system, including, but not limited to the condition for waiving allowances.

(2) Substantial change in the program design.

(e) *ARDM required modification.* After consultation with a prime sponsor, modifications may be required by the ARDM as necessary to assure compliance with the regulations or to reflect a change in the economic needs situation of the community. Procedures pertaining

to each kind of modification shall be followed when that modification is initiated under this paragraph.

#### Subpart C—Program Operations

##### § 95.30 General.

This subpart sets out the program operation requirements for comprehensive manpower services under Title I of the Act. The utilization of funds under Title I is conditioned upon adherence to the Act, the regulations promulgated under the Act, and other applicable law.

##### § 95.31 Basic responsibilities of prime sponsors.

A prime sponsor shall be responsible for:

(a) Compliance with plans and assurances;

(b) Compliance with Part 98 of these regulations;

(c) Establishing priorities for receipt of assistance authorized under the Act taking into account the priorities identified by the Secretary and the significant segments represented among the economically disadvantaged, unemployed, and underemployed residing within its jurisdiction;

(d) Designing program operating activities which are, to the maximum extent feasible, consistent with every participant's fullest capabilities and which will lead to employment opportunities enabling every participant to become economically self-sufficient, and which will contribute to the occupational development or upward mobility of every participant (sec. 101 and 703(9)).

(e) Advising all participants of their rights and responsibilities prior to entering the program and granting the opportunity for an informal hearing as provided in § 98.26; and

(f) Making maximum efforts to achieve the provisions of its plan.

##### § 95.32 Eligibility for participation in a Title I program.

(a) A person who is economically disadvantaged, unemployed, or underemployed (as defined in § 94.4) may, subject to paragraph (b) of this section, participate in a program offered by the prime sponsor under Title I of the Act (secs. 105(a) and 108(d)).

(b) For the purpose of participating in a public service employment program under Title I of the Act, participation is permitted for persons who:

(1) Reside, as defined in paragraph (c) of this section, anywhere within the geographical area covered by the prime sponsor's comprehensive manpower plan; and

(2) Are unemployed (as defined for Title I in section 94.4), or underemployed (as defined in section 94.4), or economically disadvantaged (as defined in section 94.4); and are otherwise eligible for participation consistent with the requirements of sections 205(c) and 208 of the Act (sec. 105(a)(5)).

(c) For the purpose of defining residence in paragraph (b) of this section, the term residence shall mean an individual's permanent dwelling place or

home, both at the time the individual applies and is selected for participation in a public service employment program under Title I of the Act. In determining whether a particular place is an individual's dwelling place or home, the intention of the individual is the key element. Maintenance of an "address" is not necessarily the same as maintenance of a dwelling place or home.

(d) Citizenship shall not be used as a criterion to prevent permanent residents, including permanent resident aliens, from participating in a program to the extent consistent with applicable State or local law. However, no services shall be provided to illegal aliens (those who do not have a bona fide Alien Registration Receipt form, or cannot present other documentation from the Immigration Service allowing them to seek employment).

(e) (1) Prime sponsors shall give special consideration to the needs of eligible disabled veterans, special veterans, and individuals who served in the Armed Forces and who received other than a dishonorable discharge within 4 years before the date of their application. Each prime sponsor in selecting participants for programs funded under Title I of the Act, shall take into consideration the extent that such veterans are available in the area. Specific effort should be made to develop appropriate full or part-time opportunities for such veterans. The prime sponsor should utilize the assistance of the State and local veterans employment service representative in formulating its program objectives.

(2) Each prime sponsor shall, on a continuing and timely basis, provide information on job vacancies and training opportunities funded under Title I of the Act to the State and local veterans employment service representative for the purpose of disseminating information to eligible veterans (sec. 104(b) of Emergency Jobs and Unemployment Assistance Act of 1974).

(f) Since all Title II participants would have also qualified at time of enrollment for Title I, a Title II participant, for whom maximum efforts have been made to find unsubsidized employment, or for whom supplemental training is needed as a prerequisite to a job, may be transferred into or currently enrolled in a program offered by the prime sponsor under Title I of the Act without an intervening period of unemployment (secs. 205(c)(14) and (19) and 105(a)(2)).

##### § 95.33 Types of manpower program activity available.

(a) A prime sponsor may provide any type of manpower program activity which is consistent with the purposes of Title I of the Act. Such program activities include but are not limited to the development and creation of job opportunities, and the training, education, and other services needed to enable an individual to secure and retain employment at the individual's maximum capacity. Program activities should be primarily directed toward the placement of indi-

viduals in unsubsidized employment, either directly at the outset of program participation as a result of intake assessment or indirectly through provision of training or services (sec. 101).

(b) (1) A prime sponsor may, consistent with these regulations, determine the operating levels and program activities in its area. It may select any of the program activities described in paragraph (d) of this section or devise other activities within the framework of the Act. No prime sponsor plan will be disapproved solely because of the percentage of funds devoted to a particular program activity (sec. 108(c)).

(2) A prime sponsor in designing the types of manpower services that will be funded under the Act and determining the methods for providing these services, shall make an adequate review of the existing services and facilities in the community and give due considerations to the utilization of these facilities. The Comprehensive Manpower Plan shall provide a description of each service including evidence that due consideration has been given to existing facilities which are available from Federal, State, and local agencies, including community-based organizations. The discussion shall provide documentations on the costs, responsiveness, adequacy, and effectiveness of each agencies' services to assure that unnecessary duplication has been avoided.

(c) A prime sponsor shall develop special program provisions for persons of limited English-speaking ability when such persons constitute a significant portion of a prime sponsor's program. The prime sponsor shall establish operating procedures for (sec. 301(b)):

(1) Teaching occupational skills in the primary language of such persons for occupations which do not require a high proficiency in English;

(2) Developing new employment opportunities for persons limited in English-speaking ability;

(3) Developing opportunities for promotion within existing employment situations for such persons;

(4) Disseminating appropriate information and providing job placement and counseling assistance in the primary language of such persons;

(5) Conducting training and employment programs in the primary language of such persons; and

(6) Conducting programs designed to increase the English-speaking ability of such persons.

(d) The basic types of manpower activities available to a prime sponsor include, but are not limited to the following:

(1) *Classroom training.* (i) This program activity is any training conducted in an institutional setting designed to provide individuals with the technical skills and information required to perform a specific job or group of jobs. It is in an institutional setting designed to enhance the employability of individuals by upgrading basic skills, through the provision of courses in, for instance, remedial education, training in the pri-

mary language of persons of limited English-speaking ability, or English-as-a-second-language training.

(ii) Occupational training shall be designed for occupations in which skills shortages exist (sec. 105(a)(6)) and for which there is reasonable expectation of employment (sec. 703(10)). In making these determinations, a prime sponsor shall utilize available community resources such as the local SESA office, the National Alliance of Businessmen, etc.

(iii) *Participants' benefits.* Allowances and other benefits as provided in § 95.34 may be paid to participants receiving training or education, provided that such allowances are not paid for any course having a duration in excess of 104 weeks (sec. 111(a)).

(iv) Vocational education services may be supported with funds provided through (A) the prime sponsor's Title I grant or (B) special grants to Governors for vocational education and services in prime sponsor areas. In order to obtain services under (B) of this paragraph the prime sponsor will negotiate nonfinancial agreements with State Vocational Education Boards utilizing the procedures described in Subpart D of this Part 95.

(2) *On-the-job training.* (i) On-the-job training (OJT) is training conducted in a work environment designed to enable individuals to learn a bona fide skill and/or qualify for a particular occupation through demonstration and practice. Such training may be conducted on a "hire first, train later" basis, or with ultimate placement with the training organization or an employer other than the training organization. OJT may involve individuals at the entry level of employment or be used to upgrade present employees into occupations requiring higher skills. Training shall be designed to lead to the maximum development of participants' potentials and to their economic self-sufficiency.

(ii) *Inducements to employers.* Prime sponsors may provide payments or other inducements to public or private employers for the bona fide training and related costs of enrolling individuals in the program; provided that payments to employers organized for profit are only made for the costs of recruiting, training and supportive services which are over and above those normally provided by the employer. Direct subsidization of wages for participants employed by private employers organized for profit is not an allowable expenditure (sec. 101(5)).

(iii) *Labor organization consultation.* Appropriate labor organizations should be consulted in the design and conduct of on-the-job training programs where collective bargaining agreements exist with the employer.

(iv) *Participants benefits.* Wages and other benefits provided to OJT participants shall be in accordance with conditions specified in § 95.35 of this subpart.

(3) *Public Service Employment.* (i) Public service employment is subsidized employment with public employers and

private non-profit employers who provide public services as defined in § 94.4. This program activity may also include training, manpower services, and other services incident to such subsidized employment. Conditions for participation in public service employment under Title I are contained in § 95.32(b) of this Part 95. Operating conditions and allowable expenditures applicable when Title I funds are used for this activity are the same as those used for this activity when Title II funds are used, as enumerated in Part 96 of these regulations (sec. 105(a)(5)).

(ii) *Participants' benefits.* Wages and benefits for persons in a public service employment program shall be as provided in Part 96.

(4) *Work experience.* (i) Work experience is a short-term work assignment with a public employer or private non-profit employing agency. It shall be designed to enhance the future employability of youth or to increase the potential of adults in attaining a planned occupational goal. Prime sponsors shall describe in the approved comprehensive employment plan the basic design of their work experience program, including the characteristics of participants who will participate in work experience activity, the objectives of the activity, the duration and expected outcomes of work experience.

(ii) Work experience activities for youth include part-time employment for students attending school, short-term employment for students during summer, short-term employment for out-of-school youth adjusting to a work setting and in transition from school to a job setting; short-term employment for recent graduates; and short-term or part-time employment for those youth who have no definite occupational goal and for whom no training or job opportunity immediately exists.

(iii) Work experience activities for adults include part-time or short-term employment for the chronically unemployed, retired persons, recently discharged military individuals, handicapped individuals, institutional residents and inmates, and others who have not been working in the competitive labor population for extended periods of time. In addition, it may include short-term employment while a definite occupational goal and a training or job opportunity are being developed.

(iv) Program outcomes for work experience participants include (A) return to school; (B) enrollment in post secondary education; (C) enlistment in the military services; (D) enrollment in manpower training and (E) placement in subsidized or unsubsidized employment.

(v) Work experience in the private for profit sector is prohibited.

(vi) *Participant benefits.* Each participant in a work experience activity shall receive wages. Wages shall be commensurate with such factors as the types of work performed, the geographical region of the program, and the skill proficiency of the participant, provided that

a participants' hourly rate of pay shall be at least the highest of (A) the minimum wage prescribed by State or local law for similar employment or (B) the minimum hourly wage set out under sec. 6(a)(1) of the Fair Labor Standards Act of 1938, as amended. Participants in work experience activities shall be provided workmen's compensation and other fringe benefits at the same level and to the same extent as other employees of the employer, and manpower services, as appropriate.

(5) *Services to participants.* This program activity is designed to provide supportive and manpower services which are needed to enable individuals to obtain employment or retain employment through the post placement services described in paragraph (iii) of this paragraph (d)(5) or to participate in other manpower program activities funded under this Act or any other Act, leading to their eventual placement in unsubsidized employment. Such services include, but are not limited to the following:

- (i) *Manpower Services:* (A) Outreach;
- (B) Intake and assessment;
- (C) Orientation;
- (D) Counseling;
- (E) Job development;
- (F) Job placement; and
- (G) Transportation.

(ii) *Supportive Services:* (A) Health care and medical services;

- (B) Child care;
- (C) Residential support;
- (D) Assistance in securing bonds;
- (E) Family planning services, provided that such services are made available to a participant only on a voluntary basis, and are not to be a prerequisite for participation in, or receipt of, any services or benefit from the program; and
- (F) Legal services.

(iii) *Post-placement services.* Manpower and supportive services, as described in paragraphs (i) and (ii) of paragraph (d)(5) of this section may be provided as appropriate to terminated participants who have been placed in unsubsidized employment. These services shall be provided at the discretion of the prime sponsor and shall enable the terminated participant to retain employment. Such services may be provided during the 30 day period following a participant's termination from the program.

(iv) *Participant benefits.* Allowances as described in § 95.34 may be paid to a participant enrolled in services to participants as described in this paragraph (5) when such services are a component of another activity as described in § 95.33(d) or when such services are regularly scheduled as the only activity in which the participant is enrolled.

(6) *Other manpower activities.* (i) These activities are manpower activities not described in the categories above, or manpower related activities designed to expand job opportunities and enhance the participation of individuals who are eligible to participate in programs funded under the Act. The approved compre-

hensive manpower plan must describe the basic design of activities undertaken as "other manpower program activities," and the manpower objectives to be accomplished through these activities. These program activities do not fit into any of the above categories, and include, but are not limited to, the following:

(A) Removal of artificial barriers to employment;

(B) Job restructuring;

(C) Revision or establishment of merit systems; and

(D) Development and implementation of affirmative action plans.

(ii) *Participant benefits.* Allowances as described in § 95.34 may be paid to a participant enrolled in other manpower activities as described in this paragraph (6) when such activities are a component of another activity described in § 95.33(d) or when such activities are regularly scheduled as the only activities in which the participant is enrolled and are described in the approved comprehensive manpower plan.

(7) *Combined activities.* (i) A participant enrolled in any activity funded under the Act may be enrolled simultaneously in any other activity as a component of the participant's primary activity. The primary activity constitutes any activity in which the participant is enrolled for more than 50 percent of the scheduled time.

(ii) *Participant benefits.* A participant enrolled in a primary activity for which wages are paid, and simultaneously in an activity for which allowances are payable, may at the prime sponsor's option, be paid wages for all hours of participation.

#### § 95.34 Training allowances.

(a) *The payment system.* To assure accountability and uniformity, and to facilitate the necessary coordination with other programs, the system for payment of allowances under the Act shall be maintained as a standard payment system which will insure prompt and efficient payment to all participants (sec. 111(a)). In addition, the delivery system selected by the prime sponsor shall incorporate a procedure to obtain information concerning receipt of unemployment compensation by participants. The prime sponsor in selecting the delivery system for the payment of participant allowances should give consideration to the use of existing agencies which have experience in operating an allowance payment system. The payment system shall include the following elements:

(1) Determination of entitlement and computation of amount to be paid;

(2) Issuance and distribution of payments;

(3) Maintenance of payment records and preparation of required reports;

(4) Maintenance of a system to detect and collect overpayments; and

(5) Arrangements with other agencies to obtain necessary information to minimize unauthorized allowable payments under this section. This shall include arrangements with:

(i) The State employment security agency for verification of unemployment compensation benefits;

(ii) Local welfare agencies for verification of public assistance payments;

(iii) Training facilities for submittal of payment requests and certification of attendance; and

(iv) Other units of government for verification of training allowances under other Federal, State or local programs.

(b) *Selection of delivery agent.* The prime sponsor is required to provide a standard allowance payment system either directly or through contract with an organization it considers appropriate for its particular circumstances. The prime sponsor may want to give consideration to the Unemployment Insurance Service when selecting the delivery agent for allowance payments.

(c) *Eligibility for allowances.* Allowances may be paid to participants for time spent in classroom training, other activities as specified in § 95.33(d)(6), or manpower services such as: assessment, orientation, counseling, and transportation. However, allowances for participation in manpower services or other activities may be provided only if such participation is on a regularly scheduled basis as described in the approved comprehensive manpower plan. Furthermore, no allowances will be paid for any course having a duration in excess of 104 weeks (sec. 111(a)).

(d) *Application for unemployment compensation.* Participants should be encouraged to apply for unemployment compensation benefits, as defined in § 94.4 of this chapter, if they are not already receiving such benefits.

(e) *Basic allowances.* A basic allowance for one week shall equal, at least, the highest of:

(1) The minimum hourly wage prescribed by State or local law for employment in the prime sponsor's area, multiplied by the number of hours of participation in which the trainee attends as required, or is absent for good cause; or

(2) The minimum hourly wage set out under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, multiplied by the number of hours of participation, in which the trainee attends as required, or is absent for good cause; provided that for the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa, the provisions of the Fair Labor Standards applicable to those areas shall pertain. To compute the number of hours of participation, the prime sponsor may count time spent in classroom training, services to participants, or other activities as specified in § 95.33(d)(6).

(f) *Dependents allowances.* Dependents allowances of \$5 per week for each dependent over two, up to a maximum of four additional dependents, for a total maximum of \$20 for six or more dependents shall be provided to participants in activities for which basic allowances are paid. Participants eligible for dependents allowances who also receive dependents allowances from other



sources shall not be precluded from receiving dependents allowances funded under the Act.

(g) *Incentive allowances for persons receiving public assistance or who are in institutions.* (1) Incentive allowances, at the rate of \$30 per week, are in lieu of basic allowances and shall be paid to participants receiving public assistance, as defined in § 94.4, or whose needs or income are taken into account in determining such public assistance payments to others.

(i) Incentive allowances may be reduced pro rata for absences without good cause or for part-time participation.

(ii) Incentive allowances shall be disregarded in determining the amount of public assistance payments individuals are entitled to receive under all Federal or federally assisted public assistance programs (sec. 111(a)).

(2) Incentive allowances, in lieu of basic allowances, but not in excess of such allowances, may be paid institutionalized persons, including prison inmates participating in program activities. The determination as to whether such allowances will be paid, and the amounts thereof, shall be made by the prime sponsor in consultation with officials of the institutions. In the case of prison inmates, all or part of such payments, as determined by the prime sponsor and the head of the institution, may be held in reserve and delivered upon the participant's release from the institution.

(h) *Additional allowance.* Additional reasonable allowances may be paid to participants to cover extraordinary costs associated with participation in an activity. The circumstances in which additional allowances will be paid shall be described in the approved comprehensive manpower plan.

(i) *Adjustments in allowances.* (1) The basic allowance shall be reduced, on a weekly basis, by the amount of unemployment compensation payments, if any, received by participants.

(2) No basic allowance to which an individual may otherwise be entitled shall be diminished in any respect because of receipt of a separation payment provided under any collective bargaining agreement.

(3) An individual's basic allowance may be adjusted upward to the degree that the local cost of living exceeds the national norm, if conditions for such increases are described in the approved plan.

(4) Periodic increases to the basic allowance may be provided as an incentive to participation when such increases are described in the approved plan.

(j) *Waivers of allowance payments.* (1) The payment of all or part of the basic allowance, except dependents allowances, and incentive allowances, described in this section, may, in accordance with paragraph (j) (2), be waived for all participants in a specific course or on a project basis under the conditions described in the approved comprehensive manpower plan or approved modifications to the plan.

(2) Waivers of basic allowance payments, as provided in paragraph (j) (1), shall be allowable only under the following conditions:

(i) That the waiver will be applied to the total enrollment in a course or project and will not be imposed on an individual basis, except as provided in paragraph (j) (3) of this section;

(ii) That the waiver will not have the effect of denying participation to individuals who could not participate without receipt of the allowances;

(iii) That the waiver will increase the number of individuals served;

(iv) That the waiver will otherwise promote the purposes of the Act; and

(v) That all participants for whom allowances are waived will be so notified in writing.

(3) In exceptional circumstances, individual waivers when described in the approved plan or approved modifications to the plan, may be granted under the following conditions:

(i) The waiver is at the written agreement of the participant; and

(ii) Individual waivers may only be granted when all of the funds allocated in the project operating plan for allowances have been obligated and training opportunities are still available and are unfilled.

(4) The dependents allowances described in paragraph (f) of this section may not be waived, except in cases where the entire basic allowance is waived.

(5) Allowance payments may not be waived solely because a participant is a veteran and receives benefits through the Vietnam Era Veteran's Readjustment Assistance Act, as amended.

(k) *Repayments.* Prime sponsors may require participants to repay the amount of any overpayment of allowances under this part. Any overpayment not repaid may be set off against any future allowance or other benefits under the Act to which the participant may become entitled. Where the overpayment was made in the absence of fault on the part of the participant, repayment shall be waived where such recovery would be against equity and good conscience or would otherwise defeat the purposes of the program.

§ 95.35 Wages; minimum duration of training and reasonable expectation of employment.

(a) *Wages.* (1) Participants in public service employment programs shall be paid wages as required by Part 96 of these regulations.

(2) Participants in work experience shall be paid wages as required by § 95.33(d) (4) (vi).

(3) Participants in on-the-job training shall be compensated by the employer at such rates, including periodic increases, as are reasonable considering such factors as industry, geographical region, and trainee proficiency (sec. 111(b)). In no event shall the rate be less than the highest of the following:

(i) The minimum wage rate specified in Section 6(a) (1) of the Fair Labor Standards Act of 1938, as amended;

(ii) The State or local minimum wage for the most nearly comparable covered employment;

(iii) The prevailing rates of pay for persons employed in similar occupations by the same employer; or

(iv) The minimum entrance rate for inexperienced workers in the same occupation in the establishment or, if the occupation is new to the establishment, the prevailing entrance rate for the occupation among other establishments in the community or area or, any minimum rate required by an applicable collective bargaining agreement.

(4) For hours spent in the production of goods or services, the rate of compensation to be paid to trainees by employers, public or private, shall be specified in a written agreement entered into by the training or employing facility and the prime sponsor.

(5) Wages in the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa, shall be consistent with applicable provisions of the Fair Labor Standards Act of 1938, as amended.

(b) *Duration of training.* An individual shall not be referred for training in an occupation which requires less than two weeks of preemployment training unless there are immediate employment opportunities available in that occupation (sec. 703(8)).

(c) *Reasonable expectation of employment.* An individual shall not be referred to training unless the prime sponsor determines, after utilizing available and appropriate community resources, that there is a reasonable expectation of employment for such an individual in the occupation for which the person is being trained (sec. 703(10)).

§ 95.36 Training for lower wage industries; relocation of industries.

No participant may be enrolled in any activity or service under this Act in any lower wage industry in jobs where prior skill or training is typically not a prerequisite to hiring and where labor turnover is high, nor may any authority conferred by this Act be used to assist in any relocation of an establishment from one area to another unless the Secretary determines that such relocation will not result in an increase in unemployment in the area of original location or any other area where it conducts business operations (sec. 704(a)).

§ 95.37 Cooperative relationship between prime sponsor and other manpower agencies.

(a) Each prime sponsor shall, to the extent feasible, establish cooperative relationships or linkages with other manpower and manpower related agencies in the area within its jurisdiction, in particular, with agencies operating programs funded through the Department (sec. 105(a) (3) (D)).

(b) Prime sponsors shall, to the extent feasible, notify the appropriate apprenticeship agency of training activities in apprenticeable occupations (sec. 105(a) (3) (D)).

(c) Any prime sponsor which intends to provide services under the Act to recipients of Aid to Families with Dependent Children (AFDC) should coordinate such services with the local sponsor of the Work Incentive Program, if any, to assure that the delivery of services under this Act is consistent with the WIN requirements. The provision of comprehensive manpower services to recipients of AFDC who are required to register for the WIN program may be affected by provisions of Title IV of the Social Security Act. Limitations on length of training, requirements to accept work in lieu of training, and other regulatory requirements may affect the AFDC recipient's participation in programs under the Act.

**Subpart D—Special Grants to Governors**  
**§ 95.50 General.**

(a) Funds shall be allocated to each State through a special grant for the support of:

(1) Vocational education services for prime sponsors;

(2) The State Manpower Services Council; and

(3) State manpower services.

(b) Funds available under paragraph (a) shall be granted to each Governor in accordance with the formula allocation set out in § 95.2 of these regulations. Each Governor shall distribute these funds as provided in § 95.55. (Sec. 103, 106, 107, and 112.)

(c) Provisions generally applicable in Parts 94 through 99 of these regulations shall apply to special grants under this subpart unless otherwise provided.

**§ 95.51 Distribution of funds.**

(a) Five percent of the funds available under Title I of the Act shall be allocated to the Governors of the States to provide needed vocational education and services for prime sponsors through State Vocational Education Boards as set out in § 95.2. These services are to be provided to participants under Title I of the Act.

(b) State Manpower Services Councils shall be supported with funds as set forth in § 95.2(b)(2).

(c) State manpower services provided under Section 106 of the Act shall be funded as set forth in § 95.2(c)(2).

**§ 95.52 Grant application.**

(a) Upon notification by the Secretary of the amount of funds available for a special grant to the State, the Governor shall submit a Special Grant Application to the ARDM on a date set by the Secretary. The ARDM shall determine whether the application shall be approved and shall notify the Governor of his determination. A copy of all forms and instructions for the application for Special Grants are contained in the Forms Preparation Handbook.

(b) The Special Grant Application shall contain the following:

(1) *Application for Federal Assistance.* The form provided in FMC 74-7 for Part I of a grant application for nonconstruction projects is being used for the application for the special grant.

(2) *Special Grant Plan.* This plan consists of:

(i) *Special Grant Project Operating Plan.* This form will be used for the Special Grant to Governors. The POP for Special Grants is a multiprogram form providing for financial and statistical entries for vocational education projects channeled through the Governor's office, State Manpower Services Council activities, and State Manpower Services program activities. All of the three categories will be funded by one grant.

(ii) *Special Grant Program Narrative.* The narrative for the special grant will be composed of three separate sections as follows:

(A) *Vocational Education Services Program Narrative.* The program narrative contains (1) an explanation of the method used to allocate funds to prime sponsor areas and the rationale for the method used, (2) a summary of all agreements required in § 95.56 between individual prime sponsors and the State Vocational Education Board and (3) a copy of each such agreement. The summary should follow the procedures established for the development of individual program narratives supporting each non-financial agreement. If all of the non-financial agreements are not available when the application is submitted, the Governor shall describe the training and services which he expects to be supplied by the State Vocational Education Board to each prime sponsor. Nonfinancial agreements received after the grant is made will be forwarded to the ARDM.

(B) *State Manpower Services Council Program Narrative.* A description of the arrangements for the State Manpower Services Councils follows:

(1) A listing of members of the Council, identifying the group each member represents;

(2) Identification of the chairman;

(3) A statement of the procedures which will be followed in reviewing prime sponsor plans and making recommendations which will provide more effective overall coordination of manpower services in the State;

(4) A description of the system to be used in monitoring other prime sponsors and State manpower services;

(5) A description of the types of data, materials, and information which will be included in the annual report to the Governor;

(6) If the Governor plans to use part of the funds authorized for the Council under section 103(d) of the Act (one percent of the allocation) for section 106 (State services), the specific use of the funds shall also be described, including the amount and objectives to be accomplished.

(C) *State Manpower Services Program Narrative.* The narrative for this part will provide a specific description for each activity, the planned costs, and the planned results. The Program Narrative Description form contained in the Forms Preparation Handbook requires a detailed statement on the program including the following items:

(1) Explanation of steps taken to assure cooperation of State agencies with

prime sponsors in implementing the program;

(2) Description of State plan for sharing of manpower resources and facilities for most efficient and economical operation;

(3) Coordination of programs financed under Wagner-Peyser Act to provide assistance to individuals in accordance with policies of this Act;

(4) An explanation of the arrangements made by the State to assist the Secretary under 38 U.S.C. 2012(a) in requiring each Federal contractor, and subcontractor under the Act to list all suitable employment openings in State Employment Service local offices. Fulfillment of this responsibility shall be based upon information developed by the Secretary (sec. 106(b)(5));

(5) Description of any arrangements for planning areas to serve geographical regions within the State;

(6) Description of provisions for coordination of the manpower and related services to be provided by the State in areas to be served by prime sponsors other than the State, including the exchange of information and coordination of manpower plans;

(7) A description of any of the activities allowable under section 106(c) of the Act, that the State chooses to provide, detailing those activities to be undertaken and the costs and goals of such activities, including:

(A) A description of allowable services being delivered under the Act throughout the State, by State agencies responsible for employment, training, and related services (sec. 106(c)(1));

(B) A description of special programs and services for rural areas outside major labor market areas; (sec. 106(c)(2));

(C) A description of the extent to which information will be developed and published regarding economic, industrial, and labor market conditions;

(D) A description of information and technical assistance to be provided to prime sponsors in the State; and

(E) A description of any model training and employment programs.

(iii) *Assurances and certifications.* The assurances and certifications form applicable to Title I and Title II grants will be included in the special grant application and agreement.

**§ 95.53 Application approval and disapproval; grant agreement.**

(a) The ARDM shall approve any grant application which meets the following standards and requirements:

(1) It contains all the required forms, information, and certifications required by the regulations; and

(2) It meets the conditions for approval of grant applications under Subpart B of this Part 95.

(b) A special grant agreement shall be signed when the grant application is approved by the ARDM. This agreement is composed of a Special Grant Signature Sheet and an Assurances and Certifications Form and the special Grant Plan which is included by reference. The special Grant Plan shall be attached to the grant agreement.

**PART 96—PROGRAMS UNDER TITLE II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT**

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- 96.50 Subgrants.
- 96.51 Travel requirements.

**Authority:** Comprehensive Employment and Training Act of 1973, as amended (Pub. L. 93-203, sec. 702(a), 87 Stat. 839; Pub. L. 93-567, 88 Stat. 184), sec. 702(a), unless otherwise noted.

**Subpart A—General**

**§ 96.1 Scope and purpose.**

(a) This part contains the Department of Labor's regulations providing for the establishment and operation of public

service employment programs, and other manpower programs, under Title II of the Act.

(b) Provisions for Title II programs for Indian tribes on Federal and State reservations are found in Subpart D of this Part 96. The provisions of Subparts A, B, and C apply only to non-Indian eligible applicants except as otherwise noted in Subpart D.

(c) Definitions for every abbreviation and major term may be found in Part 94 of these regulations.

(d) Statutory authority for the regulations contained in this part is found in the provisions of section 702 of the Act. Other relevant sections of the Act are generally noted at the end of each substantive provision of these regulations.

**§ 96.2 Allocation of funds.**

(a) Funds appropriated under Title II of the Act are available only for areas of substantial unemployment and may be allocated by the Secretary only to eligible applicants (secs. 204(a) and 204(c)).

(b) (1) At least 80 percent of the funds available under Title II shall be allocated among eligible applicants in accordance with a ratio comparing the number of unemployed persons residing in areas of substantial unemployment within each eligible applicants' jurisdiction to the number of unemployed persons residing in all areas of substantial unemployment (sec. 202(a)).

(2) Funds not allocated as provided in paragraph (b) (1) of this section, may be distributed by the Secretary at his discretion taking into account the severity of unemployment in such areas and may include additional areas of substantial unemployment designated by the Secretary after the fiscal year allocation of Title II funds (sec. 202(b)).

(c) An eligible applicant shall distribute to a program agent those funds that are allotted to the eligible applicant due to the level of unemployment within the program agent's jurisdiction, unless the program agent declines to operate a program under Title II of the Act, in which case, the eligible applicant will make other arrangements to serve that jurisdiction (sec. 204(d) (1)).

**§ 96.3 Eligibility for funds.**

(a) Funds shall be allocated by the Secretary only to eligible applicants. Eligible applicants are those prime sponsors and Indian tribes on Federal or State reservations, as defined in § 94.4, which include areas of substantial unemployment (sec. 204(a)).

(b) For the purpose of allocating funds, the term "eligible applicant" shall include any entity which is eligible to be a prime sponsor under Title I of the Act and Indian tribes on Federal or State reservations as described in § 96.42 (sec. 204(b)).

(c) A State shall not qualify as an eligible applicant for any geographical area within the jurisdiction of any other eligible applicant within the State unless the non-State eligible applicant has not submitted an approvable application for Title II funds (secs. 204(a)(1) and 102(b) (1)).

(d) A unit of general local government shall not qualify as an eligible applicant with respect to any area within the jurisdiction of another eligible unit of general local government unless such smaller unit has not submitted an approvable application for such areas (sec. 204(b) and 102(a) (b) (2)).

(e) (1) Eligible applicants shall distribute funds to program agents, as provided in § 96.2(c) of this Part 96 (sec. 204(d) (1)).

(2) (i) No program agent shall receive or continue to receive funds for any area of substantial unemployment within the jurisdiction of another program agent unless the ARDM determines that the smaller program agent has not carried out its administrative responsibility for developing, funding, overseeing, and monitoring programs within its area, consistent with the application for financial assistance developed by the eligible applicant in cooperation with the program agent (secs. 204(d) (3) and 102(b) (2)).

(ii) No eligible applicant may make other arrangements, as specified in § 96.22(d), for serving an area of substantial unemployment being served by a program agent, which the eligible applicant determines is not carrying out its administrative responsibility for developing, funding, overseeing, and monitoring programs within its area, consistent with the application for financial assistance developed by the eligible applicant in cooperation with the program agent, except with the concurrence and the review of the ARDM (sec. 204(d) (2)).

(f) (1) An eligible applicant or program agent, other than a State, whose entire jurisdiction qualifies as an area of substantial unemployment shall, to the extent feasible, allocate funds for identifiable subareas which meet the unemployment rate requirement of areas of substantial unemployment in § 94.4. Such allocation to subareas shall be based on the ratio of the number of unemployed persons residing in each subarea to the total number of unemployed persons within the eligible applicant or program agent's jurisdiction.

(2) Where the eligible applicant is a State that has an unemployment rate for its jurisdiction of at least 6.5 percent, the State shall to the extent feasible, allocate its funds under Title II to individual areas of substantial unemployment within its jurisdiction. Such allocations shall be based on the ratio of the number of unemployed persons residing in each individual area of substantial unemployment to the sum of unemployed persons residing in all such areas of substantial unemployment within the State's jurisdiction.

(3) An eligible applicant or program agent with an overall unemployment rate of less than 6.5 percent shall allocate its funds only for those areas of substantial unemployment specified by the Secretary (secs. 201 and 202(a)).

(g) If an eligible applicant finds that there is an area of substantial unemployment within its jurisdiction that has not been designated by the Secretary to receive assistance, it may recommend that

such area be considered for assistance by the Secretary. In making any such recommendation, the eligible applicant must include a precise geographical definition of the area to be served and its population. Such a recommendation shall be submitted to the ARDM. The Secretary shall, within a reasonable time, make a determination on the recommendation and inform the eligible applicant of the determination and the reasons therefor.

#### Subpart B—Grant Application

##### § 96.10 General.

This Subpart B provides the procedures for obtaining grants to operate programs under Title II of the Act.

##### § 96.11 Preapplication for Federal assistance; consortium agreements.

Potentially eligible applicants, including consortia formed under § 95.11 of these regulations, shall be notified of their eligibility to apply for grants under Title II. At that time such applicants shall submit a preapplication following the procedures set forth in § 95.11(a) of these regulations.

##### § 96.12 Eligible applicant designation.

Upon receipt of a completed preapplication the ARDM shall determine whether the applicant is eligible to operate a program under Title II of the Act. The ARDM shall notify the applicant of the determination according to the procedures set forth in § 95.12 of these regulations.

##### § 96.13 Planning process; advisory councils.

To receive financial assistance under Title II of the Act, eligible applicants shall submit an approvable comprehensive Title II plan, as set out in § 96.14 of this Part 96. In developing and modifying such a plan, an eligible applicant shall utilize the planning process and the advisory councils as set out in § 95.13 (b), (c), (d), and (e) of these regulations.

##### § 96.14 Content and description of grant application.

(a) *General.* (1) This section describes the grant application which the applicant will use to apply for their allotment of funds under Title II of the Act. A single grant document may be provided by the ARDM for obtaining funds under Titles I and II. Such a document shall contain all the requirements set out for such grants in these regulations.

(2) A copy of all forms and instructions are contained in the Forms Preparation Handbook.

(b) *Grant application forms.*—(1) *Application for Federal Assistance.* The Application for Federal Assistance identifies the eligible applicant and the amount of funds requested; it provides information concerning the area to be served and the number of people expected to benefit from the program. The form for Part I of the Application for Federal Assistance (Nonconstruction) contained in FMC 74-7 is being used.

(2) *The Comprehensive Title II Plan.* The Comprehensive Title II Plan is a

statement of how the eligible applicant intends to use Title II funds and to coordinate its activities with other manpower programs and services operating within its jurisdiction. The Comprehensive Title II Plan consists of the Narrative Description of the Title II Program, the Project Operating Plan (POP), the Supplement to the POP (monthly plan), the Public Service Employment Occupational Summary, and the Program Summary all described below. For consortia, the consortia agreement approved pursuant to § 95.11(b) will be a part of the plan.

(1) *Narrative Description of the Title II Program.* The Narrative Description of the Title II program provides for a narrative outline of the proposed program under Title II of the Act. It identifies and explains the manpower programs within the eligible applicant's jurisdiction, describes proposed program activities and delivery systems to deal with those problems, and projects the results which may be expected from the program. The Narrative Description of the Title II program requires a detailed statement on the program, including the following items:

(a) *Objectives and needs for assistance.* (1) Policy statement on purpose of program;

(2) Description of economic conditions;

(3) Description of labor force characteristics;

(4) Explanation of skill shortage occupations;

(5) Definition of manpower needs;

(6) Statement of groups to be served including consideration given to priority groups and occupations;

(7) Statement of goals to be accomplished;

(b) *Results and benefits expected.* (1) Statement relating planned outputs to needs;

(2) Rationale for selection of program activities;

(3) Statement of how the program design will provide participants with economic self-sufficiency; and

(4) Explanation of how the program will enhance career development.

(c) *Approach.* (1) *Public Service Employment Programs.* (a) Description of unmet public service needs and priorities;

(b) Relationship of types of jobs to public service needs described above;

(c) Justification of funding and job allocation to government agencies and by subarea;

(d) Description of strategy for serving and matching jobs to special veterans skills;

(e) Description of plan for providing services to significant segments, and disabled, special, and recently discharged veterans, welfare recipients, and former manpower trainees;

(f) Description of orientation procedures for participants in a public service employment program;

(g) Description of determination of rates of compensation when they differ from what is normally paid by the employer;

(h) Description of actions to insure compliance with personnel procedures and collective bargaining agreements for jobs above entry level;

(i) Plans to improve and expand employment and advancement opportunities of the target population;

(j) Description of supervisory training, education and other services to participants;

(k) Explanation of linkages with other programs;

(l) Description of efforts to remove artificial barriers; and

(m) Maintenance of effort verification;

(2) *Other program activities.* (a) Rationale for selection of activities;

(b) Description of each activity;

(c) Description of enrollee flow and any relationship among activities;

(d) Description of methods to be used to recruit, select, and determine eligibility of participants;

(e) Description of how persons of limited English-speaking ability will be served if they represent a significant portion of an eligible applicant's program;

(f) Explanation of reasons specific delivery agents were selected including reason existing public delivery agents, such as area skill centers and State employment services offices, were not utilized;

(g) Description of coordination with deliveries of manpower services not supported by the Act;

(3) Description of administrative system including accounting for placements and allowance payment system.

(4) Justification of administrative costs planned.

(5) Description of the geographical locations to be served.

(ii) *Project Operating Plan.* The Project Operating Plan requires an eligible applicant to provide a quantitative statement of planned expenditures, enrollment levels, and outcomes for program participants. It requires an eligible applicant to indicate planned expenditures by cost category (administration, wages, allowances, fringe benefits, training and services) and by program activity (public service employment, classroom training, on-the-job training, work experience, services to clients, and other activities). It requires also an identification of the number of individuals to be served within the significant segments of the population.

(iii) *Supplement to the POP (Monthly Plan).* A monthly estimate of total individuals on board at the end of the month and total cumulative expenditures shall be provided. Such monthly plan will reflect the activity for each month during the grant period under Title II.

(iv) *Public Service Employment Occupational Summary.* The Occupational Summary requires an eligible applicant operating a public service employment program under Title II of the Act to provide a description of proposed job opportunities, occupations and wages, including a comparison of such wages with wages for similar nonsubsidized jobs in the employing agency.

(v) *Program Summary.* The Program Summary presents a distribution of

jobs, training slots, and funds to be provided to eligible applicants and subgrantees. It designates the areas to be served, the population and employing agencies of each area.

(3) *Assurances and Certifications.* The Assurances and Certifications form is a signature sheet on which the eligible applicant assures and certifies that it will comply with Act, the regulations of the Department, other applicable laws, and applicable Federal Management Circulars and Office of Management and Budget (OMB) circulars. The Assurances and Certifications form appears in the Forms Preparation Handbook. Assurances for Titles I and II are submitted on the same form. The assurances are summarized in § 95.14(b) (3) of these regulations. An additional assurance is required for Title II which concerns selecting participants from areas of substantial unemployment qualifying for assistance.

**§ 96.15 Comment and publication procedures relating to submission of grant application.**

Each eligible applicant shall provide an opportunity for comment on the application as set out in § 95.15 of these regulations.

**§ 96.16 Submission of grant application; standards for reviewing grant applications.**

(a) Each eligible applicant shall submit its grant application to the ARDM on or before a date set by the Secretary.

(b) A grant application shall include all items set out in § 96.14 of this Part 96.

(c) A grant application will be reviewed to determine if it meets the requirements of the Act, the regulations, promulgated under the Act, and other applicable law. In reviewing a grant application as provided in paragraph (a), the ARDM shall use the standards set forth in § 95.17(b) of these regulations.

**§ 96.17 Application approval; application disapproval; grant agreement.**

The procedures set forth in § 95.18 and § 95.19 shall apply for Title II applications and grant agreements.

**§ 96.18 Use of alternative eligible applicant; services by the secretary.**

The provisions detailed in § 95.20 shall apply to applications and grants made pursuant to Title II of the Act.

**§ 96.19 Modification of grant agreement; modification of comprehensive Title II Plan.**

(a) The procedures set forth in § 95.21 of these regulations concerning the modification of grant agreements shall apply to grant agreements funded under Title II of the Act.

(b) The procedures set forth in § 95.22 of these regulations shall apply to the modification of the comprehensive Title II plan.

**Subpart C—Program Operation**

**§ 96.20 General.**

This Subpart C sets out the program operation requirements for eligible appli-

cants and subgrantees. The utilization of funds under Title II of the Act is conditioned upon adherence to the requirements of this subpart, as well as adherence to the Act, other applicable law, and other terms and conditions of the regulations promulgated in this part.

**§ 96.21 Basic responsibilities of eligible applicants.**

An eligible applicant is responsible for:

(a) Requesting, receiving and administering funds within its jurisdiction (secs. 203(a) and 205(c)(1));

(b) Allocating funds and jobs equitably among public agencies within its jurisdiction (sec. 205(c)(23));

(c) Developing a plan to effectively implement a program of transitional public employment and related training and manpower services (sec. 203(a));

(d) Developing, to the greatest extent possible, new careers and opportunities for career advancement for participants (sec. 205(c)(4));

(e) Performing reviews at 6-month intervals on the status of each participant to assure that the participant's job has potential for advancement or suitable continued employment (sec. 207(a));

(f) Administering or supervising all activities under its approved plan including the establishment of hearing procedures, as set out in Part 98 of this title (sec. 205(c)(1));

(g) Assuring that the program will, to the extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement within its jurisdiction (sec. 205(c)(18)); and

(h) Assuring that employing agencies provide information regarding their employment opportunities funded under the Act to the local State employment service and that such vacancies are filled, as specified in § 96.30(a).

**§ 96.22 Basic responsibilities of program agents; relationship with eligible applicants.**

(a) A program agent, as defined in § 94.4, shall be delegated by the eligible applicant the administrative responsibility for developing, funding, overseeing and monitoring programs with respect to the funds made available to it under Title II of the Act.

(b) A program agent shall carry out its functions consistent with the grant application developed by the eligible applicant in cooperation with the program agent and shall be responsible to the eligible applicant for carrying out its program in a manner consistent with the application (sec. 204(d)(2)).

(c) Irreconcilable differences between an eligible applicant and a program agent shall be submitted to the ARDM.

(d) If a program agent fails to comply with paragraph (b), it is the responsibility of the eligible applicant, consistent with the regulations, to initiate whatever action is necessary to force the program agent to comply. Such action may include the eligible applicant reallocating funds to an alternative program agent to serve the original area of deciding to serve the

area itself. However, no such action shall be taken by an eligible applicant except with the review and concurrence of the ARDM.

**§ 96.23 Acceptable public employment positions.**

(a) Funds provided under Title II which are used for public service employment shall only be used to fund public service needs which have not been met and to implement new public services (sec. 201).

(b) In developing job opportunities under this Part 96 the following requirements shall apply:

(1) The jobs provided must meet public service needs as defined in the Act and the regulations promulgated in this Part 96 (sec. 205(a));

(2) Program emphasis shall be on transitional employment; jobs which are likely to lead to regular, unsubsidized employment or opportunities for continued training (secs. 201 and 205(b)(4));

(3) Jobs shall be provided, to the extent feasible, in occupational fields which are most likely to expand within the public or private sector as the unemployment rate recedes (sec. 205(c)(6));

(4) Jobs shall be allocated among State and local public agencies and subdivisions thereof, such as educational agencies, within the applicant's jurisdiction, taking into account the number of unemployed persons within each area, their needs and skill levels, the needs of the agencies and the ratio of jobs in the area at each governmental level. This distribution should be equitable, based on the ratio of jobs in the area at each governmental level, to the extent such an equitable distribution is feasible based on the foregoing considerations. The eligible applicant has the ultimate responsibility for determining the equitable distribution and for selection, job structure, participant benefits, and all other aspects of the jobs funded under this Title (sec. 205(c)(23)).

(5) Jobs may also be allocated to private non-profit agencies which provide public service employment such as educational, social services and health agencies, within an eligible applicant's jurisdiction where jobs in such agencies may best serve the unemployed population based on the considerations stated in § 96.23(b)(4).

(6) Title II participants may be outstationed at work-stations hosted by Federal agencies provided the employment is geared to the skills and abilities of the participant and is consistent with these regulations. Such employment is subject to the standards contained in Part 98 of these regulations.

(7) Jobs may be located only within the eligible applicant's jurisdiction unless the eligible applicant determines that the effective operation of its program under Title II is possible only by creation of some jobs outside of its jurisdiction. In such cases, the jobs created must employ residents of the eligible applicant's jurisdiction and be within reasonable commuting distance of the residents of the eligible applicant's jurisdiction.

(8) Jobs will not be "deadend," but will contribute to career advancement and the development of the employment potential of participants. Opportunities for continued training are to be provided to support the upward mobility of participants (secs. 205(a), 205(c)(4), and 208(a)(6)).

(9) No more than one-third of the participants in any program may be employed in a bona fide professional capacity as defined in 29 CFR 541.3 issued pursuant to section 13(a)(1) of the Fair Labor Standards Act of 1938, as amended. The exception to this limitation is the hiring of classroom teachers. (Generally, according to the F.L.S.A., a professional is an individual (i) with a professional education, usually requiring more education than a Bachelor's degree or whose work is original and creative in an artistic field; (ii) at least 80 percent of whose work requires discretion and judgment and is intellectual in nature, and (iii) who earns at least \$140 a week (\$125 in Puerto Rico, Virgin Islands, or American Samoa)). A less stringent test applies to individuals earning \$200 or more a week. Lawyers, doctors and teachers working as such are professional without regard to their earnings (for further explanation see 29 CFR 541.3) (sec. 205(c)(22)).

(10) The program excludes employment in building and highway construction work (except that which is normally performed by the prime sponsor or eligible applicant) and other work which inures primarily to the benefit of a private profit-making organization;

(11) Jobs in each job category shall in no way infringe upon the promotional opportunities which would otherwise be available to persons currently employed in public service jobs not subsidized under Title II (sec. 205(c)(24));

(12) No job will be filled in other than an entry level position in each job category until applicable personnel procedures and collective bargaining agreements have been complied with (sec. 205(c)(24)); and

(13) To the extent feasible, the public services provided by the jobs should be designed to serve the residents of the areas of substantial unemployment designated for Title II funds (sec. 205(c)(3)).

#### § 96.24 Maintenance of effort.

(a) Employment funded under Title II of the Act shall only be in addition to employment which would otherwise be financed by the eligible applicant without assistance under this title (sec. 205(c)(25)).

(b) To assure maintenance of effort, a public service employment program under Title II of the Act:

(1) Shall result in an increase in employment opportunities over those which would otherwise be available;

(2) Shall not result in the displacement of currently employed workers, including partial displacement such as a reduction in hours of non-overtime work, wages, or employment benefits;

(3) Shall not impair existing contracts for service or result in the substitution

of Federal funds for other funds in connection with work that would otherwise be performed; and

(4) Shall not substitute public service jobs for existing federally assisted jobs (sec. 208(a)(1)).

(c) Eligible applicants, program agents and other subgrantees may not terminate, lay-off or reduce the normal working hours of an employee for the purpose of hiring an individual under a Title II program (secs. 205(c)(8) and 208(a)(1)(B)). However, the hiring of former employees who lost their jobs due to a bona fide lay-off is not prohibited if it does not constitute a violation of the maintenance of effort provisions of the Act and these regulations.

(d) Eligible applicants shall, at the direction of the ARDM, submit budgetary expenditure documentation, revenue statements, and other information relevant to determination under this section.

#### § 96.25 Responsibility for selecting participants.

(a) The ultimate responsibility for the selection of participants rests with the eligible applicant. The eligible applicant subject to its direction, may delegate the administration of this responsibility to program agents, other subgrantees and employing agencies. The selecting agency must provide adequate documentation of each applicant's eligibility and retain in the participant's folder the information on which this documentation is based. The selecting agency shall also retain for a reasonable period of time the applications of persons not selected for participation and the reasons for their nonselection (sec. 205(c)(2)(26)).

(b) Adequate documentation shall consist of a signed, and dated, complete application for employment, including the last date of employment, which attests that the information the application contains is true, to the best of the applicant's knowledge.

#### § 96.26 Place of residence for participants.

(a) *General.* (1) At the time of both application and selection, program participants shall reside in an area of substantial unemployment within the jurisdiction of the eligible applicant or program agent (sec. 205(c)(3)).

(2) An eligible applicant may receive additional funds as a subgrantee of another eligible applicant to enroll residents of the other eligible applicant's jurisdiction in any public service job or other manpower program under Title II. The eligible applicant receiving funds must offer jobs or programs which are within reasonable commuting distance of residents of the other eligible applicant's jurisdiction.

(b) *Consortia of eligible applicants.* In the case where two or more eligible applicants have formed a consortium to operate programs under Title I and Title II, residents of any designated area of substantial unemployment within the boundaries of the consortium may be employed in public service jobs or enrolled in any other manpower activity either

within the geographical boundaries of the consortium or outside such boundaries in which case the provisions of § 96.23(b)(7) shall apply; provided, that the total amount of funds available for residents of each area of substantial unemployment of each participating eligible applicant equals the amount of funds that the area would have received if the consortium had not been formed.

(c) *Consortia of units of general local government formed in order to qualify as program agents; multijurisdictional eligible applicants.* The provisions of paragraphs (a) and (b) of this section shall apply to consortia of units of general local government formed in order to qualify as program agents and shall apply to multijurisdictional eligible applicants.

#### § 96.27 Eligibility for participation in a Title II program.

(a) A person residing, as defined in paragraph (f) of this section in an area of substantial unemployment who has been unemployed for at least 30 days prior to application or is underemployed is eligible to participate in a program under Title II of the Act (sec. 201 and 205(a)). A person who obtains permanent, full-time unsubsidized employment after application shall no longer be considered eligible for Title II, unless, even with his full-time employment, he still qualifies under § 94.4(ggg)(2) or § 94.4(eee) of these regulations.

(b) An individual who has served on active duty in the U.S. Armed Forces for a period of more than 180 days or who was discharged or released from active duty for a service connected disability, shall be immediately eligible, upon discharge, for participation in a program under Title II of the Act without regard to the 30-day unemployment requirement which would otherwise pertain (sec. 20013, Vietnam Era Veterans' Readjustment Assistance Act of 1972, Pub. L. 92-540).

(c) A person participating in a public employment program under a section 5 or section 6 grant funded by the Emergency Employment Act (EEA) who is currently, or was at the time of his selection for such participation, geographically eligible may be transferred, upon expiration of the EEA grant, into the Title II grant program covering that geographical area, provided that maximum efforts have been made to place such an individual in unsubsidized employment or training.

(d) Title I enrollees may be transferred into a Title II program only if they met the requirements of paragraphs (a) and (f) of this section prior to their entry into a Title I program (sec. 105(a)(2)).

(e) A participant in an employment program under this Part 96 may change jobs within a particular eligible applicant's jurisdiction without an intervening period of unemployment, but may not be employed in a job for any other eligible applicant without an intervening period of unemployment of at least 30 days.

(f) For the purpose of this section, the term residence shall mean an individual's dwelling place or home, both at the time the individual applies and is selected for participation in a program under Title II of the Act. In determining whether a particular place is an individual's dwelling place or home, the intention of the individual is the key element. Maintenance of an "address" is not necessarily the same as the maintenance of a dwelling place or home.

(g) Citizenship will not be used as a criterion to prevent permanent residents, including permanent resident aliens, from participating in a program under Title II to the extent consistent with applicable State law. However, no services shall be provided to illegal aliens (those who do not have a bona fide Alien Registration Receipt form or cannot present other documentation from the Immigration and Naturalization Service which shows they may seek employment).

(h) These regulations do not authorize the hiring of any person when any other person is on lay-off from the same or any substantially equivalent job (sec. 205(c) (7) (8)).

**§ 96.28 Special consideration for most severely disadvantaged persons.**

Special consideration in enrolling applicants in public service employment and other manpower activities provided under Title II shall be given to unemployed persons who are the most severely disadvantaged in terms of the length of time they have been unemployed and their prospects for finding employment without assistance under Title II (secs. 205(c) (7) and 210).

**§ 96.29 Serving significant segments of the population.**

(a) The significant segments of an eligible applicant's population shall be served on an equitable basis. For example, individuals from each significant segment could be placed in programs under Title II in a manner consistent with their incidence in the unemployed population of the eligible applicant's jurisdiction or other measures of equity could be utilized (secs. 205(c) (2) and 208(b)).

(b) Each eligible applicant shall monitor its program to assure that the significant segments of its population are being served in accordance with the requirements of this section.

**§ 96.30 Groups to be provided special consideration.**

(a) *Veterans.* (1) Special consideration shall be given to eligible disabled veterans, special veterans, and individuals who served in the Armed Forces and who received other than a dishonorable discharge within four years before the date of their application. Each eligible applicant in selecting participants for programs funded under Title II of the Act, shall take into consideration the extent that such veterans are available in the area. Specific effort should be made to develop appropriate full or part-time opportunities for such veterans. In order to insure special consideration for vet-

erans, all public service employment vacancies under Title II, except those to which former employees are being recalled, must be listed with the State employment service at least 48 hours before such vacancies are filled. During this period, the employment service will refer those veterans specified above. If sufficient numbers of veterans are not available, the employment service, upon request, may also refer members of other significant segments. All other applicants are to be referred after the 48-hour period (sec. 205(c) (5)). The eligible applicant should utilize the assistance of State and local veterans employment representatives in formulating its program objectives.

(2) Each eligible applicant shall, on a continuing and timely basis, provide information on job vacancies and training opportunities funded under Title II of the Act to State and local veterans employment representatives and to other veterans organizations for the purpose of disseminating information to eligible veterans (sec. 104(b) of Emergency Jobs and Unemployment Assistance Act of 1974).

(b) *Welfare recipients.* In designing an eligible applicant's plan and enrolling individuals in manpower programs funded under Title II of the Act, special consideration shall be given to welfare recipients.

(c) *Former manpower trainees.* Special consideration shall be given, in developing an eligible applicant's plan and enrolling individuals in the manpower programs funded under Title II of the Act, to persons who have participated in manpower training programs and for whom work opportunities are not otherwise immediately available (sec. 205(c) (9)).

**§ 96.31 Training and supportive services.**

Eligible applicants may provide training and supportive services to an individual participating in a public service employment program. Training may be that which is auxiliary to a participant's position or that which is of benefit to the participant in obtaining employment not subsidized under the Act. Such training may be provided with funds made available under Title I (see § 95.32(f) of these regulations) or Title II (consistent with the limitation set forth in § 96.36). Such training may be provided directly or may be purchased from public or private organizations. Due consideration should be given to the utilization of existing services and facilities which are available, with or without reimbursement of the reasonable cost, from Federal, State and local agencies (secs. 105(a) (3) (B), 105(c) (2) and 205(c) (14) and (19)).

**§ 96.32 Linkages with other manpower programs.**

An eligible applicant shall, where appropriate, maintain or provide linkages with upgrading and other manpower programs for the purpose of (1) providing public service employment participants who want to pursue work with the

employer, in the same or similar work, with opportunities to do so and to find permanent, upwardly mobile careers in that field, and (2) providing those persons so employed, who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare for, and obtain work in other fields. Eligible applicants shall also maintain linkages with agencies, such as State vocational rehabilitation departments, to provide needed supportive services for participants, such as the elimination of any barriers to employment created by the architectural design of the worksite.

**§ 96.33 Placement goals.**

(a) Public service employment programs under the act shall to the extent feasible, be designed to enable all individuals to move from such employment programs into unsubsidized full-time jobs in the private or public sector, and shall emphasize the development of new careers and career development opportunities (sec. 201 and 205).

(b) Each eligible applicant, program agent, and subgrantee shall be responsible for efforts to place all participants in unsubsidized employment in both the private sector and the public sector, or in training programs.

(c) To carry out the intent of paragraph (b), each eligible applicant, program agent and subgrantee, to the extent consistent with law and applicable collective bargaining agreements, shall have the goal of accomplishing on an annual basis at least one of the following:

(1) Placing half of the cumulative participants in unsubsidized private or public sector employment;

(2) Placing participants in half the vacancies occurring in suitable occupations in an eligible applicant, program agent, or subgrantee's permanent work force which are not filled by promotion from within the agency.

(d) Placement goals established consistent with paragraph (c) above are to be understood as goals and are not prescribed as placement requirements. (sec. 211(b)).

(e) Any eligible applicant shall have the right to request a waiver of such placement goals. The request for a waiver may be submitted at any time, and may be granted by the ARDM when in the ARDM's judgment local economic conditions and budgetary constraints warrant such a waiver (sec. 211(b)).

(f) Whenever such a waiver has been granted by the ARDM, failure to meet the placement goals shall not be cited in any official review or evaluation of that eligible applicant's program. (sec. 211(b)).

**§ 96.34 Compensation for participants.**

(a) *Minimum wage for participants.* Each participant shall be paid at a rate no less than the highest of the following:

(1) The minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a) (1) of the Act applied to the participant and if he were not exempt under section 13 thereof;

(2) The State or local minimum wage for the most nearly comparable covered employment; or

(3) The prevailing rate of pay for persons employed in similar public occupations by the same employer (sec. 208(a)).

(b) *Limitations on participant's salary.* (1) Compensation to any participant from Title II Federal funds is limited to a maximum full-time rate of \$10,000 per year, plus the cost of fringe benefits to the extent they do not exceed those paid to workers earning \$10,000 a year. This limitation shall also be applicable for participants in public service employment funded under other titles of the Act.

(2) When a participant is eligible for a promotion or general salary increase that would mean a salary in excess of \$10,000, the participant is entitled to it if other employees similarly employed would be promoted. The employer must pay the amount above \$10,000 from his own funds as well as a prorated share of the increased fringe benefits. Funds from other titles of the Act shall not be used to supplement the maximum salary limitation for participants.

#### § 96.35 Administrative staff.

(a) *General.* To the extent possible, administrative staff shall be drawn from the unemployed and underemployed population. However, if necessary technical, supervisory and administrative personnel are not available in the unemployed and underemployed population, staff may be recruited from other available sources (sec. 205(c)(20)).

(b) *Compensation.* Eligible applicants may compensate administrative staff from: (1) Funds not provided under the Act. No maximum salary limitation will apply in this case;

(2) Administrative funds allowed under Title II as specified in § 96.36 of this Part 96. This applies only to non-participants on the administrative staff in which case no salary limitation will apply; or

(3) Funds expended under Title II for wages and fringe benefits for participants as specified in § 96.36 of this Part 96. In this case, the administrative staff member must meet the Title II participant eligibility requirements and be hired as a Title II participant. The salary limitation specified in § 96.34(b) shall apply. Any salary paid to a participant in excess of \$10,000 must be paid from funds other than those provided under the Act.

#### § 96.36 Limitation on funds.

(a) Not less than 90 percent (90%) of the funds appropriated pursuant to Title II of the Act which are used by an eligible applicant for public service employment programs shall be expended for wages and fringe benefits to persons employed in public service jobs (sec. 203(b)).

(b) The remaining 10 percent (10%) may be used for administration, training, or supportive services to participants in public service employment.

(c) An eligible applicant which does not itself administer the entire program may not retain the entire 10 percent (10%) mentioned in paragraph (b) for its own use unless this is agreed to by its subgrantees. At least 5 percent (5%) of a subgrantee's grant must be available to it for costs other than wages and fringe benefits.

#### § 96.37 Use of Title II funds for programs under Titles I and III-A.

Funds available to an eligible applicant may, at its option, be utilized for residents of the areas of substantial unemployment designated under this Part 96 for programs authorized under Title I and Part A of Title III of the Act. Where Title II funds are used for activities authorized under other Titles of the Act, all provisions under this Part 96, except § 96.20, § 96.21, § 96.23, § 96.24, § 96.27(e) and (h), § 96.31, § 96.33, § 96.34, and § 96.36, shall apply in addition to those provisions applicable for programs under Title I and Part A of Title III (sec. 210); however, when Title II funds are used to fund public service employment, all of the provisions of this Part 96 shall apply.

#### Subpart D—Special Conditions for Grants to Indian Tribes on Federal and State Reservations

##### § 96.40 General.

This Subpart D contains special conditions for grants to Indian tribes on Federal and State reservations. To the extent that any provision of this Subpart D differs from any other provision of this Part 96, the provisions of this Subpart D shall govern. In all other matters the requirements of Part 96 apply to this Subpart D.

The Division of Indian Manpower Programs in the Office of National Programs shall have full responsibility for all matters pertaining to funds allocated to Indian tribes on Federal and State reservations under Title II of the Act. All references to ARDM in Part 96 shall be read as Director, Division of Indian Manpower Programs.

##### § 96.41 Distribution of funds.

(a) This section describes the methodology for the distribution of funds allocated to Indian tribes on Federal and State reservations as determined by the ratio prescribed in Subpart A, § 96.2.

(b) Funds for Indian tribes eligible for application under Title II shall be distributed as follows:

(1) Funds for use under this Subpart D shall be distributed on the basis of a ratio taking into account the total number of unemployed Indians on all Federal and State Indian reservations which have areas of substantial unemployment and comparing this number with the total number of unemployed persons in all eligible applicant jurisdictions under this Part 96.

(2) Funds determined under paragraph (b)(1) of this section shall be distributed for use by the individual Indian reservations which have areas of substantial unemployment according to

the best available estimates of unemployment on each such reservation as compared to the total unemployment on all such reservations.

(c) Funds shall only be granted for individual reservations which have a governing body and either have a population of at least 1,000 resident Indians or are entitled to a Title III, section 302, grant of at least \$50,000. Reservations which do not meet either of these requirements may, however, be combined to qualify for funds as provided in § 96.42 of this part (sec. 204(c)).

(d) An eligible applicant which represents more than one reservation shall further allocate funds for use among those reservations in accordance, to the extent feasible, with the amounts indicated by the Secretary for each reservation.

(e) Within a single reservation, or within those small reservations which are members of a consortium, the eligible applicant shall, to the extent feasible, allocate granted funds among identifiable areas of high unemployment (sec. 204(c)).

##### § 96.42 Eligibility for funds.

(a) An independently eligible applicant shall be an Indian tribe on a Federal or State reservation which includes areas of substantial unemployment.

(b) An eligible applicant shall come under one of the following categories:

(1) *Independently eligible applicant.* An independently eligible applicant shall be an Indian or Alaskan tribe which has:

(i) an identifiable resident population of at least 1,000 individuals or which is entitled to an allocation of at least \$50,000 under CETA Title III section 302 regulations, i.e. Part 97, Subpart B of these regulations; and

(ii) *A governing body.* A governing body is defined as one having substantive powers, consists of duly elected representatives who have authority to provide services and to enter into contracts and grants on behalf of the people who elected them, and who are recognized as having such authority by the appropriate Federal or State agencies (sec. 204(c)). In the case of a reservation with more than one tribe, each tribe which is independently eligible according to the criteria of this paragraph shall be entitled to a separate grant. Such tribes, however, will be encouraged to form a consortium for the administration and operation of a comprehensive manpower program.

(2) *Consortium prime sponsor.* Indian or Alaska entities which do not meet the criteria to be an independent eligible applicant as outlined in paragraph (a)(1) of the section may participate in a consortium as set forth below:

(i) Consortium including an independently eligible applicant. An Indian or Alaskan entity may enter into a consortium with an eligible applicant under paragraph (a)(1) of this section. The consortium thus formed shall be the eligible applicant, and a member of the consortium or an entity formed by the



members must be designated as the administrative arm and be delegated the responsibility for operating the program. Such a consortium may operate in more than one State. The administrative unit must be capable of performing both the functions required of a governing body and those necessary to carry out a public service employment program as prescribed by this subpart.

(ii) Consortium where no member meets the criteria to be an Independent eligible applicant. A consortium may be formed by Indian or Alaskan entities, none of which is eligible to be an independent eligible applicant under paragraph (b)(1) of this section, provided that:

(A) All of the members are in geographic proximity to one another; and  
(B) The combination of entities has a resident population of at least 1,000 persons; or

(C) The combination of entities is entitled to an allocation of at least \$50,000, under CETA Title III section 302 criteria (Part 97, Subpart B of the regulations).

(iii) Consortium involving public or private non-profit agencies. An Indian or Alaskan entity may enter into a consortium with a public or private non-profit agency. The consortium thus formed shall be the eligible applicant and the public or private non-profit agency shall be the administrative arm. This type of consortium may be formed where such entity is not independently eligible to be an eligible applicant, chooses not to be an applicant, or determines that such a consortium will provide for a more effective and efficient program. Whenever an Indian or Alaskan entity joins with a public or private non-profit agency to form a consortium, such agency must be capable of performing both the functions required of a governing body and those necessary to administer a comprehensive manpower program. The minimum combined population requirement of 1,000 persons shall not be applicable to this type of consortium. However, the combined allocations for the members must be of such an amount that, in the opinion of the Secretary, it will be possible and feasible to provide public employment services to those unemployed and underemployed Indians who are in need of such services. Examples of eligible agencies are Intertribal Councils, Title I prime sponsor and Tribal Chairmen's Associations.

(c) Where there are Indian or Alaskan entities which do not meet the eligibility criteria to be an independent eligible applicant, or which do meet the criteria, but decline to operate a program, the Secretary shall designate an eligible applicant deemed appropriate and capable of providing the required services except that the Indian or Alaskan entities shall have the right of approval of such eligible applicant, provided:

(1) The Indian or Alaskan entity meets the definition for Indian tribe, band, group, or Alaskan native village and can prove that it represents at least 1,000 individuals. In addition, the Indian

or Alaskan entity must provide a written explanation of the official procedures utilized to select its spokesman. Such Indian or Alaskan entity shall either have determined it does not wish to sponsor a public service employment program, or have been declared ineligible for independent eligibility because of the lack of a governing body or because of its inability to perform the functions necessary to carry out a public service employment program or

(2) A combination of entities as defined in this Subpart, can prove, by providing the Secretary with a list of its members living within the designated areas, that when combined, such combination represents at least 1,000 individuals. Such combination shall not be an independent eligible applicant either because it chooses not to become one, or lacks the ability to perform the functions required of a governing body, or lacks the ability to perform the functions necessary to administer a public service employment program, as defined by these regulations, or all of the above.

#### § 96.43 Funding of eligible applicants.

(a) In order to be funded, a potentially eligible applicant must request to operate a program under Title II by complying with the provisions of § 97.111 of the regulations for Indian Manpower Programs funded under section 302 of the Act. Applications shall be post-marked no later than March 1, in any given year.

(b) Each potentially eligible applicant will receive a tentative allocation against which it will prepare and submit its grant application.

(c) The grant application will consist of the Employment Plan and Grant Sheet. The Employment Plan shall consist of:

- (i) A full narrative description of the program;
- (ii) A Project Operating Plan;
- (iii) An occupational summary;
- (iv) A program summary; and
- (v) Assurances and certifications.

#### § 96.44 Planning process: advisory councils.

Eligible applicants should utilize the services of their planning councils authorized under § 97.113 of the regulations for Indian Manpower Programs funded under section 302 of the Act.

#### § 96.45 Comment and publication procedures relating to submission of Indian grant applications.

(a) Each eligible Indian applicant which plans to apply for a grant shall, no later than the date of its submission of an application to the Director, Division of Indian Manpower Programs, provide an opportunity to comment on its application to the following officials in accordance with section 206 of the Act:

- (1) The Governor;
- (2) Appropriate officials of units of general local government; and
- (3) Officials of labor organizations representing employees who are engaged in similar work in the same area.

(b) Comments by those individuals and officials listed in paragraph (a) of this section shall be made to the eligible applicant and the Director within 30 days of the receipt of notice of the opportunity to comment.

(c) Eligible Indian applicants shall acknowledge any comments made pursuant to this section by providing the commenting party with appropriate information and notice regarding the actions or revisions the applicant intends to take or adopt, if any, due to the comment. All such comments and responses shall be transmitted to the Director, Division of Indian Manpower Programs.

#### § 96.46 Assistance by the Director, Division of Indian Manpower Programs.

Applicants eligible under this Subpart D may request technical assistance from the Director of Indian Manpower Programs in the preparation, submission and/or implementation of a Title II program. Requests for assistance should be addressed to: Director, Division of Indian Manpower Programs, 601 D Street NW., Washington, D.C. 20213.

#### § 96.47 Participant eligibility.

Unemployed and underemployed Indians are eligible to participate in programs funded with eligible applicants under this Subpart D or in programs funded with all other eligible applicants in whose jurisdictions they reside.

#### § 96.48 Nepotism.

(a) No eligible applicant or subgrantee under this Subpart D shall hire, or permit the hiring of, any person in a position funded under Title II of the Act if a member of the person's immediate family is employed in an administrative capacity by the eligible applicant. For the purposes of this section, the term "immediate family" means wife, husband, son, daughter, mother, father, brother, and sister; the term "administrative capacity" means persons who have selection, hiring, or supervisory responsibilities for participants in a program under this Part 96, or operational responsibility for the program.

(b) If a subgrantee under this Subpart D has a population of less than 1,000 persons and cannot hire program participants without an immediate family member being included, the Director, Division of Indian Manpower Programs may waive the requirement of paragraph (a) of this section if adequate justification is received from such subgrantee that no other persons within the subgrantee's jurisdiction are eligible and available for participation.

(c) Where a tribal policy regarding nepotism exists which is more restrictive than this policy, the eligible applicant shall follow the tribal rule in lieu of this policy.

#### § 96.49 Non-discrimination.

Section 98.21 shall be applicable to Indian programs funded pursuant to Title II of the Act, except to the extent that such provisions conflict with 42 U.S.C. 2000e(b).

**§ 96.50 Subgrants.**

In addition to the requirements as set forth in § 98.27 concerning subgrants, Indian tribes may require that subgrantees agree, to the maximum extent feasible, to hire qualified Indians to provide services called for pursuant to the subgrant in accordance with 42 U.S.C. 2000e-2(d).

**§ 96.51 Travel requirements.**

Travel regulations for grantees under this subpart shall be consistent with the travel regulations that will be provided under Subtitle A, Part 97, Subpart B, Indian Manpower Programs, § 97.161(7) Travel Regulations.

**PART 98—ADMINISTRATIVE PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT**

**Subpart A—Grant Administration**

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**AUTHORITY:** Comprehensive Employment and Training Act of 1973, as amended, (Pub. L. 93-203, 87 Stat. 839; Pub. L. 93-567, 88 Stat. 1845), sec. 702(a), unless otherwise noted.

**Subpart A—Grant Administration****§ 98.1 General.**

(a) This Subpart A describes Federal requirements relating to the administration of grants by grantees (secs. 703(14) and 713). Administrative requirements found in this subpart apply to all programs under the Act unless stated to the contrary for any specific program.

(b) The Secretary will provide each grantee with the specific procedures to be followed to comply with the requirements of this Subpart A (sections 703(14) and 713).

(c) Statutory authority for the regulations contained in this Part 98 may be found in section 702(a) of the Act, as well as other substantive provisions of the Act. Applicable statutory provisions, other than section 702(a), are noted generally in these regulations.

**§ 98.2 Payment.**

(a) Advance payments will be made to all grantees able to satisfy the following criteria established consistent with Treasury Department regulations (31 CFR Part 205), and 34 CFR Part 256 (Attachment J of FMC 74-7): (1) demonstrated willingness and ability to establish procedures for minimizing the time elapsing between the transfer of cash and its disbursement by the grantee; (2) establishment of substantially identical procedures for advances to subgrantees and other secondary recipients; (3) a financial management system able to satisfy the requirements of § 98.5; and (4) performance of all other obligations incident to the receipt of funds under the Act to the satisfaction of the ARDM. Advance payments may be made by means of a letter of credit or a request for advance.

(b) When the grantee is unable or unwilling to satisfy the criteria in (a) of this section, the preferred method for making payments shall be reimbursement of disbursements made using the grantee's own cash.

(c) When the grantee contracts under an Integrated Grant Administration Program (IGA) he may authorize direct advances from the Department of Labor by letter of credit or U.S. Treasury check under that contract.

(d) In the event that a grantee cannot meet the criteria for advance payments described in paragraph (a) of this section and reimbursement as described in paragraph (b) of this section is not feasible, arrangements may be made to provide cash on a working capital advance basis, as described in § 98.4(c).

**§ 98.3 Letter of credit.**

(a) When a grantee is able to satisfy the criteria described in § 98.2(a), grants will be financed by means of a letter of credit when the following conditions are met:

- (1) The grant is for \$250,000 or more;

(2) A continuing relationship exists for at least 12 months;

(3) The grantee can assure that the timing and amount of drawdowns will be as close as possible to disbursement needs;

(4) The grantee's accounting system will meet the recordkeeping and reporting requirements of this subpart.

**§ 98.4 Payment by Treasury check.**

(a) A grantee which does not meet the requirements for the letter of credit must submit a request for advance or reimbursement in order to obtain its cash requirements as provided in Attachment H of FMC 74-7. The ARDM will determine whether such Treasury check payments will be made on an advance, working capital advance, or reimbursement basis. In making such a determination, the ARDM will consider the grantee's ability to satisfy the criteria of § 98.2(a), particularly the accounting and recordkeeping capabilities of its financial management system.

(b) Grantees are authorized to submit the request for advance or reimbursement at least monthly.

(c) Grantees ineligible for advance financing under either the letter of credit or request methods may be provided cash on a working capital advance basis when they lack sufficient working capital to be placed on the reimbursement basis. Under this procedure, a cash advance is made to the grantee to cover its expected disbursements for an initial period generally geared to the grantee's disbursing cycle. The grantee is thereafter reimbursed for its actual cash disbursements reported on the request for advance or reimbursement.

(d) Prime sponsors other than State and local governments which are operating programs under Titles I and II may be required by the ARDM to maintain special bank accounts, as provided in 41 CFR 1-30.413-414. Where special accounts are required, all receipts of grant funds must be deposited in the special account and all grant disbursements must be made from the account. The ARDM may also require the use of special bank accounts by secondary recipients if the prime sponsor is required to maintain a special account unless the secondary recipient is a State or local government unit.

(e) Advance by Treasury check will provide for advance payments through use of predetermined payment schedules or upon the request of the grantee. When the request method is used, payments will be made to a grantee based upon a schedule contained on the Request for Advance or Reimbursement.

**§ 98.5 Financial management systems.**

(a) Each grantee and subgrantee shall maintain a financial management system which will: provide accurate, current, and complete disclosure of the financial results of each program activity by title of the Act, including Title II program activities by each area of substantial unemployment; provide the ability to evaluate the effectiveness of program

activities; and meet the reporting requirements of this subpart.

(b) Each grantee and subgrantee shall maintain its fiscal accounts in a manner sufficient to permit the reports required by the Secretary to be prepared therefrom.

(c) To be acceptable for audit under the Act a report of Federal Cash Transactions and a Quarterly Progress Report shall be:

(1) current as of the cut-off date of the audit;

(2) taken directly from or linked by worksheet to the sponsor's books of original entry; and

(3) traceable to source documentation of the unit transaction. In cases where these financial records do not meet these requirements, the auditor shall submit a letter to the contracting officer within ten days of such a determination delineating the reason for such a determination and recommendations as to the action required to place the records in condition for audit.

#### § 98.6 Audit.

(a) The Secretary of Labor, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the State and local government and their subgrantees and contractors which are pertinent to a specific grant program under the Act for the purpose of making surveys, audits, examinations, excerpts, and transcripts (section 713(2)).

(b) The Secretary shall be responsible for scheduling surveys, audits or examinations of grantees and their subgrantees and contractors. These schedules will be coordinated with the grantee, to the extent practical.

(c) The Secretary shall, with reasonable frequency, survey, audit or examination of grantees and their subgrantees and contractors using city or state auditors; or certified or licensed public accountants. Such surveys, audits, or examinations shall normally be conducted annually but not less than once every two years. The cost of these audits shall be funded by the Department of Labor and shall not be a part of the grantees administrative cost under the grant.

(d) Surveys, audits and examinations will conform to The Standards for Audit of Governmental Organizations, Programs, Activities, and Functions, issued by the Comptroller General of the United States and guides issued by the Secretary. Surveys, audits or examinations contracted by the Secretary will conform, at a minimum to the first element of the Comptroller General's Standards: An audit to determine (1) whether financial operations are properly conducted, (2) whether the financial reports are fairly presented, and (3) whether the available information indicates that the entity has complied with applicable laws, regulations, and administrative requirements. (In addition, selected Federal audits will include reviews of the economy and efficiency and/or program re-

sults of programs under the Act. As a result of such audits a report including appropriate recommendations will be issued to the Manpower Administration). Existing audit systems, where acceptable under the Comptroller General's Standards, such as State audits of city and county activities will be used to the maximum possible extent. (Section 713(1).)

(e) Each grantee shall arrange for an independent audit of each of its contractors and subgrantees at least once every two years. Audits may be conducted by the grantee, by State and local government audit staffs, or by certified public accountants and audit firms under contract to the grantee. All audits performed by the grantee shall be conducted in accordance with the provisions of paragraph (d) of this section and shall not be subject to prior approval by the ARDM. The cost of these audits shall be considered a part of the grantee's administrative cost and funded from its grant.

(f) (1) Upon making a new grant or a significant increase in the funding level of an on-going grant, the Assistant Secretary for Manpower may request the Assistant Secretary for Administration and Management, Department of Labor to conduct a preliminary audit survey to evaluate the adequacy of the grantee's accounting system and internal controls as established by these regulations including but not limited to §§ 95.14, 98.8, 98.18, 98.24, 98.25, 98.26, 98.27, and 98.31.

(2) On the basis of the findings, conclusions and recommendations of the survey, the grantee will be advised in writing what action, if any, is needed to satisfy Department of Labor requirements.

(g) (1) Audit reports shall be written in the format prescribed by the Department of Labor Audit Program. Previous audit reports considered relevant and the full text of any sponsor's comments will be included as an appendix to the report.

(2) Department of Labor audit reports will be distributed by the appropriate Department Assistant Regional Director of Audit.

(3) Grantee's shall respond in writing to the findings, conclusions and recommendations in the audit reports when requested to do so by the ARDM. Unless an extension of time is expressly granted, the response shall be submitted to the responsible Assistant Regional Director for Manpower with a copy to the responsible Assistant Regional Director of Audit within thirty calendar days from the date of Department of Labor notification of the findings and recommendations.

(4) The grantee may take exception to particular findings and recommendations. The rationale for such exceptions should be included in the response. The response should point out corrections already made and state what action is proposed and the estimated completion date of such action.

(5) The ARDM will consider the grantee's response and any additional information provided by the prime sponsor when determining whether specific expenditures should be disallowed. The ap-

propriate ARDM will notify the prime sponsor in writing of determination to disallow expenditures.

#### § 98.7 Reporting requirements in general.

Each grantee will be required to submit three periodic reports which will be used by the Secretary to assess its performance in carrying out the objectives of the Act. These three reports are: (a) The Quarterly Progress Report, (b) The Quarterly Summary of Participant Characteristics Report, and (c) The Report of Federal Cash Transactions (Sections 313(b) and 713). Grantees operating Title II programs will also be required to submit the monthly report. Detailed descriptions of these forms are in the Forms Preparation Handbook.

#### § 98.8 Quarterly Progress Report.

(a) The Quarterly Progress Report will be used to measure accomplishments in achieving objectives stated in the Project Operating Plan. It also constitutes the grantee's statement of costs incurred and contains its certification of the correctness of the costs reported.

(b) A grantee shall include the following items in the report together with a comparison of the same items as they appear in the Project Operating Plan for the period of the report:

(1) The total number of individuals served with granted funds during the grant period;

(2) The total number of individuals (participants) placed on self-sustaining employment at termination from the project and the number entering school, other training or military service;

(3) The level of enrollment associated with the following program activities;

(4) The distribution of total accrued expenditures among cost categories; and

(5) The number of individuals within each significant segment of the population being served by the program.

(c) If performance goals are not being achieved, the ARDM may request additional information from grantees including reasons for the failure to achieve the goals.

(d) The Quarterly Progress Report will also permit grantees to report on objectives and accomplishments other than those established by the Secretary. If a prime sponsor or eligible applicant elects to include these other activities in its report, they will be used by the Secretary in his evaluation of the performance of the prime sponsor or eligible applicant's program.

(e) The Quarterly Progress Report will be prepared to coincide with the ending dates of Federal fiscal year quarters.

This report should be sent by the grantee to be received by the ARDM no later than 30 days after the end of the reporting period. If a grantee's grant period ends at a date other than the Federal fiscal year quarter, a fifth report, covering the entire grant period will be required.

(f) The Quarterly Progress Report will be submitted by the grantee to the Governor of the State.

(g) Accountability must be maintained by the grantee for each of the activities authorized under the Act. Therefore, a separate report will be required for Title I and Title II and the special grant.

(h) The Secretary reserves the right to require the submittal of this report by grantees more frequently than quarterly in cases of major deviation from the Project Operating Plan.

(i) *Monthly report.* Grantees operating a Title II funded program will submit the monthly report on which they will record the cumulative participants served and terminated, the number of participants on board at the end of the month, the number of participants who had previously been employed by the grantee or agent, and the actual versus planned accrued expenditures cumulative for the program year to the end of the month. The monthly report period is the calendar month. This report will be submitted to the appropriate ARDM no later than 10 working days after the end of the report period.

(j) Specific procedures for meeting these reporting requirements will be furnished to each grantee in the Forms Preparation Handbook.

#### § 98.9 Quarterly Summary of Participant Characteristics.

(a) The Summary of Participant Characteristics Report contains aggregate characteristics data on all participants in the program. The Summary is to be submitted to the ARDM with the Quarterly Progress Report.

(b) The Summary will include characteristics data aggregated for all participants, as set forth in the report form and will include all participants terminating or placed during the reporting period.

(c) The Summary will also aggregate wages before enrollment in the program and after placement and show the median wage for these two categories.

(d) A separate report will be required for Title I and Title II.

(e) Specific reporting procedures and appropriate definitions will be furnished to each grantee in the Forms Preparation Handbook.

#### § 98.10 Report of Federal cash transactions.

(a) Each grantee shall submit periodically a report of Federal cash transactions. The report will be used to monitor cash advances and to obtain disbursement information. This report will be submitted monthly by each grantee receiving annual grants totalling \$1 million or more, and quarterly by other grantees (sec. 713(3)).

(b) Specific reporting procedures will be furnished to each grantee in the Forms Preparation Handbook.

#### § 98.11 Reallocation of funds.

(a) *General.* The Secretary may reallocate funds from a grantee under the circumstances and in accordance with the procedures described in this section (secs. 103(i) and 702(b)).

(b) *Reallocation based on nonperformance.* (1) Pursuant to section 103(i)

of the Act, when the Secretary considers through review of the grantee's reports, monitoring or auditing of the program that its performance may be inadequate or that it may have failed to comply with the Act or regulations, he shall give due notice and opportunity for a public hearing as provided in § 98.47.

(2) If the Secretary then decides to reallocate funds based on a ground set forth in paragraph (b) (1) of this section, he shall:

(i) revoke the grantee's plan for the area, in whole or in part;

(ii) make no further payments under this Act to the grantee, to the extent which he deems necessary; and

(iii) notify the grantee of the amount of funds which shall be returned from unexpended funds paid to the grantee during that fiscal year.

(3) The Secretary shall make provision for the reallocation of funds to be used by the State or other alternative prime sponsor to service the area which was served by the prime sponsor before the reallocation, or the Secretary may serve such an area directly. (See § 95.20).

(c) *Reallocation based on need.* (1) In a limited number of circumstances, the Secretary may determine that the unobligated portion of a grantee's grant should be reallocated to another area because the funds are not needed where they were originally allocated. Such reallocations may be made only after the ninth month of the fiscal year for which the grant was made.

(2) Before reallocating funds as set forth in paragraph (c) (1) of this section, the Secretary must determine that:

(i) the grantee's plan will be carried out without expending all the funds previously made available for that plan; and

(ii) the excess funds identified under paragraph (c) (2) (i) of this section cannot reasonably be expected to be needed in the following grant period.

(d) *Reallocation.* When the Secretary determines that funds should be reallocated based on the criteria in paragraph (c) of this section, he will take the following actions:

(1) *Notice of intent to reallocate funds.* When the Secretary determines that a reallocation is appropriate, he will notify the grantee and the appropriate Governor of the proposed action to remove funds from the grant. The notice shall include the basis for the proposed reallocation.

(2) *Comments by prime sponsor or eligible applicant and the Governor.* The grantee and the Governor will be invited to submit comments on a proposed reallocation of funds out of their area. These comments shall be submitted to the appropriate ARDM within 30 days of receipt of the notice. The Secretary shall consider these comments before making a final determination to reallocate.

(3) *Notification of final determination.* After reviewing any comments submitted by the grantee or Governor, the Secretary will notify them of his decision. A final decision to reallocate funds of a grantee will be published in the FEDERAL

REGISTER and a modification will be made to the grant.

(4) *Reallocation procedures.* In reallocating such funds to supplement other grantee grants, the Secretary shall first consider the need for additional funds by other grantees within the same State. A decision to increase a grantee's grant with reallocated funds will not be made without prior consultation with the grantee as to how the funds will be expended, and prior notification to the Governor. Such a decision will be published in the FEDERAL REGISTER with an announcement of the grantee(s) receiving additional allocations and the amounts.

#### § 98.12 Allowable Federal costs.

(a) *General.* Except as modified in these regulations, Federal funds granted under the Act may be expended only for purposes permitted under the provisions of part 1-15 of Title 41 of the Code of Federal Regulations, 41 CFR 1-15.2 which applies to commercial and non-profit organizations; 41 CFR 1-15.3 which applies to educational institutions; and 41 CFR 1-15.7 which applies to State and local governments. Allowable cost includes both direct and indirect costs. Costs are intended to be directed to increase the employability of participants.

(i) *Direct and indirect costs.* Direct and indirect costs. Included in administrative costs are both direct and indirect costs. Direct costs are those which can be specifically identified as relating to the project. Indirect costs are those computed by application of an indirect cost rate. In determining the reasonableness of indirect costs, reliance will be placed on procedures established pursuant to 41 CFR Part 1-15, including reliance on determinations 41 CFR Part 1-15.

(ii) *Policies and procedures.* Cost allocation plans and indirect cost proposals shall be developed and approved in accordance with applicable cost principles and procedures set forth in 41 CFR 1-3.7 and 41 CFR 1-15. For FY 1976, the Department shall must approve in advance all prime sponsors' indirect cost allocations used to determine charges to grants under the Act. Where the Department has the responsibility for establishing the indirect cost rate, the reasonableness of indirect costs claimed by State and local governments will be determined in accordance with procedures established pursuant to 41 CFR 1-15.7 (FMC 74-4), including reliance on determination made by other Federal agencies.

(b) *Restriction on use of funds.* (1) Federal funds used for public service employment programs under Title I and for any program under Title II of the Act shall not be used for the acquisition of or for the rental or leasing of administrative supplies, equipment, materials, or real property, whether these expenses are budgeted as a direct or indirect cost, provided however that training materials, work tools, uniforms, or other equipment ordinarily provided by the employer to his regular employees, and which are for the benefit and ownership

of the participants may be considered fringe benefit costs for public service employment participants. If such supplies are not ordinarily furnished to regular employees, the prime sponsor may not use grant funds designated for wages and fringe benefits to finance them (sec. 208(a)(7)).

(2) No funds granted under the Act may be used, directly, or indirectly, as a contribution for the purpose of obtaining Federal funds under any other law of the United States which requires a contribution from the grantee in order to receive such funds, except if authorized under that law. However, the use of funds granted under the Act as a matching contribution in order to obtain additional funds under the Act is not prohibited.

(c) *Expenditures for repairs, maintenance and capital improvements and construction.* (1) Title I funds may not be expended for new construction (including additions to existing facilities) but may be expended for building repairs, maintenance, and capital improvements to existing facilities. These costs must be related to a facility or building which is used primarily for programs under the Act (sec. 702(b)).

(2) No funds for new construction (including additions to existing facilities) are allowable except as part of a training program in a construction occupation or for the payment of wages for public service employment participants. Training costs may include such items as, instructors salaries, training tools and books, and allowances or wages to participants (if appropriate) but may not include materials used in construction or land acquisitions. Construction costs for training programs shall be allowable only when such construction would not normally be performed by an outside contractor.

(d) *Allowable cost categories.* Allowable costs shall be reported against the following cost categories: Administration; wages; training; fringe benefits; allowances; and services (sec. 101). (1) Costs are allocable to a particular cost category to the extent of benefits received by such category.

(2) All grantees are required to plan, control, and report expenditures against the aforementioned costs categories.

(e) *Classification of costs by category.* The following principles shall be followed in classifying costs by cost category: (1) Participants' wages shall be charged to wages;

(2) Participants' fringe benefits shall be charged to fringe benefits; (Insurance with comparable coverage to workmen's compensation for participants enrolled in classroom training and services to clients is considered to be administrative cost).

(3) Allowances paid to program participants shall be charged to allowances.

(4) Training costs consisting of goods and services which directly and immediately affect program participants shall be charged to training. Goods and services which have direct and immediate impact on participants are limited to

those actually involved in the participant training process itself as opposed to those which are supportive of that process. For examples of training-related costs which may and may not be charged to training see paragraph (f) (4) of this section, Training.

(5) Supportive and manpower services costs which consist of goods and services which directly and immediately affect program participants shall be charged to Services. Goods and services considered to have direct and immediate impact on participants are limited to those actually involved in the process of providing participants with supportive and manpower services as opposed to those which are ancillary to that process. For examples of services-related costs which may and may not be charged to Services see paragraph (f) (5) of this section, Services.

(6) Allowable costs which do not fall into any of the above classifications will be charged to administration.

(7) When contractors bill the grantee with a single unit charge containing costs which are chargeable to more than one cost category the grantee will endeavor to obtain the detail necessary to charge these costs to the proper cost categories. If this cannot be done, an estimate of the breakdown of the single charge among cost categories will be obtained. Any profit (or loss) should be prorated among all the affected cost categories.

(8) Classification of equipment costs present special problems since many items of equipment can be used for various purposes. In the case of multiuse equipment there must be a proration of cost or, if there is a predominant usage relating to one cost category, a charge shall be made to that category.

(9) Any single cost such as staff salaries and/or fringe benefits which is properly chargeable to more than one cost category shall be prorated among the affected categories.

(f) Following are examples of costs properly chargeable to each of the cost categories.

(1) *Wages.* All wages paid to participants receiving on-the-job training in public or private nonprofit organizations, and all wages paid to participants in transitional subsidized employment and in work experience will be allowed. Wages paid to participants while receiving on-the-job training from a private employer organized for profit cannot be supported by funds under the Act (sec. 101(5)).

(2) *Fringe benefits.* Allowable fringe benefit costs for participants include, but are not limited to the following: annual, sick, court and military leave pursuant to an approved leave system; employer's contribution for social security, employees' life and health insurance plans; unemployment insurance, workmen's compensation insurance; retirement benefits provided such benefits are granted under an approved plan; and such training materials, work tools, uniforms, or other equipment which may be charged to the fringe benefits

category under Public Service Employment programs, in accordance with § 98.12(b) (1).

(3) *Allowances.* All allowances paid to program participants pursuant to § 95.34 of these regulations shall be charged to this cost category.

(4) *Training.* Training costs include, but are not limited to the following: Salaries and fringe benefits of personnel engaged in providing training; books and other teaching aids; equipment and materials used in providing training to participants; and that part of entrance and tuition fees which represent instructional costs having a direct and immediate impact on participants. The following are examples of costs not properly chargeable to Training: General and administrative costs of the training facility; supervision, clerical support, and training (skill maintenance and upgrading) of instructors; staff travel; rents, utilities, and other facilities costs; supplies and equipment not used directly in the course of participant training; transportation of participants to training sites; and costs of processing allowance payments. The compensation of individuals who both instruct and supervise other instructors must be prorated among the Training and Administration cost categories on the basis of time records or other equitable means. Similarly, tuition fees and the costs of supplies used in the course of both participant instruction and other activities should be prorated among the benefitting uses.

(5) *Services.* (i) Services include, but are not limited to supportive and manpower services, as set forth in § 95.33 (d) (5).

(ii) Supportive services include child care, health care and medical and dental services, residential support, assistance in securing bonding, and family planning.

(iii) Manpower services include outreach, intake and assessment, orientation, counseling, job development, and job placement.

(iv) Allowable services costs include, but are not limited to salaries and fringe benefits of personnel engaged in providing services to participants; and that part of single unit charges for child care, health care, and other services which represent only the costs of services directly beneficial to participants. Transportation of participants is properly chargeable to Services only where it cannot reasonably be considered to be merely incidental to providing employment, training, and services which themselves directly benefit participants. For example, if rural participants have to be transported over long distances in order to reach work or training sites, particularly where no public transportation service is available, the cost of chartering or purchasing a bus may be charged to Services.

(v) The following are examples of cost not properly chargeable to Services: General and administrative costs of the services provided; supervision, clerical support, staff training, staff travel, rent

and other facilities costs, and costs of supplies, materials, and equipment not used directly in providing services to participants.

(6) *Administrative costs.* Administrative costs shall be limited to those necessary to effectively operate the program. They should not exceed 20 percent of the total planned costs for all program activities other than public service employment unless the Program Narrative Description under § 95.14(b)(2)(i) sets forth an explanation of how such additional costs have been determined and a detailed documentation to support that amount. The restriction on the use of funds for administration in public service employment programs is set forth in § 96.36 (sec. 108(d)(2)).

(ii) Supportive costs are comprised of general and administrative costs, overhead, and similar costs groupings representing the general management and support functions of an organization as well as secondary management and support functions at the bureau or division level. Included are salaries and fringe benefits of personnel engaged in executive, fiscal, personnel, legal, audit, procurement, data processing, communications, transportation, maintenance, and similar functions, related materials, supplies, equipment, and office space costs, and staff training and morale.

(iii) Direct program costs which are not an integral part of training and services provided participants are comprised of goods and services which neither contribute to the management and support functions of an organization nor directly and immediately affect participants. Included are direct program salaries and fringe benefits of supervisory and clerical personnel, program analysts, labor market analysts, and project directors. In addition, all costs of materials, supplies and equipment which are not solely identifiable with the provision of training and services to participants are included here as are all costs of space and staff travel identifiable with direct program effort. Some examples of administrative costs included here are the salary of a clerical assistant to an instructor, that part of an instructor's salary representing the time he spends supervising other instructors, desk-top supplies used in participant training and in general office administration, a job developer's travel costs, rent, depreciation, or maintenance of classroom training facility, consultants services under contract not involving direct training or services to participants, cost incurred in the establishment and maintenance of State Manpower Services Councils or Prime Sponsor Planning Councils or in publishing a Comprehensive Manpower Plan, and costs of providing technical assistance to contractor and subgrantee staff.

(iv) Services normally chargeable to Administration when performed by staff personnel shall be charged to Wages or Fringe Benefits, as appropriate, when performed by program participants. When this is done, costs shall be charged to the subsidized employment program

activities, either transitional or for work experience.

#### § 98.13 Allocation of allowable costs among program activities.

The program activities against which program costs shall be planned, controlled and reported upon are: classroom training; on-the-job training; public service employment; work experience; services to participants and other activities. The cost categories under each of these activities are defined in § 98.12(d). The extent to which these cost categories are chargeable to specific program activities is set forth below (sec. 101).

(a) *Classroom training.* Cost categories chargeable are: administration, training, allowances, and services.

(b) *On-the-job training.* Cost categories chargeable are: administration; training; services; and wages and fringe benefits (attributable to public or private nonprofit employers only).

(c) *Public service employment.* Cost categories chargeable are: administration, wages, fringe benefits, services and training.

(d) *Work experience.* Cost categories chargeable are: administration, training, services, wages and fringe benefits.

(e) *Services to participants.* Cost categories chargeable are: (1) *Allowances.* This includes all allowances paid for short periods of time to participants who are registered for training, but are waiting for startup of a component.

(2) *Services.* This includes all manpower and supportive services including post-placement services which are not part of another program activity and which are provided to participants by a prime sponsor, eligible applicant, contractor or subgrantee.

(3) *Administration.* This includes all allowable administrative costs directly associated with this activity and a pro rata share of each prime sponsor or eligible applicant's administrative costs under the Act not directly associated with any program activity.

(f) *Other activities.* Cost categories chargeable are: administration, training, allowances, and services.

#### § 98.14 Basic personnel standards for grantees.

(a) Each prime sponsor and eligible applicant shall assure that it will maintain personnel policies and practices for its employees in accord with State and local laws and regulations that adequately reflect the merit principles declared in the Intergovernmental Personnel Act of 1970 (Pub. L. 91-648). Prime sponsors may meet this requirement by certifying compliance with uniform Federal Standards for a Merit System of Personnel Administration (45 CFR Part 70) including any amendments thereto (sec. 704(14)).

(b) Except as provided in paragraph (c) of this section, any prime sponsor or eligible applicant's personnel system that has not been certified previously as meeting these standards for other Federal grant programs shall certify that if will

take necessary action to provide for merit based personnel system coverage within a reasonable period.

(c) Any nongovernmental prime sponsor, or administrative unit for a consortium which is not a unit of government, is not subject to the requirements of paragraphs (a) and (b) of this section. A consortium administered by one of the member governments or a unit thereof or a unit of government not a member shall be subject to paragraphs (a) and (b) of this section.

(d) Units exempt under paragraph (c) of this section shall ensure equal employment opportunity based on objective standards of recruitment, selection, promotion, classification, compensation, performance evaluation, and employee management relations.

(e) Prime sponsors and eligible applicants are encouraged to include on their staffs individuals who are representative of the population to be served by the program.

#### § 98.15 Adjustments in payments.

(a) If any funds are expended by a grantee, subgrantee, or employing agency in violation of the Act, the regulations or grant conditions, the Secretary may make necessary adjustments in payments on account of such expenditures. He may draw back unexpended funds which have been made available in order to assure that they will be used in accordance with the purposes of the Act, or to prevent further unauthorized expenditures, and he may withhold funds otherwise payable under the Act in order to recover any amount expended for unauthorized purposes in the current or immediately preceding fiscal year (sec. 108(b)(2) and 702(b)).

(b) No action taken by the Secretary of Labor under paragraph (a) of this section shall entitle the grantee to reduce program activities or allowances for any participant or to expend less during the effective period of the contract or grant than those sums called for in the comprehensive manpower plan. Any such reduction in expenditures may be deemed sufficient cause for termination (sec. 108(b)(2) and 108(d)).

#### § 98.16 Termination of grant.

(a) If a grantee violates or permits a subgrantee or an employing agency to violate the regulations, or grant terms or conditions which the Secretary has issued or shall subsequently issue during the period of the grant, the Secretary may terminate the grant in whole or in part unless the grantee causes such violation to be corrected within a period of 30 days after receipt of notice specifying the violation or the determination of the Secretary, pursuant to a hearing under Part 98, if a hearing has been held.

(b) In emergency situations where it is necessary to protect the integrity of any program established under the Act, the Secretary may without regard to the hearing process under this Part 98 suspend payment and withdraw unexpended funds as he deems appropriate under the

grant and made alternate temporary arrangements to carry out the grant program. In such situations, the Secretary shall notify the grantee of his action and set a date for a prompt hearing on the matter.

(c) Termination shall be affected by a notice of termination which shall specify the extent of termination and the date upon which such termination becomes effective. Upon receipt of notice of termination, the grantee shall: (1) discontinue further commitments of grant funds to the extent that they relate to the terminated portion of the grant; (2) promptly cancel all subgrants, agreements, and contracts utilizing funds under this grant to the extent that they relate to the terminated portion of the grant; (3) settle, with the approval of the Secretary, all outstanding claims arising from such termination; (4) submit, within a reasonable period of time after the receipt of the notice of termination, a termination settlement proposal which shall include a final statement of all unreimbursed costs related to the terminated portion of the grant, but in case of terminations under paragraph (a) of this section will not include the cost of preparing a settlement proposal (secs. 108(b)(2), 110(b), and 702(b)).

#### § 98.17 Grant closeout procedures.

(a) The closeout of a grant is the process by which a Federal grantor agency determines that all applicable administrative actions and all required work of the grant have been completed by the grantee and the grantor. The following procedures will be complied with during this process of determination.

(b) The ARDM shall notify each grantee that its grant will expire on a specified date. If the grant is funded by letter of credit the ARDM shall notify the grantee that the letter of credit is being cancelled/adjusted and that reimbursement for the balance of allocable or allowable costs under the grant will be made by Treasury checks upon submission and approval of invoices.

(c) The ARDM shall notify each grantee steps to be taken in the closeout process which includes the following: (1) An immediate refund to the ARDM of any unencumbered balance of cash drawn down from the letter of credit or advanced by Treasury checks. Items to be included in the refund checks are detailed in the Forms Preparation Handbook.

(2) The following financial and inventory reports, as described in the Forms Preparation Handbook will be submitted to the ARDM:

(i) A final report of Federal Cash Transactions;

(ii) Grantee's Assignment of Refunds, Rebates and Credits;

(iii) Bank Statement-Special Bank/Financial Account;

(iv) Cancellation/Adjustment Fidelity Bond;

(v) List of possible claimants for unclaimed checks cancelled or payment stopped;

(vi) Grant Closeout Tax Certification;

(vii) Government Property Inventory;

(viii) Inventory Certificate.

(3) The Grantee's Release form, as described in the Forms Preparation Handbook, will be submitted to the ARDM.

(4) A final Quarterly Progress Report as described in the Forms Preparation Handbook will be prepared and sent to the ARDM for each grant and Title under which programs were conducted under the Act.

(5) A final Summary of Participant Characteristics Report, as described in the Forms Preparation Handbook, shall be prepared and sent to the ARDM.

(d) Upon closeout, the ARDM will insure that: (1) Prompt payment is made to the prime sponsor or eligible applicant for reimbursement of costs under the grant being closed out.

(2) After the final reports are received, a settlement is made for any upward or downward adjustments which are made to the Federal share of the costs.

(3) Final program and fiscal audits are performed as soon as possible after the completion of termination date of the grant.

(e) Procedures for closeout of grants contained in the Forms Preparation Handbook will contain instructions concerning subgrants or contracts which extend beyond the specified termination date of the grant under § 98.27.

§ 98.18 Maintenance and retention of records.

(a) Grantees are required to maintain records on each program participant. The following types of information shall be recorded:

(1) Personal identifying information.

(2) Residence.

(3) Work history of the participant.

(4) Program activities in which the individual participated.

(5) Supportive services received by the participant.

(6) Status of participant at termination from program.

Specific items, instructions, and definitions are contained in the Forms Preparation Handbook.

(b) Pursuant to the provisions set forth in Attachment C of FMC 74-7 the following shall apply with regard to the retention of records pertaining to any grant program under this Act (secs. 703 (12) and 713).

(1) Financial records, supporting documents, statistical records and all other pertinent records shall be retained for a period of 3 years. No Federal requirements for records retention which exceed those established by State or local governments shall be otherwise imposed, with the following qualifications:

(i) Records shall be retained beyond the 3-year period if audit findings have not been resolved.

(ii) Records for nonexpendable property acquired with Federal grant funds shall be retained for 3 years after its disposition.

(iii) When grant program records are transferred to or maintained by the Sec-

retary, the 3-year retention requirement will not be applicable to the grantee which had administered that grant program.

(2) The retention period shall start from the date of submission of the annual or final expenditure report, whichever applies to the particular grant.

(3) The substitution of microfilm copies in lieu of original records may be authorized by the ARDM upon request of the grantee.

(4) The Secretary will request State and local prime sponsors to transfer grant records to the Department's custody when it is determined that such records have long-term retention value. However, suitable arrangements to avoid duplicate recordkeeping shall be made where the Department and any grantee needs such records for joint use.

(5) (a) The grantee agrees to maintain the confidentiality of any information regarding applicants, project participants or their immediate families that identifies or may be used to identify them, and which may be obtained through application forms, interviews, tests, reports from public agencies or counselors, or any other source. Without the permission of the applicant or participant, such information shall be divulged only as necessary for purposes related to the performance or evaluation of the grant, under the Act to persons having responsibilities under the grant, including those furnishing services to the project under subgrant or contract, and to governmental authorities to the extent necessary for the proper administration of law.

(b) A grantee may make information available to the public related to participants in a public service employment program to the same degree it makes information available about its own employees in the governmental unit.

#### § 98.19 Program income.

(a) The State and any agency or instrumentality of a State which is a grantee shall not be held accountable for interest earned on grant-in-aid funds pending their disbursement for program purposes under the Act (FMC 74-7).

(b) Units of local government shall be required to return to the Federal Government interest earned on advances of grant-in-aid funds in accordance with a decision of the Comptroller General of the United States (42 Comp. Gen. 289).

(c) Proceeds from the sale of real and personal property, either provided by the Federal Government or purchased in whole or in part with Federal funds, shall be handled in accordance with the MA Property Handbook which implement Attachment N of FMC 74-7.

(d) Royalties received from copyrights and patents during the grant period shall be retained by the grantee and be added to the funds already committed to the program. After termination or completion of the grant, the Federal share of royalties in excess of \$200 received annually shall be returned to the Federal grantor agency (FMC 74-7).

(e) All other program income earned during the grant period shall be retained by the grantee and, in accordance with the grant agreement, shall be added to funds committed to the project and be used to further program objectives (FMC 74-7).

(f) The prime sponsor shall record the receipt and expenditure of revenues (such as taxes, special assessments, levies, fines, etc.) as a part of grant project transactions.

#### § 98.20 Procurement standards.

The standards to be used for the procurement of supplies, equipment, and other materials and services with Federal grant funds are those described in Attachment O of FMC 74-7 with the following exceptions. On-the-job-training contracts are not subject to the sole source approval requirement under paragraph 6(b) and all subgrantees are exempt from the requirements of Attachment O. When on-the-job-training contracts are made under this exception a record of the name of the contractor, the amount and the services to be provided must be made available to the ARDM upon request. These standards are furnished to assure that such materials and services are obtained in compliance with the provisions of applicable Federal laws and Executive Orders.

#### § 98.21 Nondiscrimination and equal employment opportunities.

(a) *Nondiscrimination generally.* Every grant made pursuant to this part shall contain an assurance concerning the provision of equal employment opportunity under the grant.

(b) (1) No person shall on the ground of race, creed, color, handicap (as defined in paragraph (h) of this section), national origin, sex, age, as provided in paragraph (b) (2) of this section, political affiliation, or beliefs be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under the Act (sections 703(1), 712, and Vocational Rehabilitation Act, section 504).

(2) The prohibition against age discrimination shall not be interpreted to prohibit establishment of training and employment programs under the Act designed to serve the legitimate needs of specific age groups. The prohibition against age discrimination shall not be interpreted to prohibit establishment of bona fide qualifications for participation in any program under the Act.

(c) When the Secretary determines that a grantee has failed to comply with the requirements of paragraph (a) of this section, he shall notify the grantee of the noncompliance and request the grantee to secure compliance. If within a reasonable time, not to exceed 60 days, the grantee fails or refuses to secure compliance, the Secretary may subject to the hearing requirements of this Part 98 terminate financial assistance under the Act and:

(1) May refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

(2) May exercise the powers and functions provided by Title VI of the Civil Rights Act of 1964 (42, USC 2000 (d)); and

(3) May take other actions as may be provided by law.

(d) When a matter under this section is referred to the Attorney General, or when the Secretary of Labor believes that a pattern or practice of discrimination exists, the Attorney General may bring a civil action in any appropriate United States District Court, including injunctive relief.

(e) The Secretary shall enforce the provisions of paragraph (a) of this section with regard to discrimination on the basis of sex in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce these provisions.

(f) This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under the Act.

(g) The grantee shall be responsible for assuring that no discrimination prohibited by this section occurs in any program for which it has responsibility, and shall establish an effective mechanism for this purpose. The grantee may, as one possible means of establishing this mechanism, assign the responsibility for administering the Equal Employment Opportunity (EEO) program to one individual and require subgrantees and contractors to prepare affirmative action plans. In such cases, the grantee may include in its comprehensive manpower plan a description of its EEO program and the related affirmative action plans of its subgrantees and contractors, including the procedures established for monitoring these activities.

(h) The term "handicapped individual" means any individual who (1) has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment, and (2) can reasonably be expected to benefit in terms of employability from an activity under the Act.

#### § 98.22 Nepotism.

The provisions of this section are applicable as stated, except that the requirements found in § 96.44 shall not be superceded.

(1) *Restriction.* No grantee, subgrantee or employing agency may hire a person in an administrative capacity or public service employment position funded under the Act if a member of his or her immediate family is employed in an administrative capacity for the same grantee, subgrantee or employing agency. *Provided, however,* That nothing in this paragraph shall be construed to prohibit an otherwise eligible individual from par-

ticipating in any program under the Act. Where a State or local statute regarding nepotism exists which is more restrictive than this policy the eligible applicant should follow the State or local statute in lieu of this policy. In regard to contracts; no person may be hired into an administrative position funded under the act if a member of his or her immediate family is employed in an administrative capacity for the same contractor.

(b) *Definitions.* (1) For purposes of this section, the term "member of the immediate family" includes: wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, and stepchild.

(2) The term "administrative capacity" includes: those persons who have overall administrative responsibility for a program, including persons who have selection, hiring, placement or supervisory responsibilities for public service employment participants.

#### § 98.23 Special limitations on participant activities.

(a) (1) *Political activities.* (i) No program under this part may involve political activities. (ii) Neither the program nor the funds provided thereof, nor the personnel employed in the administration of the program, shall be in any way or to any extent be engaged in the conduct of political activities in contravention of Chapter 15 of Title 5, United States Code (sec. 208(g) and 710).

(2) Participants employed by State and local government in the administration of the program and participants whose principal employment is in connection with an activity financed by other Federal grants or loans are covered by the Hatch Act (sec. 208(g) and 710).

(b) *Political patronage.* No program will be funded if the eligible applicant discriminates with respect to political affiliation. Specifically, no eligible applicant, subgrantee or employing agency may select, reject, or promote a participant based on that individual's political affiliation or beliefs. The selection or advancement of employees as a reward for political services or as a form of political patronage, whether or not the political service or patronage is partisan in nature, is discrimination based on political belief or affiliation, and is prohibited (sec. 208(f)).

(c) *Sectarian activities.* No participant in any program under this part may be employed in the construction, operation, or maintenance of such part of any facility as is used or will be used for sectarian instruction or as a place of religious worship (sec. 208(h)).

#### § 98.24 General benefits and working conditions for program participants.

(a) Each participant in an on-the-job training, work experience or public service employment program under the Act shall be assured of appropriate work-



men's compensation, health insurance, unemployment insurance and other benefits at the same levels and to the same extent as other employees in the employment situation, and to working conditions and promotional opportunities neither more nor less favorable than such other employees similarly employed (secs. 208(a)(4), 703(5) and 703(6)). Each participant in a classroom training program and participants enrolled in services to clients and other activities shall be assured appropriate insurance coverage comparable to the coverage provided by workmen's compensation. The cost of this insurance shall be charged to administration as provided in § 98.12(e)(2).

(b) Every participant must be advised prior to entering upon employment of the name of his employer, and of his rights and benefits in connection with his employment (sec. 208(a)(8)).

(c) No participant will be required or permitted to work, be trained, or receive services in buildings or surroundings or under working conditions which are unsanitary, hazardous or dangerous to his health or safety. In the case of participants employed or trained for jobs inherently dangerous, e.g., fire or police jobs, participants will be assigned to work in accordance with reasonable safety practices. The provisions of section 2(a)(3) of Public Law 89-286 (relating to health and safety conditions) shall apply to such programs or activity (secs. 208(a)(5) and 703(5)).

#### § 98.25 Retirement benefits for participants.

(a) While the mass payment of retirement benefits is not encouraged, the Act does not prohibit payment into the retirement fund on behalf of participants in on-the-job training in public or private non-profit and public service employment where such payments are warranted, as specified in paragraph (c) of this section.

(b) Expenditures may be made from program funds for payments under the Social Security Act.

(c) Expenditures for retirement fund payments for participants may be made under any of the following conditions:

(1) Payments are for retirement benefits that are part of a consolidated package, including such benefits as health insurance and workmen's compensation, if separation of the benefits is not allowed;

(2) Payments are for participants who are immediately hired into positions normally covered by the employing agency's retirement system.

(3) Payments are for participants whom the employing agency or another employer intends to hire into permanent jobs at some future date, provided that:

(i) Payments on behalf of such participants are made into and retained in a reserve account, and not paid into the retirement fund until the participant has acquired regular employee status; and

(ii) If regular employment occurs with other than the employing agency, retirement fund payments may be allowed only if the participant is employed within the

State, and the retirement benefits are portable; or

(4) Payments are for retirement benefits required by Federal, State, or local law, or for retirement plans set up by State or local law which will not permit the exclusion of participants from coverage.

#### § 98.26 Procedures for resolving issues between grantees and complainants.

(a) Each prime sponsor or eligible applicant shall establish a procedure for resolving any issue arising between it and a participant under any Title of the Act. Such procedures shall include an opportunity for an informal hearing, and a prompt determination of any issue which has not been resolved. When the prime sponsor or eligible applicant proposes to take an adverse action against a participant, such procedures shall also include a notice setting forth the grounds for any adverse action proposed to be taken by the prime sponsor or eligible applicant and giving the participant an opportunity to respond.

(b) Each prime sponsor or eligible applicant should establish informal review procedures such as informal hearings or some other process, to deal with issues arising between it and any other aggrieved party.

(c) Final determinations made as a result of the review process shall be provided to the complainant in writing. Such notice shall include the procedures by which the complainant may appeal the final determination, set forth in Subpart C of Part 98.

No individual subject to the issue resolution requirements of this section may initiate the hearing procedures of Part 98 until all remedies under this section have been exhausted.

#### § 98.27 Grantee contracts and subgrants.

(a) Contracts may be entered into between the grantee and any party, public or private, for purposes set forth in an approved Comprehensive Manpower Plan except as indicated in paragraph (c) of this section. The procurement of these contracts shall be in conformance with the standards in § 98.20.

(b) Subgrants may be entered into only between the grantee and units of State and local general government, public agencies and nonprofit organizations.

(c) Contracts or subgrants which propose to expend Federal funds for a public service employment program may be entered into only with other public agencies or with private nonprofit agencies, except for the provision of administrative services (e.g., auditing, payroll, staff training) which may be entered into with private profit-making organizations. These services shall not include direct public service employment program services such as the employment of participants.

(d) Grantee responsibility for development, approval and operation of contracts and subgrants. The grantee is responsible for development, approval and operation of all contracts and subgrants and shall require that its con-

tractors and subgrantees adhere to the requirements of the Act, regulations promulgated under the Act, and other applicable law. It shall require contractors and subgrantees to maintain effective control and accountability over all funds, property and other assets covered by the contract or subgrant (sec. 105(a)(1)(B) and 208(d)).

(e) Cancellation. If a contractor or subgrantee does not comply with any requirement of the Act, the regulations promulgated under the Act, and other applicable law the grantee shall cancel the contract or subgrant. The grantee may cancel for noncompliance with additional conditions established by the grantee for the contract or subgrant.

(f) Continuity of service when contract or subgrant is cancelled. If a contract or subgrant is cancelled, the grantee shall develop procedures for assuring continuity of service to participants and provide adequate notice to affected staff of the change (secs. 105(a)(1)(B) and 208(d)).

(g) Contracts and subgrants extending beyond the term of the grant. The nature of certain training programs may make it necessary for contracts or subgrants to be entered into by the grantee which will extend beyond the term of the grant under the Act. The grantee is authorized to enter into contracts or subgrants which extend past the termination date of the grant but such extension shall not exceed one year and shall be subject to the provisions of § 98.15 and § 98.16. In such cases, the grantee shall continue to be responsible for the administration of such contracts and subgrants.

#### § 98.28 Non-Federal status of participants.

Participants in a program under Title I shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.

#### Subpart B—Assessment and Evaluation

##### § 98.30 General.

This Subpart B sets forth the assessment and evaluation responsibilities of the grantees (§ 98.31) and the Secretary of Labor (§ 98.32). The grantee shall, as part of its general responsibility to carry out the purposes and provisions of the Act, establish adequate program management for the purposes of examining, in a systematic fashion, the performance of its program in meeting the goals and objectives contained in the plan and measuring the effectiveness and impact of its program in resolving manpower problems identified in that plan (sections 105(a)(1)(B) and 703(14)).

The Secretary shall assess grantees to determine whether they are carrying out the purposes and provisions of the Act in accordance with their approved plans. The Secretary shall also evaluate the overall programs and activities conducted under the Act to aid in the overall

administration of the Act (sections 311 (c) (d) and 313 (b)).

**§ 98.31 Responsibilities of the prime sponsor or eligible applicant.**

(a) As prescribed under Subpart A of this Part 98, the grantee shall submit periodic reports on the performance of its program in relation to its plan as required by the Secretary (sections 313 (b) and 703(12)). The grantee shall implement and maintain the necessary recordkeeping required to complete these periodic reports. While such recordkeeping will support reports to the Secretary, it is principally for the use of the grantee to provide basic internal management information.

(b) The grantee is required to establish internal program management procedures (section 703(14)). Such procedures shall be used by the grantee in the monitoring of day-to-day operations, to periodically review the performance of the program in relation to program goals and objectives, and to measure the effectiveness and impact of program results in terms of participants, program activities, and the community. The objective of such procedures shall be the improvement of overall program management and effectiveness.

(c) The grantee shall monitor all activities for which it has been provided funds under the Act to determine whether the assurances and certifications made in its plans and the purposes and provisions of the Act are being met, and to identify problems which may require the grantee to take corrective action in order to assure such compliance. The grantee shall fulfill this monitoring function through the use of internal evaluative procedures, the examination of program data, or through such special analysis or checking as it deems necessary and appropriate (sections 105 (a) and (b), 108(d), and 703).

(d) The grantee shall cooperate with the Secretary's evaluation and assessments by providing special report on program activities and operations as requested; the findings of evaluations of effectiveness and impact; and access to its records and program operations.

(e) When the grantee finds that operations do not equal planned performance, it shall develop and implement appropriate corrective action.

**§ 98.32 Responsibilities of the Secretary.**

(a) As used in this section, the term "assessment" refers to the Federal review of plans and performance of individual grantees, and the term "evaluation" refers to the Federal study of the overall effectiveness and impact of programs and activities under the Act.

(b) The Secretary has the responsibility to determine that the grantee is operating in general accordance with its approved plan in carrying out the purposes and provisions of the Act, and has demonstrated maximum efforts to implement the provisions in its prior year's plan.

(1) The Secretary shall assess the grantee's program and activities in order to determine compliance with assurances and certifications of its plan, compliance with the purposes and provisions of the Act, and performance in the achievement of goals and objectives specified in the approved plan (sections 105, 108(d), and 703).

(2) Such assessment shall be conducted through the review of required periodic reports and shall be supplemented by special reports from the grantee, the examination of records maintained by the prime sponsor or eligible applicant, selective on-site reviews including in certain instances, the investigation of allegations or complaints, or other examination as deemed necessary and appropriate by the Secretary (sections 311(c) (d), 313(a) (b), 703(12), and 108).

(3) Assessment may also be conducted for purposes of the offering of technical assistance and/or recommendations for corrective actions to grantees as considered necessary. Such assessments will be made in consultation with grantees.

(c) The Secretary has the responsibility to provide for the continuing evaluation of all programs and activities conducted pursuant to the Act. Such studies shall include examination of:

- (1) Cost in relation to effectiveness;
- (2) Impact on communities and participants;
- (3) Implication for related programs;
- (4) Extent to which needs of various age groups are met;
- (5) Adequacy of mechanisms for the delivery of services;
- (6) Comparative effectiveness of grantee programs with similar programs conducted by the Secretary under section 110 or Title III;

(7) Opinions of participants about the strengths and weaknesses of the programs;

(8) Relative and comparative effectiveness of programs under this Act and Part C of Title IV of the Social Security Act (Work Incentive Program for Welfare recipients) (section 313 (a) and (b));

(9) The effectiveness of programs in meeting the employment needs of disadvantaged, unemployed, and underemployed persons; and

(10) The extent to which artificial barriers restricting employment and advancement opportunities in agencies receiving funds under the Act have been removed.

(d) The Secretary shall compile, on a State, regional and national basis, information obtained from periodic reports or special reports, surveys, or samples required from grantees, including information on:

(1) Enrollee characteristics, including age, sex, race, health, education level, and previous work and employment experience;

(2) Duration in training and employment situations including information on the duration of program participation for at least a year following the termination of participation in federally-

assisted programs and comparable information on other employees or trainees or participating employers; and

(3) Total dollar cost per trainee, including breakdown between salary or allowance, training and supportive services, and administrative costs (section 313(b)).

(e) Evaluations carried out in accordance with paragraph (d) of this section may be conducted directly by Department of Labor staff or through contract, grant or other arrangement, as the Secretary deems necessary or appropriate (section 311(c)).

**§ 98.33 Limitation.**

No prime sponsor or eligible applicant nor the Secretary shall, in arranging for evaluation of any program under the Act, utilize for such evaluation any non-governmental individual institution, or organization which is associated with that program as a consultant, technical advisor or in any similar capacity (section 704(c)).

**§ 98.34 Consultation with the Secretary of Health, Education, and Welfare.**

The Secretary shall consult with the Secretary of Health, Education, and Welfare with respect to arrangements for services of a health, education, or welfare character in plans under this Act. This consultation shall focus on the relationship of such services to be delivered under this Act with those being delivered under other applicable laws for which the Secretary of Health, Education, and Welfare is responsible.

**Subpart C—Hearings and Judicial Review**

**§ 98.40 Purpose and policy.**

(a) The regulations set forth in this Subpart C contain the procedures established by the Secretary for carrying out his responsibilities under the Act for the review of comprehensive manpower plans and applications for financial assistance, and for the receipt, investigation, hearing and determination of questions of noncompliance with the requirements of the Act and the regulations promulgated under the authority of the Act (Section 108).

(b) It is the policy of the Secretary to receive information concerning alleged violations of any title of the Act and the regulations promulgated pursuant thereto from any person, or any unit of Federal, State or local government. Assistance in the filing of a formal allegation may be secured from the appropriate Regional Solicitor, by any person who desires and needs such assistance.

(c) A participant in a program under the Act must exhaust the administrative remedies established by the prime sponsor or eligible applicant for resolving matters in dispute prior to utilizing the procedures under this Subpart C. The filing of such a complaint shall not, however, automatically act as a stay of the decision rendered by the prime sponsor or eligible applicant. A participant may initiate an action under this subpart within 30 days of any final decision by a grantee.

**§ 98.41 Review of plans and applications; violations.**

(a) The Secretary shall not finally disapprove any Comprehensive Manpower Plan or application for financial assistance submitted under any title of the Act, or any modifications, or amendments thereof, without first affording the grantee submitting the plan or application reasonable notice and opportunity for a hearing as provided in § 98.47 et seq.

(b) When information available to the Secretary indicates that a grantee may be:

(1) Maintaining a pattern of practice of discrimination in violation of section 703(1) or section 712(a) of the Act or otherwise failing to serve equitably the economically disadvantaged, unemployed, or underdeveloped persons in the area it serves;

(2) Incurring unreasonable administrative costs in the conduct of activities and program, as determined pursuant to regulation;

(3) Failing to give due consideration to continued funding of programs of locally demonstrated effectiveness including those previously conducted under provisions of law repealed by section 714 of the Act; or

(4) Otherwise materially failing to carry out the purposes and provisions of the Act or regulations issued pursuant to the Act; he shall, before taking final action on such grounds, notify the grantee of his proposed action and provide the grantee a reasonable time within which to respond. All further proceedings shall be conducted as provided in § 98.46 and § 98.47 et seq.

(c) Every other person claiming legal injury because of any action under the Act may be heard only by initiating a complaint under § 98.42.

**§ 98.42 Complaints; filing of formal allegations; dismissal.**

(a) Every complaint by any complainant, whether in writing or not, shall be filed as a formal allegation before the commencement of any investigation or corrective action is required under this part.

(b) All formal allegations shall be filed with the appropriate ARDM. A formal allegation so filed may be withdrawn only with the consent of the Secretary.

(c) A formal allegation pending more than 6 months after filing because the complainant has failed to cooperate or make himself available during investigation of the matter may be dismissed by the ARDM upon notice to the last known address of the complainant.

**§ 98.43 Form.**

(a) Every formal allegation shall be in writing and signed by the complainant, and shall be sworn to before a Notary Public, or other duly authorized person. A formal allegation need not be in any particular form, but should be neat, legible and suitable for flat filing.

**§ 98.44 Contents of formal allegations; amendment.**

(a) The formal allegation should contain the following:

(1) The full name and address of the person making the charge.

(2) The full name and address of the party against whom the formal allegation is made (hereinafter referred to as the respondent(s)).

(3) A clear and concise statement of the facts, including pertinent dates, constituting the alleged unlawful practice.

(4) Where known, the provisions of the Act, regulations, Comprehensive Manpower Plan, and application of the grantee believed to have been violated.

(5) A statement disclosing whether proceedings involving the act complained of have been commenced before a State or local authority, and, if so, the date of such commencement and the name of the authority.

(6) A statement that the administrative procedures established by the grantee have been, if applicable, followed to completion by the complainant.

(b) Notwithstanding the provisions of paragraph (a) of this section, a formal allegation will be considered to have been filed when the ARDM receives from the complainant a written statement sufficiently precise to both identify those against whom the allegations are made, and to fairly afford the respondent an opportunity to prepare a defense. A formal allegation may be amended to cure technical defects or omissions, including failure to swear to the allegation, or to clarify and amplify allegations made therein, and such amendments relate back to the original filing date. An amendment alleging additional acts not directly related to or growing out of the subject matter of the original formal allegation will be permitted only where at the date of the amendment the allegation could not have been timely filed as a separate formal allegation and the rights of any respondent will not be prejudiced.

**§ 98.45 Investigations.**

(a) The ARDM will make a prompt investigation of each formal allegation filed as provided in this part. The investigation may include, where appropriate, a review of pertinent practices and policies of any grantee, the circumstances under which the possible non-compliance with the Act or regulations issued thereunder occurred, and other factors relevant to a determination as to whether the respondent has failed to comply with requirements of the Act, the regulations, and the Comprehensive Manpower Plan.

(1) If an investigation pursuant to paragraph (a) of this section indicates to the ARDM a failure to comply with the Act, the regulations, or the Comprehensive Manpower Plan, the ARDM will so inform the respondent and the complainant and the matter, will if possible, be resolved by informal means. If informal resolution does not occur within a reasonable period of time, action will be

taken as provided in this part or as otherwise provided by law.

(2) If an investigation does not warrant action pursuant to subparagraph (a)(1) of this section, the ARDM will so inform the respondent and the complainant in writing.

(b) No grantee, participant, respondent or other persons shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the Act, the regulations, the Comprehensive Manpower Plan, or the application of an eligible applicant because he has made a complaint, formal allegation testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of every complainant shall be kept confidential except to the extent necessary to carry out the purpose of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

**§ 98.46 Opportunity for hearings; when required.**

An opportunity for a public hearing shall be extended in each of the following instances:

(a) When the ARDM receives a formal allegation from an affected unit of general local government that a grantee has changed its Comprehensive Manpower Plan so that it no longer complies with section 105 of the Act, or that in the administration of the plan there is a failure to comply substantially with any provision of the plan or with the requirements of section 703 and 704 of the Act and the matter has not been resolved informally within a reasonable period of time; or

(b) After the completion of an investigation, pursuant to § 98.45, or any formal allegation which indicates there is substantial evidence of facts supporting a conclusion of probable cause that a violation of the Act, or regulations issued pursuant thereto, has occurred or is occurring, or is about to occur, and the matter has not been resolved by informal means; or

(c) When the Secretary has reasonable cause to believe that a violation set forth in § 98.41(b) has occurred, or when the Secretary determines that fairness and the effective operation of programs under the Act would be furthered by an opportunity for a public hearing, including a finding under § 98.41 that a hearing should be provided.

**§ 98.47 Hearings.**

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by the Act, of § 98.46, and the issue has not been resolved informally, the Secretary or ARDM shall give reasonable notice by registered or certified mail, return receipt requested, to the affected respondent and complainant, if any. This notice shall advise the respondent of the allegations to be heard, the proposed remedial actions which may be taken, and the matters of act or law asserted as the basis for the action. The notice shall (1) fix a date not less than

20 days after the date of such notice within which the respondent may request the Secretary or ARDM that the matter be scheduled for hearing, or (2) advise the respondent and the complainant that the matter in question has been set by a Hearings Officer for hearing at a stated place and time. The time and place shall be fixed by a Hearings Officer in accordance with paragraph (b) of this section and shall be subject to change for cause. A respondent may waive a hearing and submit written information and argument for the record. The failure of a respondent to request a hearing under this section or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under the Act and this part, and shall be respondent's consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearings.* Hearings shall be held in Washington, D.C., at a time fixed by a Hearings Officer. At the request of the respondent or Department, and upon a determination by the Hearings Officer that the relative conveniences of the respondent and Department so warrant, and no issue presented involved a determination which has been made at the Department's national office can only be made at the Department's national office, the Hearings Officer may select a place for hearing in the city of the regional office of the Department.

(c) *Right to counsel.* In all proceedings under this section, the respondent and the Department shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with section 5-8 of the Administrative Procedure Act, and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the respondent shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the Hearings Officer conducting the hearings at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available, and to subject testimony to test by cross-examination, shall be applied where reasonably necessary by the Hearings Officer conducting the hearing. The Hearings Officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of

the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(3) The general provisions governing discovery as provided in the Rules of Civil Procedure for the United States District Court, Title V, 28 U.S.C., Rules 26 through 37, may be made applicable in any hearing conducted under this part to the extent that the Hearing Officer concludes that their use would promote the efficient advancement of the hearing.

(4) When a public officer is a respondent in a hearing in his official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the proceeding does not abate and his successor is automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantive rights of the parties shall be disregarded. An order of substitution may be entered at any time, but the omission to enter such an order shall not affect the substitution.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies or noncompliance with this part and the regulations of one or more other Federal departments or agencies, the Secretary may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedure not inconsistent with this part. Final decisions in such cases, insofar as this part is concerned, shall be made in accordance with § 98.48.

(f) *Hearing Officers.* Hearings shall be held before an Administrative Law Judge of the Department or by such other person as may be designated by the Secretary.

#### § 98.48 Initial certification, decisions, and notices.

(a) *Authority of hearing officer to render decision.* The Administrative Law Judge or other designated hearing officer is authorized to make an initial decision unless the Secretary otherwise limits this authority in a particular case.

(b) *Decisions and certifications by hearing officers.* The Administrative Law Judge, or other persons designated to hear the matter, shall make an initial decision, if so authorized (see § 98.47(f)), or certify the entire record including his recommended findings of fact, conclusions of laws, and proposed decision to the Secretary for a final decision, and a copy of such initial decision of certification shall be mailed to the respondent and the complainant. When an initial decision is made the respondent may, within 30 days of mailing of such notice of initial decision, file with the Secretary his exceptions to the initial decision, with his reasons therefor. In the absence of

exceptions, the Secretary may on his own motion within 45 days after the initial decision serve on the respondent a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review, the Secretary shall review the initial decision and issue his own decision thereon including the reasons therefor. The decision of the Secretary shall be mailed promptly to the respondent and the complainant, if any. In the absence of either exceptions or a notice of review, the initial decision shall constitute the final decision of the Secretary.

(c) *Decisions on record or review by the Secretary.* Whenever a record is certified to the Secretary for decision or he reviews an initial decision pursuant to paragraph (a) of this section, the respondent shall be given reasonable opportunity to file with him briefs or other written statements of its contentions. A copy of the final decision of the Secretary shall be given in writing to the respondent and to the complainant, if any.

(d) *Decisions on record where a hearing is waived.* Whenever a hearing is waived under this part, a decision shall be made by the Secretary on the record and a copy of such decision shall be given in writing to the respondent, and to the complainant, if any.

(e) *Rulings required.* Each decision of an Administrative Law Judge or the Secretary shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to the Act or regulations issued thereunder with which it is found that the respondent has failed to comply.

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

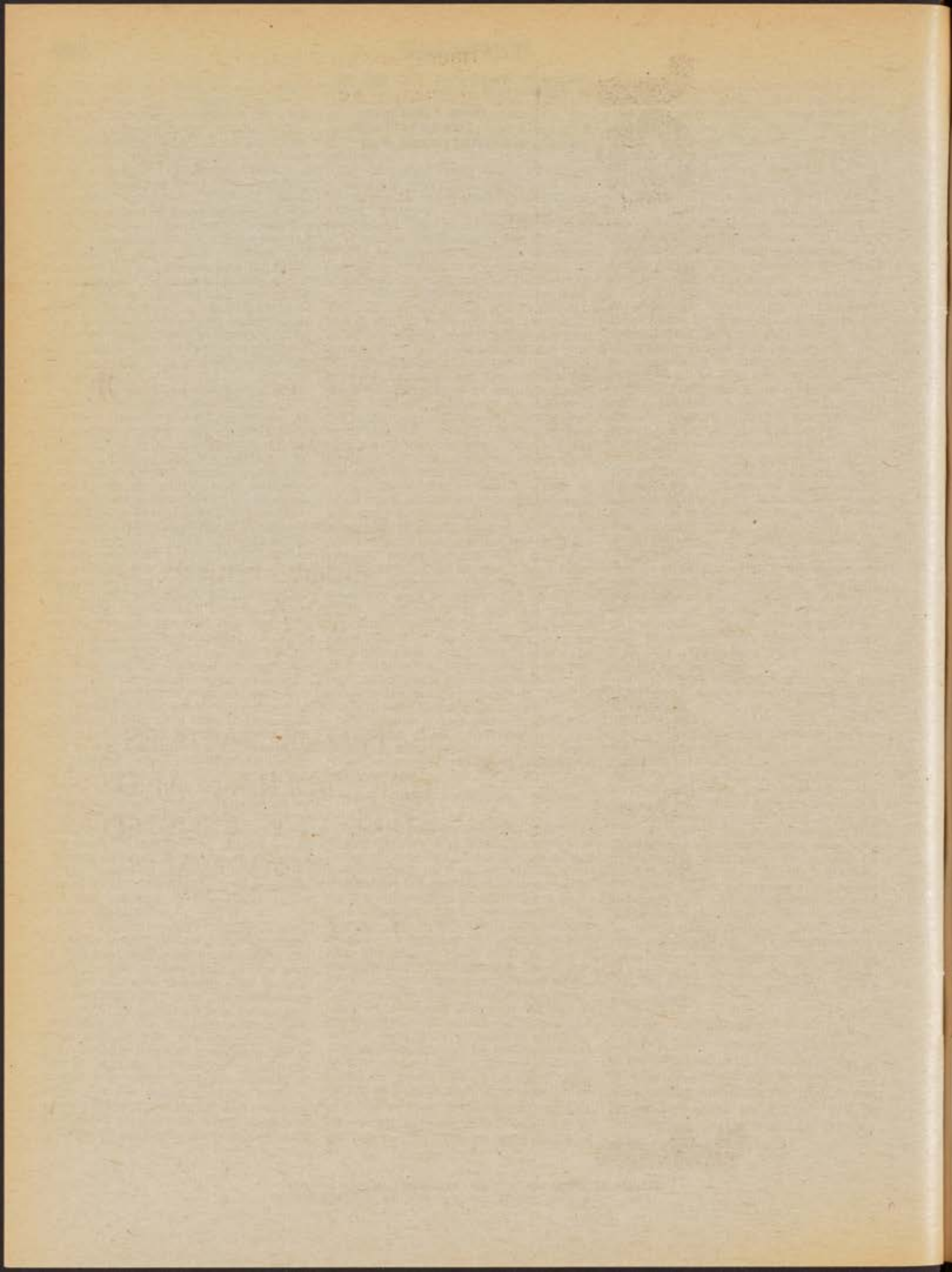
#### § 98.49 Judicial review.

Action taken pursuant to Section 108 of the Act is subject to judicial review as provided in Section 109 of the Act. All other action initiated under the Act and regulations issued thereunder shall be final upon a determination by the Secretary.

Signed in Washington, D.C. this 4th  
day of March 1975.

PETER J. BRENNAN,  
*Secretary of Labor.*

[FR Doc. 75-6069 Filed 3-6-75; 8:45 am]



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PART IV



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## DEPARTMENT OF LABOR

Employment Standards  
Administration



### MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions  
and Index

## DEPARTMENT OF LABOR

## Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND  
FEDERALLY ASSISTED CONSTRUCTIONModifications and Supersedeas Decisions  
to General Wage Determination Decisions

*General wage determination decisions.* General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of 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 subse-

quent 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.

MODIFICATIONS TO GENERAL WAGE  
DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

California:	CA75-5020; CA75-5021	Feb. 14, 1975
Indiana:	IN75-2018; IN75-2020; IN75-2025; IN75-2026; IN75-2029	Jan. 31, 1975
	IN75-2017; IN75-2019; IN75-2022; IN75-2023; IN75-2024; IN75-2027; IN75-2028; IN75-2030	Feb. 7, 1975
Kentucky:	AQ-4101	Apr. 19, 1974
	AR-4014	Aug. 2, 1974
	AR-4016	Aug. 19, 1974
	AR-4018	Aug. 9, 1974
	AR-4023	Sept. 6, 1974
	AR-4025	Aug. 30, 1974
	AR-4034	Sept. 13, 1974
	AR-4047	Nov. 1, 1974
Michigan:	AR-3141	Aug. 23, 1974
Montana:	MT75-5012; MT75-5017; MT75-5019	Feb. 7, 1975
	MT75-5029	Feb. 21, 1975
Nebraska:	AR-76	Nov. 15, 1974
New York:	AR-2021	Sept. 20, 1974
Oklahoma:	OK75-4050	Feb. 7, 1975
Pennsylvania:	AR-2002	July 12, 1974
Texas:	TX75-4048	Feb. 7, 1975
West Virginia:	WV75-3007	Feb. 7, 1975
	WV75-3009	Jan. 31, 1975

SUPERSEDEAS DECISIONS TO GENERAL WAGE  
DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Alaska:	AK75-5001 (AK75-5033)	Jan. 10, 1975
Florida:	AQ-4005 (FL75-1030)	Aug. 24, 1974
Illinois:	AR-3076 (IL75-2044)	Aug. 9, 1974
Kansas:	AQ-21 (MO75-4060)	Aug. 31, 1973
Missouri:	AQ-21 (MO75-4060)	Do.
Nebraska:	AQ-21 (MO75-4060)	Do.
Oklahoma:	AR-35 (OK75-4057)	Sept. 27, 1974
South Carolina:	AR-4008 (SC75-1029)	July 17, 1974

Signed at Washington, D.C., this 28th day of February 1975.

RAY J. DOLAN,  
Assistant Administrator,  
Wage and Hour Division.



MODIFICATIONS P. 1

DECISION #CA75-5020 - Mod. #1  
(40 FR 6916-February 14, 1975)  
San Diego County, California

Change:  
Carpenters:  
Carpenters  
Filedrivermen  
Millwrights; Pneumatic nailer  
Hardwood floorlayers  
Drywall installers  
Electricians:  
Electricians  
Cable Splicers  
Lathers (Northern portion of  
San Diego County from center  
of City of Del Mar)  
Roofers

Basic Hourly Rates	Fringe Benefits Payments				App. Tc.
	H & W	Pensions	Vacation	App. Tc.	
\$8.96	.56	.85	.50	.05	
9.09	.56	.85	.50	.05	
9.21	.56	.85	.50	.05	
10.80	.56	.85	.50	.07	
9.97	.48	1%-.73		.02	
10.27	.48	1%-.73		.02	
9.75	.45	.90	.50	.05	
8.39	.40	.50	1.00		

DECISION #CA75-5021 - Mod. #1  
(40 FR 6922-February 14, 1975)  
San Diego County, California

Change:  
Carpenters:  
Carpenters  
Filedrivermen  
Millwrights; Pneumatic nailer  
Hardwood floorlayers  
Drywall installers  
Electricians:  
Electricians  
Cable Splicers  
Lathers (Northern portion of  
San Diego County from center  
of City of Del Mar)  
Roofers

Basic Hourly Rates	Fringe Benefits Payments				App. Tc.
	H & W	Pensions	Vacation	App. Tc.	
8.96	.56	.85	.50	.05	
9.09	.56	.85	.50	.05	
9.21	.56	.85	.50	.05	
10.80	.56	.85	.50	.07	
9.97	.48	1%-.73		.02	
10.27	.48	1%-.73		.02	
9.75	.45	.90	.50	.05	
8.39	.40	.50	1.00		

MODIFICATIONS P. 2

DECISION #D875-2017 - Mod. #1  
(40 FR 6024 - February 7, 1975)  
Allen County, Indiana

CHANGE:  
Boilermakers  
Plumbers and Steamfitters  
Sheet Metal Workers  
Asbestos Workers

Basic Hourly Rates	Fringe Benefits Payments				App. Tc.	Others
	H & W	Pensions	Vacation	App. Tc.		
\$10.05	.50	1.00		.01		
9.20	.30	.65		.07		
9.19	.35	.30		.06		
9.95	.35	.55				

DECISION #D875-2018 - Mod. #1  
(40 FR 6809 - January 31, 1975)  
Bartholomew County, Indiana

CHANGE:  
Boilermakers  
Painters:  
Brush and Roller  
Structural Steel  
Spray, sandblast, swing stage

Basic Hourly Rates	Fringe Benefits Payments				App. Tc.	Others
	H & W	Pensions	Vacation	App. Tc.		
\$10.05	.50	1.00		.01		
8.05						
8.05						
9.05						

DECISION #D875-2019 - Mod. #1  
(40 FR 6027 - February 7, 1975)  
Benton & Tippecanoe Counties, Indiana

CHANGE:  
Boilermakers  
Ironworkers

Basic Hourly Rates	Fringe Benefits Payments				App. Tc.	Others
	H & W	Pensions	Vacation	App. Tc.		
\$10.05	.50	1.00		.01		
8.99	.55	.75		.02		

MODIFICATIONS P. 3

	Fringe Benefits Payments					Others
	H & W	Pensions	Vacation	App. Tr.	App. Tr.	
DECISION #INT5-2020 - Mod. #1 (40 FR 4812 - January 31, 1975) Dearborn County, Indiana						
CHANGE: Plumbers	.65	.90		.05		
DECISION #INT5-2022 - Mod. #1 (40 FR 6032 - February 7, 1975) Grant County, Indiana						
CHANGE: Boilermakers Line Constructors Linemen and Technician Heavy Equipment Operator "A" Heavy Equipment Operator "B" Powderman and Equipment Mechanic Senior Groundman Truck Driver W/Winch Groundman Truck Driver w/Winch Groundman Truck Driver 90/Winch Senior Groundman after 5 Years Senior Groundman after 12 Months Groundman 0-12 Months	\$10.05 8.18 7.77 6.40 6.25 5.35 5.14 4.50 5.13 4.99 4.23	.50 .35 .35 .35 .35 .35 .35 .35 .35 .35 .35	1.00 1% 1% 1% 1% 1% 1% 1% 1% 1% 1%	.01 .5% .5% .5% .5% .5% .5% .5% .5% .5%		
DECISION #INT5-2023 - Mod. #1 (40 FR 6035 - February 7, 1975) Lake County, Indiana						
CHANGE: Boilermakers Ironworkers Sheet Metal Workers	\$10.05 10.63 9.87	.50 .50 .68	1.00 .75 .67	.01 .05 .08		

MODIFICATIONS P. 4

	Fringe Benefits Payments					Others
	H & W	Pensions	Vacation	App. Tr.	App. Tr.	
DECISION #INT5-2024 - Mod. #1 (40 FR 6039 - February 7, 1975) LaPorte County, Indiana						
CHANGE: Boilermakers Cement Masons Building Ironworkers Michigan City Painters: (Michigan City) Commercial and Industrial Spray and Sandblasting Painters: (Remainder of County) Brush Plasterers Flumbers & Steamfitters: LaPorte City & Michigan City Remainder of County Sheet Metal Workers	\$10.05 8.73 10.63 7.60 8.60 7.20 7.70 8.73 9.35 10.02 9.87	.50 .45 .50 .38 .50 .48 .45 .38 .50 .48 .48	1.00 .70 .75 .40 1.00 .67 .70 .40 1.00 .67 .67	.01 .03 .05 .19 .19 .03 .10 .02 .08		
DECISION #INT5-2025 - Mod. #1 (40 FR 4815 - January 31, 1975) Marion County, Indiana						
CHANGE: Boilermakers Plumbers, Pipefitters and Steamfitters	\$10.05 9.40	.50 .40	1.00 .70	.01		
DECISION #INT5-2026 - Mod. #1 (40 FR 4817 - January 31, 1975) Monroe County, Indiana						
CHANGE: Boilermakers Cement Masons Power Equipment Operators: Group I Group II Group III Group IV	\$10.05 8.25 9.55 9.45 9.25 7.00	.50 .50 .40 .40 .40 .40	1.00 .50 .50 .50 .50 .50	.01 .06 .06 .06 .06 .06		

MODIFICATIONS P. 6

Basic Hourly Rates	Fringe Benefits Payments			
	H & V	Pensions	Vacation	App. Td.
\$10.05	.50	1.00		.01
9.55	.40	.50		.06
9.45	.40	.50		.06
9.25	.40	.50		.06
7.00	.40	.50		.06

DECISION #INT5-2030 - Mod. #1  
(40 FR 6053 - February 7, 1975)  
Vigo County, Indiana

CHANGE:  
Boilermakers  
Power Equipment Operatorst  
Group I  
Group II  
Group III  
Group IV

MODIFICATIONS P. 5

Basic Hourly Rates	Fringe Benefits Payments			
	H & V	Pensions	Vacation	App. Td.
\$10.05	.50	1.00		.01
\$10.05	.50	1.00		.01
8.10	.40	.35	F	.01
\$10.05	.50	1.00		.01
8.165	.41	.20	.25	.01
7.35	.45	.30		
8.10	.45	.30		
8.21	.30	.15		
8.45	.30	.15		
8.45	.30	.15		
5.75	.30	.15		

DECISION #INT5-2027 - Mod. #1  
(40 FR 6044 - February 7, 1975)  
Porter County, Indiana

CHANGE:  
Boilermakers

DECISION #INT5-2028 - Mod. #2  
(40 FR 6049 - February 7, 1975)  
St. Joseph County, Indiana

CHANGE:  
Boilermakers  
Marble, Tile & Terrazzo Workers

ADD:  
Footnoter:  
f. Paid Holidays A through F, provided employee works either the 5 days preceding or the 5 days following the holiday.

DECISION #INT5-2029 - Mod. #1  
(40 FR 4820 - January 31, 1975)  
Vanderburgh County, Indiana

CHANGE:  
Boilermakers  
Glaziers

Painters:  
Brush and Roller  
Spray and Sandblasting  
Roofers:  
Composition  
Slate and Tile  
Slab and Gypsum Plank  
Zippers

Basic Monthly Rates	Fringe Benefits Payments			App. To
	H & V	Penalties	Vacation	
5.50		a		
5.85		a		
5.85		a		
5.85		a		
5.55		a		

**TRUCK DRIVERS - BUILDING**  
Truck drivers up to, but not including 5 tons, such as Station wagon, auto, pick-up trucks, motorcycles, bicycles, dump trucks, flat beds and stake boddies

Truck drivers on 5 tons and over, including special equipment such as Euclid, vishak trucks, dumpster dumpers, crawler-type trucks, ambulances, buses, tandem dump trucks

Truck drivers on all ready-mix truck

Tractor trailer drivers and similar equipment such as low boys, distributor trucks, water tank trucks, fork lifts, truck mechanics

Greasers tire changers, materials checkers and general warehouse

Footnote:  
a. Employer contributes \$19.50 per week to Pension Fund per employee.

Basic Monthly Rates	Fringe Benefits Payments			App. To
	H & V	Penalties	Vacation	
9.35	.35	.30		
7.65	.45	.29	36-a+b	.02
9.20	.45	.29	36-a+b	.02
6.44	.45	.29	36-a+b	.02
4.60	.45	.29	36-a+b	.02
7.55	.45	.50		.02
6.70		.10		.03
8.65	.25	.25		
6.66	.25	.25		
6.12	.25	.25		
7.65				
7.65				

**DECISION # AB-1014 - Mod. #2**  
(39 FR 28024 - August 2, 1974)  
McCracken County, Kentucky

**Change:**  
Asbestos workers  
Bricklayers  
Elevator constructors  
Elevator constructors helpers  
Elevator constructors helpers (prob.)  
Ironworkers:  
Structural, ornamental and reinforcing  
Roofers  
Power Equipment Operators:  
Class A  
Class B  
Class C  
Stonemasons  
Terrazzo workers  
Tile setters

**Unit:**  
Truck Drivers as issued in original decision

**Add:**  
Truck Drivers schedule

MODIFICATIONS P. 10

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
9.71	.35	.10	.50	
9.60	.40	7%		10%
9.20	.445	.29	36-a-b	.02
7.06 1/2	.445	.29	36-a-b	.02
9.50	.55	.65		.05
8.24		.10		
7.80				
8.30				
8.55				
8.18				
9.60	.25	.45	d	.02
8.65	.25	.25		
6.66	.25	.25		
6.12	.25	.25		
5.50	.30	.20		.02
8.50	.50	.70		.08

RESOLUTION # AS-1018 - Mod. #2  
(39 FR-28836 - August 9, 1974)  
Fayette County, Kentucky

Change:  
Asbestos workers  
Electricians  
Elevator Constructors  
Elevator Constructors helpers  
Ironworkers:  
Structural, ornamental  
& reinforcing  
Lathers  
Painters:  
Brush  
Hazardous  
Spray  
Plasterers  
Flumbers and steamfitters  
Power Equipment Operators:  
Class A  
Class B  
Class C  
Roofers  
Soft floor layers  
Sprinkler fitters  
Add:  
Truck Drivers schedule

MODIFICATIONS P. 9

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
8.88	.40	.40		
8.88	.40	.40		
8.88	.40	.40		
8.88	.40	.40		
8.88	.40	.40		
9.78	.29	7 1/2-10		1/2 of 7 1/2
10.18	.29	7 1/2-10		1/2 of 7 1/2
9.20	.445	.29	36-a-b	.02
6.44	.445	.29	36-a-b	.02
1.60		.20		.01
8.84				
9.17	.36	.75	.77	.07
9.62	.36	.75	.77	.07
9.87	.36	.75	.77	.07
8.65	.25	.25		
6.66	.25	.25		
6.12	.25	.25		
7.00	.30	.20		
7.40	.30	.20		.08
9.50	.50	.70		

RESOLUTION # AS-1016 - Mod. #2  
(39 FR-28833 - August 9, 1974)  
Hardin, Jefferson and Meade  
Counties, Kentucky

Change:  
Bricklayers:  
Bricklayers & concrete  
Block layers  
Caulkers  
Cleansers  
Pointers  
Stone masons  
Electricians, linemen and help  
digger:  
Zone 1 (within 36 miles  
radius of 3rd & Broadway,  
Louisville)  
Zone 2 (over 36 miles radius)  
Elevator Constructors  
Elevator Constructors  
Helper  
Elevator Constructors  
Helper (Prob.)  
Lathers  
Plumbers:  
Zone 1  
Zone 2  
Zone 3  
Power Equipment Operators:  
Class A  
Class B  
Class C  
Roofers  
Slate, tile and precast,  
slab  
Sprinkler fitters

Kentucky 3L-TD-1-3

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & V	Pensions	Vacation	
6.47	a	b		
6.53	a	b		
6.65	a	b		
6.47	a	b		
6.75	a	b		

TRUCK DRIVERS:

- 3 tons and under
- Over 3 tons, semi-trailer, or pole trailers, dump truck, tandem axle, farm tractor when used to pull bldg. materials or equipment
- Truck mechanic, driver, concrete mixer trucks (all types, handling only on jobs sites)
- Greaser tire changer and mechanic s helpers
- Driver, Euclid and other heavy moving equipment and low-boy winch truck when used to transport building materials, fork lift truck, when used inside warehouse or storage area

Footnotes:

- a. Employer contributes \$13.50 per week for employee who has been employed 20 work days within 90 consecutive days.
- b. Employer contributes \$11.00 per week for employee who has been employed 20 work days within 90 consecutive days.

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & V	Pensions	Vacation	
7.64				
8.75	.30	.30		
9.20	.445	.29	36-a+b	.02
6.44	.445	.29	36-a+b	.02
4.60				
7.00	.30	.25		.04
6.60		.20		
8.75	.30	.30		
9.17	.36	.75	.77	.07
6.00	.25	.20	d	
9.70	.60	.60		
8.75	.30	.30		.07
8.65	.25	.25		
6.66	.25	.25		
6.12	.25	.25		

RESOLUTION # AB-1023 - Mod. #1  
(39 FR 30449 September 6, 1974)  
Warren County, Kentucky

Change:

- Bricklayers and Stonemasons
- Carpenters
- Elevator constructors
- Elevator constructors helper
- Elevator constructors helpers (prob.)
- Ironworkers:
- Structural, ornamental and reinforcing
- Lathers
- Pile-drivers
- Plumbers
- Roofers:
- Composition
- Sheet metal workers
- Soft floor layers
- Power Equipment Operators:
- Class A
- Class B
- Class C

MODIFICATIONS P. 13

RESOLUTION # AB-10205 - Mod. #1  
(39 FR 31796 August 30, 1974)  
Henderson County, Kentucky

Change:  
Glaziers  
Painters Commercial:  
Brush  
Spray & sandblasting  
Painters Industrial:  
Brush  
Spray & sandblasting  
Roofers  
Sheet metal workers  
Power Equipment Operators:  
Class A  
Class B  
Class C

Basic Hourly Rates	Fringe Benefits Payments			App. T.
	H & W	Pensions	Vacation	
8.165	.41	.20	.25	
7.35	.45	.30		
8.10	.45	.30		
8.50	.45	.30		
9.25	.45	.30		
8.21	.30	.15		
8.80	.35	.35		.02
8.65	.25	.25		
6.66	.25	.25		
6.12	.25	.25		

MODIFICATIONS P. 14

RESOLUTION # AB-10214 - Mod. #1  
(39 FR 33152 September 13, 1974)  
Boone, Campbell, Kenton &  
Pendleton Counties, Kentucky

Asbestos workers  
Boilermakers  
Bricklayers  
Carpenters  
Electricians  
Glaziers  
Leathers  
Linersmen  
Painters, brush:  
Commercial  
Industrial  
Painters, Spray:  
Commercial  
Industrial  
Pipefitters  
Plumbers & Gas fitters  
Resilient floor layers  
Sheet metal workers  
Terrazzo workers  
Tile setters

Basic Hourly Rates	Fringe Benefits Payments			App. T.
	H & W	Pensions	Vacation	
9.96	.45	.85		.02
9.55	.60	.80		.01
10.095	.45	.35		.01
9.75	.45	.55		.005
10.00	.60	7/8-.30		1/2 of 1%
10.10		.35		.005
10.345		.25		.005
10.00	.60	7/8-.30		.2%
9.40		.15		
9.55		.15		
9.65		.15		
9.80		.15		
9.90	.70	.375		.06
9.92	.65	.30		.05
8.15	.45	.55		.05
9.665	.73	.70		.02
9.835	.45	.35		
9.835	.45	.35		

DECISION # AE-1047 - Mod. #1  
(39 FR-38824, November 1, 1974)  
Boyd County, Kentucky

**Classes:**

- Asbestos workers
- Boliermakers - Blacksmith
- Laborers:
  - Group I
  - Group II
  - Group III
  - Group IV
  - Group V
  - Group VI
  - Group VII
  - Group VIII

Leathers  
Plumbers and Steamfitters:  
Within a 5 miles radius of  
17th Street & Winchester Ave  
Ashland

Over 5 mi. & within 15 mile  
radius of 17th Street &  
Winchester Ave., Ashland  
Over 15 & within 30 mi radius  
of 17th & Winchester Ave.  
Ashland

Over 30 miles radius of 17th  
st. & Winchester Ave.,  
Ashland  
Sheet metal workers  
Sprinkler fitters

**Power Equipment Operators:**

- Class A
- Class B
- Class C
- Truck Drivers:
  - Group I
  - Group II
  - Group III
  - Group IV
  - Group V
  - Group VI
  - Group VII

Basic Hourly Rates	Fringe Benefits Payments			App. To.
	H & W	Pensions	Vacation	
9.85	.40	.35		.03
8.30	.30	.70		.01
6.05	.25	.25		
6.20	.25	.25		
6.22	.25	.25		
6.25	.25	.25		
6.30	.25	.25		
6.55	.25	.25		
6.75	.25	.25		
7.25	.25	.25		
7.865	.10			
8.06	.50	.75	0+1.00	.01
8.26	.50	.75	0+1.00	.10
8.46	.50	.75	0+1.00	.10
8.56	.50	.75	0+1.00	.10
9.32	.45	.40		.05
9.50	.50	.70		.08

Basic Hourly Rates	Fringe Benefits Payments			App. To.
	H & W	Pensions	Vacation	
6.65	.25	.25		
6.66	.25	.25		
6.12	.25	.25		
7.57	a	b	.50	
7.67	a	b	.50	
7.82	a	b	.50	
7.87	a	b	.50	
8.22	a	b	.50	
7.97	a	b	.50	
7.92	a	b	.50	



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MODIFICATIONS P. 13

Kentucky 34-TD-1-B

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & V	Pensions	Vacation	
6.47	a	b		
6.58	a	b		
6.65	a	b		
6.47	a	b		
6.75	a	b		

**TRUCK DRIVERS:**  
3 tons and under

Over 3 tons, semi-trailer, or pole trailers, dump truck, tandem axle, farm tractor when used to pull bldg. materials or equipment

Truck mechanic, driver, concrete mixer trucks (all types, hauling only on jobs sites)

Greaser tire changer and mechanic s helpers

Driver, Euclid and other heavy moving equipment and low-boy winch truck when used to transport building materials, fork lift truck, when used inside warehouse or storage area

**Footnotes:**

a. Employer contributes \$13.50 per week for employees who has been employed 20 work days within 90 consecutive days.

b. Employer contributes \$14.00 per week for employees who has been employed 20 work days within 90 consecutive days.

**DECISION #48-31141 - Mod. #3**  
(39 FR 30765 - August 23, 1974)  
Stewiwick, Michigan

**Classes:**  
Carpenters:  
Zone 2E  
Zone 2W  
Zone 3LP  
Zone 3EP

.01  
.01  
.01  
.01

MODIFICATIONS P.17

**DECISION # AQ 4101 - Mod. #3**  
(39 FR 14113 - April 19, 1974)  
Franklin County, Kentucky

**Change:**

Asbestos workers  
Elevator constructors

**Laborers:**

Group 1  
Group 2  
Group 3  
Group 4  
Group 5  
Group 6

**Painters:**

Brush  
Spray

**Plasterers**

Power Equipment Operators:

Class A  
Class B  
Class C

**Unit:**

Schedule issued in original decision for Truck Drivers

**Add:**

Schedule for Truck Drivers

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & V	Pensions	Vacation	
9.71	.35	.40		
9.20	.445	.29	34-44b	.02
5.90	.25	.25		
5.90	.25	.25		
5.90	.25	.25		
6.40	.25	.25		
6.20	.25	.25		
6.75	.25	.25		
7.80				
8.55				
8.15				
8.65	.25	.25		
5.66	.25	.25		
6.12	.25	.25		

DECISION #MT73-5012 - Mod. #2  
(40 FR 6059-February 7, 1975)  
Statewide, Montana

Change:

Painters:  
Broadwater, Gallatin, Jefferson  
(northern area from a line  
running East and West five  
miles south of the southern  
city limits of Boulder), Lewis  
and Clark (southern portion  
from a line running East and  
West through the southern  
limits of Craig), Madison  
(east of the West city limits  
of Harrison), Meagher, Park,  
Powell (northern area from a  
line running East and West  
through the southern city  
limits of Helena/Ville)

Brush  
Spray; Steel brush  
Structural steel brush  
Steel spray  
Structural steel spray

Add:

Power Equipment Operators:  
Beaverhead, Deer Lodge,  
Granite, Jefferson, Madison,  
Powell (southern area) and  
Silver Bow Counties:  
A-Frame Truck Crane  
Air Compressor, single  
Air Compressor, 2 or more;  
Belt finishing; Conveyor  
loader, over 42" belt; Rollers,  
steel and self-propelled  
rubber on other than blade or  
hot-mix oil paving

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & W	Pensions	Vacation	
\$6.94	.25	.20		.03
7.94	.25	.20		.03
8.44	.25	.20		.03
8.94	.25	.20		.03
9.44	.25	.20		.03
6.86	.45	.45		.13
6.55	.45	.45		.13
6.72	.45	.45		.12

DECISION #MT73-5012 (Cont'd)

Air Doctor; Asphalt paving machine, or screed; Bit grinder; Bituminous mixer, paver; Boring machine, large (for guard rails holes); Bull-dozer, rubber-tired or otherwise; Concrete batch plant, 1 and 2 mixers; Concrete bucket dispatcher; Concrete curing machine; Concrete finishing machine, paving; Concrete float and spreader; Concrete power saw, self-propelled; Concrete travel batcher; Crusher and/or screening plant; Distributor; Elevating grader; Grapple; Heavy duty rotary drills (Quarry Master, Joy drills and similar types); Hoist, or air tugger, 2 or more drums; Hot plant; Hot plant fireman (when in operation); Industrial locomotive, all types; Loaders, rubber-tired, over 1 yard to and including 3 yds.; Loaders, track-type up to and including 5 yds.; Loaders, traxacavator and Athey; Loader and Hoe combination, rubber-tired, loader 1 yd. and under; hoe 1 yd. and under; Mountain logger or similar; Mucking machine; Pavement breaker, Esaco and similar; Power Auger, large truck or tractor, mounted and punch; Power mixer, single or double drum; Power saw, self-propelled; Multiple cut; Pumpcrete or grout machine; Push tractor; Refrigerator plant; Roller, steel and self-propelled rubber on blade on hot-mix oil paving roller, 25 tons, working wt. or over,

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & W	Pensions	Vacation	

MODIFICATIONS P. 21

MODIFICATIONS P. 22

DECISIONS #MT75-5012 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$7.02	.45	.45		.13
<p>any type or make; Roller, Wagner and similar; Soss and similar type carriers (on construction site); Scraper DW 10; Scraper, DM 15, 20, 21 and similar if power unit is not used; Self-propelled sheepfoot and similar; Shovels, including all attachments, under 1 yd.; Trenching machine; Turnhead conveyor or head tower operator on batch plant; Water pail, when used for compaction; Washing and screening plant</p>				
<p><u>Change:</u>                      Carpenters:                      Carter, Custer, Daniels, Dawson, Fallon, McComb, Phillips, Powder River, Prairie, Richland, Roosevelt, Sheridan, Valley and Wibaux Counties                      Carpenters                      Filedriversmen                      Millwrights</p>				
6.65	.40	.55		.02
6.90	.40	.55		.02
7.15	.40	.55		.02

DECISION #MT75-5017 - Mod. #2  
 (40 FR 6081-February 7, 1975)  
 Statewide, Montana

Change:  
 Painters:  
 Broadwater, Gallatin, Jefferson, (northern area from a line running East and West five miles south of the southern city limits of Boulder), Lewis and Clark (southern portion from a line running East and West through the southern limits of Craig), Madison (east of the West city limits of Harrison), Meagher, Park, Powell (northern area from a line running East and West through the southern city limits of Helena)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$6.94	.25	.20		.03
7.94	.25	.20		.03
8.44	.25	.20		.03
8.94	.25	.20		.03
9.44	.25	.20		.03
<p>Brush                      Spray: Steel brush                      Structural steel brush                      Steel spray                      Structural steel spray</p>				
<p>DECISION #MT75-5019 - Mod. #2                      (40 FR 6103 - February 7, 1975)                      Deer Lodge, Gallatin and Silver Bow Counties, Montana</p>				
<p><u>Change:</u>                      Painters                      Gallatin County</p>				
\$ 6.94	.25	.20		.03

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & V	Pensions	Vacation	
<p>DECISION NO. 0875-6050 Mod. #2 (40 FR 6115 - February 7, 1975) Tulsa and Creek Counties, Oklahoma</p>				
\$7.65				.01
7.25	.25	.60		.02
7.65	.25	.60		.02
7.90	.25	.60		.02
8.55	.25	.60		.02
7.25	.25	.60		.02
7.60	.25	.60		.02
9.45	.25	.60		.02
<p>Change: Lathers PAINTERS: Brush High work and stage Spray and sandblasting Hot or bituminous Sheetrock hand tools Sheetrock power tools Hazardous work</p>				
<p>DECISION #AB-2002 - Mod. #3 (39 FR 25892 - July 12, 1974) Delaware County, Pennsylvania</p>				
\$10.23	.445	.29	3%+b+c	.02
7.16	.445	.29	3%+b+c	.02
5.115	.67	.65		
8.56	.67	.65		
8.15	.67	.65		
9.25	.45	.50		
9.97	1.15	.75		
<p>Change: Elevator Constructors Elevator Constructors Helpers Elevator Constructors Helpers (Prob.) Marble Setters Stone Masons Painters, Caulkers and Cleaners Roofers, Composition</p>				
6.95	.45	.20	e	
7.45	.45	.20	e	
7.45	.45	.20	e	
7.45	.45	.20	e	
<p>Add: Landscape Laborers: Farm tractor driver Hydroseeder nozzle man Mulcher nozzle man</p>				
<p>Footnote: e. Paid Holidays - July 4th, Labor Day and Thanksgiving Day.</p>				

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & V	Pensions	Vacation	
<p>DECISION #MT75-5029 - Mod. #1 (40 FR 7841 - February 21, 1975) Cascade, Flathead, Glacier, Hill, Missoula, Sanders and Valley Counties, Montana</p>				
\$ 7.02	.40	.55		.02
7.27	.40	.55		.02
<p>Change: Carpenters Missoula and Sanders (remain- ing area) Counties Carpenters Millwrights; Piledrivers; Power saw; Saw Filer</p>				
<p>DECISION NO. AB-76 - Mod. #1 (39 FR 40462 - November 15, 1974) Lancaster County, Nebraska</p>				
\$8.86	.58	.60		.10
7.95	.35	.30	.50	
<p>Change: Plumbers-Pipedfitters Ironworkers</p>				
<p>DECISION AB-2021 - Mod. #1 (39 FR 33579 - September 20, 1974) Westchester County, New York</p>				
\$10.12	5%	6%	20%	.05
9.00	.75	1.75	1.00+†	.01
10.50	8%	9 1/4%	10%	2 1/4%
8.77	6.5%	8.5%+d	11%	1 1/4%
8.84				
<p>Change: Asbestos workers Bricklayers Lathers, nail on Plumbers Steamfitters</p>				

MODIFICATIONS P. 25

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & V	Pensions	Vacation	
<p><u>DECISION #7775-4048 - Mod. #1</u> (40 FR 5971 - February 7, 1975) Tom Green County, Texas</p> <p>Change: Electricians: Zone 1 Zone 2</p>		1% 1%		1/4% 1/4%
<p><u>DECISION #7775-5007 - Mod. #2</u> (40 FR 6135 - February 7, 1975) Barbour, Boone, Brooke, Cabell, Calloway, Clay, Doolittle, Fayette, Gilmer, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Putnam, Ritchie, Tyler, Upsher, Wayne, Wetzel, Wirt &amp; Wood Counties, West Virginia</p> <p>Change: Plasterers: Zone 3 Sheet Metal Workers: Zone 4</p>	\$6.75 7.10			
	\$8.80			.01
	8.80	.35	.20	.03

MODIFICATIONS P. 26

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	
	H & V	Pensions	Vacation		
<p><u>DECISION #7775-5009 - Mod. #1</u> (40 FR 4083 - January 31, 1975) Statewide, West Virginia</p> <p>Change: Area Covered By Electricians Zones: Zone 1 Marsh Twp. to read Marsh Fork Twp. Zone 2 Delete Raleigh (remainder of county) County. Area Covered By Line Construction Zones: Zone 1 To include Fayette (Falls &amp; Kanawha Twp.) &amp; Raleigh (Clear Fork &amp; Marsh Fork Twp.) Counties. Zone 2 Delete Raleigh County &amp; to change Fayette County to Fayette (remainder of county). Area Covered By Filledrivermen Zones: Zone 1 Delete Brooke, Hancock, Mar- shall, Monongalia, Ohio &amp; Wetzel Counties.</p> <p>Add: Electricians: Zone 15 Contracts \$15,000 or less: Wiremen Cable Splicers Contracts over \$15,000: Wiremen Cable Splicers Area Covered By Electricians Zones: Zone 15 - Raleigh (remainder of county) County.</p>	\$5.65 5.95 8.55 8.85	.30 .30 .30 .30	14+.12 14+.12 14+.12 14+.12	.52 .52 .52 .52	.04 .04 .04 .04

WV75-3009(Cont'd.)

MODIFICATIONS P. 27

Line Construction:  
 Zone 12  
 Linemen & Operators (all  
 mechanized equipment)  
 Cable Splicers  
 Groundmen & Truck Drivers  
 Areas Covered By Line Construc-  
 tion Zones:  
 Zone 12 - Raleigh (remainder  
 of county) County.  
 Piledrivers:  
 Zone 3  
 Areas Covered By Piledrivermen  
 Zones:  
 Zone 3 - Brooke, Hancock,  
 Marshall, Morgan, Ohio &  
 Wetzel Counties.

Basic Hourly Rate	Fringe Benefits Payments			App. To
	H & V	Positive	Vacation	
\$8.55	.30	14+.12	.52	
8.65	.30	14+.12	.52	
6.84	.30	14+.12	.52	
8.79	5%	7%		

4575-5033 P. 3

SUPRESEDEAS DECISION

STATE: Alaska  
 DECISION NUMBER: 4575-5033  
 DATE: Date of Publication  
 Supersedes Decision No. 4575-5001 dated January 10, 1975, in 40 FR 1382  
 DESCRIPTION OF WORK: Building (including residential construction consisting of single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

STATEWIDE

AREA I (North of the 63rd Parallel Meridian)  
 AREA II (South of the 63rd Parallel Meridian)  
 AREA III (East of the 141st Meridian)

	Basic Hourly Rates			Fringe Benefits Payments		
	M & W	Penalties	Vacation	App. Tr.		
ASBESTOS WORKERS	.51	.75	.50	.02		
BOILERMAKERS	.65	1.00				
BRICKLAYERS; Blocklayers;	.55	1.75		.09		
STONE MASONS						
CARPENTERS:						
Area I						
Carpenters	12.53					
Powder actuated tool operator	12.75			.15		
DeWalt or similar type saw operator; Marble and Acoustical;				.15		
Fire or Flood Repair work						
Applicators; Sailing Machine Operator; Saw Filer	12.81	1.50		.15		
Millwrights	12.92	1.50		.15		
Piledrivers	12.17	1.50		.15		
Areas II and III						
Journeyman Carpenters	11.96	1.50		.15		
Acoustical and Marble Applicators; Floor workers; Radial air saw operators; Fire and Flood workers	12.34	1.50		.15		
Millwrights	12.49	1.50		.15		
Piledrivers	12.17	1.50		.15		
CEMENT MASONS:						
Cement Masons, paving (concrete) curb, cutter and sidewalks	11.63	1.60		.15		
Operating, Screeding and Rooding Machines	11.98	1.60		.15		
Application of all Composition, Mastic; Plastic Material; Hand powered Grinder	12.16	1.60		.15		
Form Setters	11.78	1.60		.15		

	Basic Hourly Rates			Fringe Benefits Payments		
	M & W	Penalties	Vacation	App. Tr.		
CULINARY WORKERS:						
Baker of combination cook-baker;	9.49	1.00				
Head cook; Working camp manager	9.12	1.00				
Cook	9.06	1.00				
Butcher	8.57	1.00				
Head waiter or head waitress	8.47	1.00				
Head bullcook						
Camp worker (waiter, waitress, bullcook, general helper, miscellaneous worker); Bartender	8.31	1.00				
ELECTRICIANS:						
Electricians; Equipment Operators	11.93	1.00		.10		
Cable Splicers	13.18	1.00		.10		
ELEVATOR CONSTRUCTORS	11.17	.26		.02		
ELEVATOR CONSTRUCTORS' HELPERS	70¢/hr	.26		.02		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50¢/hr					
GLAZIERS:						
Area I	10.53					
Areas II and III	10.04	.10		.10		
IRONWORKERS:						
Bender Operator; Bridge; Fence Erector; Machinery Mover; Ornamental; Reinforcing; Sheeters; Structural	12.60	1.25	1.08	.13		
LATHERS	13.16			.04		
LINE CONSTRUCTION:						
Groundmen	9.93	1.00		.10		
Equipment Operators; Linemen; Technicians	11.93	1.00		.10		
Cable Splicers	13.18	1.00		.10		
MARBLE SETTERS; Terrazzo Workers	12.43	1.75		.09		
PAINTERS:						
Area I						
Zone 1 (within a 10 mile radius of the Fairbanks P. O. including Ft. Wainwright)						
Zone 2 (Beyond 10 miles and up to 40 miles radius of the Fairbanks P. O. including Eielson Air Force Base and all the Sites within this territory)						

AK75-5033 P. 4

AK75-5033 P. 3

	Fringe Benefits Payments			App. T.
	H & W	Pensions	Vacation	
<b>PAINTERS: (Cont'd)</b>				
Zone 3 (Beyond 40 miles radius of the Fairbanks, P. O.)				
Zone 1 and 3:				
Brush; Paperhangers	.50	1.00		.05
Carpet and Tile	.50	1.00		.05
Swing Stage, Sign Painters:				
Utilitiders	.50	1.00		.05
Hand Targets	.50	1.00		.05
Structural Steel; Sand Blasters:				
Spray Painters	.50	1.00		.05
Buffer Operator	.50	1.00		.05
Machine Tapers	.50	1.00		.05
Hardwood Floor Finishers	.50	1.00		.05
Epoxy Applicators & Spray Steel	.50	1.00		.05
Swing and Boom Spray	.50	1.00		.05
Zone 2:				
Brush; Paperhangers	.50	1.00		.05
Swing Stage; Sign Painters:				
Utilitiders	.50	1.00		.05
Tapers, Hand	.50	1.00		.05
Structural Steel, Sand Blasters:				
Spray Painters	.50	1.00		.05
Hardwood Floor Finishers	.50	1.00		.05
Tapers, Machine	.50	1.00		.05
Spray Steel; Epoxy Applicator	.50	1.00		.05
Swing and Boom Spray	.50	1.00		.05
Buffer Operator	.50	1.00		.05
Areas II and III				
Hardwood Floor Sander or Finisher	10.80	1.00		.05
Paperhanger; Sign, Brush, and				
Boiler Painters	11.05	1.00		.05
Swing Stage				
Structural Steel; Tapers and				
Drywall Sander	11.20	1.00		.05
Pot Tenders; Sandblasters; Spray	11.40	1.00		.05
Epoxy and Tar Applicator	11.80	1.00		.05
Steeplejack; Towers Painters	12.60	1.00		.05
PLASTERERS	12.75	1.60		.15
PLUMBERS; Steamfitters:				
Area I	13.07	1.30		.45
Area II	13.00	1.00		.10
Area III	14.25			
ROOFERS:				
Area I	12.30	1.25		.10
Areas II and III	12.00	1.25		.10

	Fringe Benefits Payments			App. T.
	H & W	Pensions	Vacation	
<b>SHEET METAL WORKERS:</b>				
Area I	\$14.78	.50		.13
Areas II and III	13.39	.75		
<b>SOFT FLOOR LAYERS:</b>				
Area I	11.02	1.00		.05
Zone 1	11.87	1.00		.05
Zone 2	11.00	.45	.41	.10
Areas II and III	11.74	.70		.08
<b>SPRINKLER FITTERS</b>				
<b>TERRAZZO WORKERS' &amp; TILE SETTERS'</b>				
HELPERS	10.18	.55	1.75	.09
TILE SETTERS	12.36	.55	1.75	.09
<b>RIGGERS; Welder: Receive rates for craft performing operation to which rigging or welding is incidental/</b>				
<b>FOOTNOTE:</b>				
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>PAID HOLIDAYS:</b>				
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;				
E-Thanksgiving Day; F-Christmas Day.				
<b>LABORERS</b>				
Group 1	10.35	.60	1.75	.09
Group 2	10.32	.60	1.75	.09
Group 3	10.56	.60	1.75	.09
Group 4	10.59	.60	1.75	.09
Group 5	10.63	.60	1.75	.09
Group 6	10.64	.60	1.75	.09
Group 7	10.69	.60	1.75	.09
Group 8	10.77	.60	1.75	.09
Group 9	11.02	.60	1.75	.09
Group 10	11.05	.60	1.75	.09
Group 11	11.13	.60	1.75	.09
Group 12	11.13	.60	1.75	.09
Group 13	11.16	.60	1.75	.09
Group 14	11.37	.60	1.75	.09
Group 15	11.39	.60	1.75	.09
Group 16	11.52	.60	1.75	.09
Group 17:				
Class A	10.35	.60	1.75	.09
Class B	10.34	.60	1.75	.09
Class C	10.85	.60	1.75	.09
Class D	11.41	.60	1.75	.09
Class E	11.56	.60	1.75	.09
Class F	11.80	.60	1.75	.09



AT75-5033 P. 6

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$10.92	.73	2.00		.10
10.98	.73	2.00		.10
10.45	.73	2.00		.10
11.30	.73	2.00		.10
11.70	.73	2.00		.10
12.01	.73	2.00		.10
12.30	.73	2.00		.10
12.61	.73	2.00		.10
12.92	.73	2.00		.10
13.23	.73	2.00		.10
13.54	.73	2.00		.10
13.85	.73	2.00		.10
14.15	.73	2.00		.10
14.44	.73	2.00		.10
10.17	.73	2.00		.10
10.60	.73	2.00		.10
11.28	.73	2.00		.10
11.54	.73	2.00		.10
11.81	.73	2.00		.10
12.08	.73	2.00		.10
12.25	.73	2.00		.10
11.22	.73	2.00		.10
10.34	.73	2.00		.10

TRUCK DRIVERS

- Group 1
- Group 2
- Group 3
- Group 4
- Group 5
- Group 6
- Group 7
- Group 8
- Group 9
- Group 10
- Group 11
- Group 12
- Group 13
- Group 14
- Group 15
- Group 16
- Group 17
- Group 18
- Group 19
- Group 20
- Group 21
- Group 22
- Group 23

AT75-5033 P. 5

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$ 11.48	.75	2.00		.15
12.37	.75	2.00		.15
11.41	.75	2.00		.15
11.54	.75	2.00		.15
12.43	.75	2.00		.15
13.21	.75	2.00		.15
11.80	.75	2.00		.15
10.97	.75	2.00		.15
11.86	.75	2.00		.15
12.13	.75	2.00		.15
11.62	.75	2.00		.15
13.96	.75	2.00		.15
11.49	.75	2.00		.15
11.89	.75	2.00		.15
11.99	.75	2.00		.15
11.92	.75	2.00		.15
12.22	.75	2.00		.15
10.31	.75	2.00		.15
10.86	.75	2.00		.15
11.81	.75	2.00		.15
11.13	.75	2.00		.15
10.46	.75	2.00		.15
10.90	.75	2.00		.15
11.07	.75	2.00		.15
14.73	.75	2.00		.15
15.40	.75	2.00		.15
12.06	.75	2.00		.15
10.08	.70	2.00		
10.21	.70	2.00		
11.14	.70	2.00		
11.20	.70	2.00		
11.26	.70	2.00		
11.77	.70	2.00		
12.55	.70	2.00		
13.30	.70	2.00		

POWER EQUIPMENT OPERATORS

- Group 1
- Group 2
- Group 3
- Group 4
- Group 5
- Group 6
- Group 7
- Group 8
- Group 9
- Group 10
- Group 11
- Group 12
- Group 13
- Group 14
- Group 15
- Group 16
- Group 17
- Group 18
- Group 19
- Group 20
- Group 21
- Group 22
- Group 23
- Group 24
- Group 25
- Group 26
- Group 27

POWER EQUIPMENT OPERATORS  
BREEDING

- Group 1
- Group 2
- Group 3
- Group 4
- Group 5
- Group 6
- Group 7

(a)  
(b)

## LABORERS

- Group 1: Laborers (including building, clearing and grading, bridges, dams, and etc. and stone pipe crews); Carpenter Tenders, Material Handlers and Hook Tenders; Form Strippers; Signal Men; Riggers; Sandblast Pot Tenders; Saw Tenders; Dump Men; Pit Men; Brush Cutters; Ditch Diggers; Sewer Monolithic Workers; Dryerman; Window Cleaners
- Group 2: Base and Floor Machine Man
- Group 3: Choke Setters
- Group 4: Concrete Labor Including Vibratorman, Power buggy and Concrete Power Saw; Curb and Gutter Man; Asphalt Crew (including plant crew)
- Group 5: Pneumatic or Power Tools
- Group 6: Shake Nipper, Gradenan; Steampoint or Water Jet Operator
- Group 7: Tank Cleaners
- Group 8: Jackhammer and Pavement Breakers; Chuck Tender, Wagon and Air Track Drills
- Group 9: Mason Tender and Mud Mixers
- Group 10: Gunnite Operator; Pipelayers, Culvert and Multiplate; High Scaler; Clearing and grading, slope (over 20 feet); Chain, Power Saws; Sandblaster; Sewer Pipelayer; Sewer Caslkers; Timberman; All monolithic crews; Pipe Builders; Cement or Lime Handier (back or bulk)
- Group 11: Asphalt Bakers
- Group 12: Tenders to plasterers, Bricklayers and Cement Finishers; Burning and Cutting Torch (except intermittent torch work)
- Group 13: Wagon Driller (except air tract)
- Group 14: Timber Faller; Air Trect Wagon Driller
- Group 15: Chain Saw Filer
- Group 16: High Riggers and Tree Topper, Powderman
- Group 17: TUNNEL or SHAFT:  
 Class a: Topman and Bull Gang; Brakeman  
 Class b: Muckers and Laborers; Nippers  
 Class c: Chuck Tender  
 Class d: Retimberman; Miners  
 Class e: Miners, Shafts and Raises  
 Class f: Powderman

## POWER EQUIPMENT OPERATORS

- Group 1: Batch Plant Operator; Batch and Mixer, 200 yards per hour and under; Loader; Elevating - Athey, Barber Greene and similar types; Overhead and Front-end under 2- yards; Mixers: Concrete Mixers and Batch, 200 yards per hour and under; Pumps: Fuller Kanyon, Pumpcrete and Concrete, Rollers, Tamers and Vibrators: On Plant or Road Mix Materials; Tractors, Farmall type, 50 h.p. and over; Trenching Machines: Under 15 inches
- Group 2: Batch Plant Operator; Batch and Mixer, over 200 yards; Derrick all, Drilling Machines, Core, Cable Rotary and Exploration; Mixers: Mobile type with hoist combination; Mucking Machines, Mole, Tunnel Drill and/or Shield
- Group 3: Brooms, Power Wayne, Saginaw and similar types; Bulldozers: Under D6 or similar; Post Hole Diggers, Mechanical; Saws, Concrete; Scrapers: Carryall type, single
- Group 4: Bulldozers: D6 through D9 or similar; Bump Cutter (Concuc Christenson or similar types); Convoys
- Group 5: Bulldozers: TC 12, Qued 9, Fay Dozers, Linked Feather, H.D. 41 and/or similar; Bulldozers engaged in Yo-Operation; Cableways and Highlines: 3 yards and under; Cranes: "A" Frame Trucks, Deck Winches, single power drum; "A" Frame Trucks Helicopter (Deck Winches, double power drum); Crawler, truck type, Floating Locomotive, Whirley, either 3 yards and under or 150 boom including jibs and under 45 tons and under; Hydralifts or Transporter, Hyster Cat Cranes and attachments, Sidebooms 45 tons and under; Loaders: Overhead and Front End 35 yards and under 4 yards; Motor Patrol Craders: Over Model 14 or similar types; Piledrivers Engineers, L. B. Foster Puller or similar Paving Breaker; Power Plant Turbine Operators; 300 K.W. on highway or airfield construction projects or Quarry Operations); Sauerman-Eagle; Shovels: Crawler and truck type, all attachments, 3 yards and under; Sub Grader (Carries, C.M.I. and similar types); Tractors Farmall type, used as Backhoes, Rubber-tired (Ford, Ferguson, Case and similar types); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 25 yards through 40 yards; Mover Craft, Flex Craft, Loadmaster, Air Cushion, Terrain Vehicle, Helicopter Transporter, Cableways, Rollagon, Dredge Barge Cable, Highline or Cable Car, Camp Maintenance Engineer, Boat Coxswain
- Group 6: Cableways and Highlines: Over 3 yards; Cranes: Crawler, Truck type, Floating, Locomotive, Whirley, either over 3 yards and under 6 yards, or over 150' boom, including jibs of over 45 tons; Tower Cranes, Pecon, Lorraine, Eocyrus and similar types; Hyster Cat Cranes and attachments, Sidebooms over 45 tons thru 100 tons; Loader: Overhead and Front-end 4 yards up to and including 10 yards; Shovels: Crawler and Truck type, all attachments, 3 yards and under 6 yards; Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 40 yards through 55 yards; Slip Form Paver, C.M.I. and similar types

POWER EQUIPMENT OPERATORS (Cont'd)

- Group 7: Cement Hogs; Locomotives; Rod and Geared Engines
- Group 8: Compressors; Excavating; Locomotives; Dinky (air, steam, gas, and electric) Spreaders
- Group 9: Compressors; Steel Erection including Sand Blasting, Painting of same, File Driving, Hoists on Steel Erection; Loaders; Fork Lifts with Totes; Scrapers; Carryall type, Tandem
- Group 10: Conveyors, Beltrrete with power pack and similar types; Loaders; Elevating Belt type, Euclid and similar types
- Group 11: Cranes: "A" Frame Trucks, Deck Winches, single power drum; Crushers, rock, washing and screening plants; Hoist Air Tuggers, Elevators; Motor Patrol Graders; Model 14 or similar types and under; Power Plant Turbine Operators: under 300 K.W.; Shovels; Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment 25 yards and under
- Group 12: Cranes: Crawler, truck type, Floating, Locomotive, Whirley, either 6 yards or over 200' of boom including jibs or over 150 tons; Hyster Cot Cranes and attachments, Sidebooms over 100 tons; Loaders: Overhead and front-end over 10 yards; Shovels: Crawler and Truck type, all attachments, 6 yards and over; Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 35 yards through 70 yards
- Group 13: Finishing Machine Operator, Concrete Paving, Sidewalk Curb and Gutter Machine; Screen Man or Slurry Operator; Spreaders - Blaw Knox, Cedarapids, Barber Greense, Railroad Wing Spreader or similar types
- Group 14: Loaders: Elevating Grader type, Donor and similar types
- Group 15: Loaders: Fork lifts or Lumber Carrier (on construction job site)
- Group 16: Mechanics, Welders, Machinists, heavy duty
- Group 17: Mechanic, Leadman
- Group 18: Mechanics' Helpers, heavy duty abop, Stake Hopper, Gradsman
- Group 19: Mechanic, light duty; Rollers, Tamers and Vibrators: Others than plants or road mix (where towed, to pay rate of equipment used to pull); Tractors, Farmall type less than 50 h.p.
- Group 20: Mixers: Asphalt Mixer
- Group 21: Oil, Blower Distributors
- Group 22: Safety Observer or Oiler Rigger

POWER EQUIPMENT OPERATORS (Cont'd)

- Group 23: Journeyman Equipment Service Oilers and Firemen; Oiler, either over 3 yards or over 150' boom or over 45 tons
  - Group 24: Pumps: Water
  - Group 25: Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 70 yards through 85 yards
  - Group 26: Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 85 yards through 100 yards
  - Group 27: Trenching Machines: 16 inches and over or Remote Controlled Underwater Trenching
- POWER EQUIPMENT OPERATORS - DREDGING
- Group 1: Assistant Mate (Deckhand)
  - Group 2: Fireman; Oiler
  - Group 3: Assistant Engineer (electric, diesel, steam or booster pumps); Mates and Boatmen
  - Group 4: Engineer Welder; Craneman
  - Group 5: Assistant Engineer (electric generator operator for primary pump, power barge, or dredge)
  - Group 6: Leverman, Hydraulic
  - Group 7: Leverman, Dipper
    - (a) 5 yards and under
    - (b) Over 5 yards

TRUCK DRIVERS

- Group 1: Buggymobile; Hyster Operators (handling bulk aggregate), Lumber Carrier
- Group 2: Semi or Truck and Trailer; Dumpsters; Batch Trucks over 5 yds., Batch Trucks 5 yds. up to and including 10 yds.; Fuel Truck; Greasers or Grease Trucks; Flat Beds, dual rear axle, Ready Mix: Over 3 yds. up to and including 5 yds.; Water Wagon, Semi; Water Wagon, Dual Axle; Winch Trucks, Flat Bed including "A" Frame manufactured rating over 5 tons; Bell Lifts and Fork Lifts over 5 tons; Front End Loader with Forks; Partman and Outside Expeditor; Bus Operator, over 30 passengers, Truck Equipment; All Terrain Vehicles, Foam Distributor Truck Double Axle, Hydro Seeder Double Axle; Vacuum Trucks and Truck Sweeper-Double Axle; Loadmaster (air and water operations); Air Cushion or similar type vehicle; Free Trucks-Double Axle

AK75-5033 F. 11

## TRUCK DRIVERS (Cont'd)

- Group 3: Batch Trucks up to and including 5 yds.; Dump Trucks (including Rockerzzy and Trucks with pops) up to and including 5 yds.; Flat Beds, single rear axle; Water Wagon, single axle; Wrench Truck, Flat Bed including "A" Frame manufactured rating 5 tons and under; Bull Lifts and Fork lifts up to and including 5 tons; Bus Operator, up to 30 passengers, Single Axle; Team Drivers (Horses, Mules and similar equipment); Fire Trucks, Single Axle
- Group 4: Dump Trucks over 10 yds. up to and including 20 yds.; Tireman; Loaded Heavy-Duty Trailer; Oil Distributor Drivers; Ready Mix: Compactor (when pulled by rubber-tired equipment)
- Group 5: Dump Trucks over 20 yds. up to and including 30 yds.
- Group 6: Dump Trucks over 30 yds. up to and including 40 yds.
- Group 7: Dump Trucks over 40 yds. up to and including 50 yds.
- Group 8: Dump Trucks over 50 yds. up to and including 60 yds.
- Group 9: Dump Trucks over 60 yds. up to and including 70 yds.
- Group 10: Dump Trucks over 70 yds. up to and including 80 yds.
- Group 11: Dump Trucks over 80 yds. up to and including 90 yds.
- Group 12: Dump Trucks over 90 yds. up to and including 100 yds.
- Group 13: Dump Trucks over 100 yds. (above scales to be paid on actual water level measurements)
- Group 14: Turn-O-Wagoner DW-10 when not self-loading
- Group 15: Gravel Spreader Box Operator on Truck; Pickup (pilot cars and all light-duty vehicles); Warehouseman Class 2; Farm type rubber-tired tractor (material hauling)
- Group 16: Ready Mix: Up to and including 3 yds.
- Group 17: Ready Mix: Over 5 yds. up to and including 7 yds.
- Group 18: Ready Mix: Over 7 yds. up to and including 9 yds.
- Group 19: Ready Mix: Over 9 yds. up to and including 12 yds.
- Group 20: Ready Mix: 13 yds. and over
- Group 21: Ready Mix, Semi with double bowl mixer
- Group 22: Water Wagon, when pulled by Euclid or similar type equipment
- Group 23: Warehouseman - Class 1

SUPRESEUR'S DECISION

STATE: Florida  
 DECISION NUMBER: FLS-1030  
 DATE: Date of Publication  
 Supersedes Decision No. 14-6005 dated August 24, 1973 in 38 FR-22842  
 DESCRIPTION OF WORK: Highway Construction

COMMENTS: See below

1-FLA-3-C

	Basic Hourly Rates	Fringe Benefits Payments			App. To
		M & W	Pensions	Vacation	
Counties: Jay, Escambia, Gelf, Okaloosa, Santa Rosa and Walton					
Ericklayers	2.10				
Carpenters	4.16				
Concrete finisher	3.48				
Ironworkers:					
Reinforcing	4.07				
Rodman	2.10				
Laborers:					
Common	2.25				
Asphalt maker	2.98				
Pipelayers	3.08				
Form setters	2.50				
Truck drivers:					
Low boy	2.85				
Single rear axle	2.61				
Heavy duty	2.70				
Multi rear axle	2.50				
Welders	3.58				
POWER EQUIPMENT OPERATORS:					
Asphalt distributors	3.00				
Asphalt paving machine	3.25				
Asphalt plant	2.70				
Asphalt plant drier	2.10				
Asphalt screed	3.00				
Backhoe	3.20				
Bulldozers	3.00				
Crane, derrick, dragline	3.75				
Concrete paving machine	2.50				
Earth moving operator	2.93				
Firemen	2.75				
Loaders - Front End:					
1 cu. yd. or less	3.00				
Over 1 cu. yd.	2.83				
Mechanics	4.39				
Motor graders	3.50				
Mixers, subgrade, self-prop.	2.80				
Oiler	2.50				
Piledriver-leadman	3.70				
Pump	2.25				
Rollers	2.25				
Finisher	2.93				
Self-propelled rubber-tired	2.68				
Scrapers	3.00				
Tractor - 80 H.P. or less	2.50				
Over 80 H.P.	3.00				
Tug boats	3.13				

DECISION NO. ILJ5-2044

COUNTIES: Boone, Carroll, DeKalb, JoDaviess, Lee, Ogle, Stephenson, Whiteside & Minnebago

DATE: Date of Publication August 9, 1974, in 38 FR, 28831

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

DECISION NUMBER: ILJ5-2044

Supersedes Decision No. AB-3076, dated August 9, 1974, in 38 FR, 28831

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.
		H & V	Penalties	Vacation	
<b>ASBESTOS WORKERS:</b>					
Boone; Ogle; Stephenson & Minnebago Counties	99.87	.45	.60		.03
Carroll; JoDaviess & Whiteside Counties	9.00	.30	.25		.10
Lee & DeKalb Counties	10.36	.58	.67		.05
<b>BOILERMAKERS:</b>					
Boone; Ogle & Minnebago Counties	8.75	.40	.90	.42	.01
Remainder of Counties	8.55	.40	.65		.01
<b>BRICKLAYERS &amp; STONEMASONS:</b>					
Boone; Ogle & Minnebago Counties	8.85	.30	.40	.45	
Carroll; JoDaviess & Stephenson Counties	8.40	.30	.20		
Lee & Whiteside Counties	8.55	.30	.40		
DeKalb County	10.10	.30			
<b>CARPENTERS:</b>					
Stephenson County:	8.28	.30	.35		
Carpenters & Soft Floor Layers	9.18	.30	.35		
Millwrights	8.53	.30	.35		
Minnebago & Boone Counties:					
Carpenters, Piledrivermen & Soft Layers	8.70	.25	.35		
Millwrights	8.28	.25	.25		
Carroll & JoDaviess Counties:					
Carpenters & Soft Floor Layers	8.28	.30	.35		
Millwrights	9.18	.30	.35		
Piledrivermen	8.53	.30	.35		
Whiteside (All areas east of Hwy. #78) Co; & Ogle (Tops, of Mount Maryland, Forreston, Harper, Haldane, Buffalo, Brookville, Adeline, Lightville & Baileyville) Co:					
Carpenters & Soft Floor Layers	8.23	.35	.35		
Millwrights	9.13	.35	.35		
Piledrivermen	8.48	.35	.35		
Whiteside Co; (All areas west of Hwy. #78)					
Carpenters & Soft Floor Layers	8.31	.35	.50		
Millwrights	8.45	.65	.75		
Piledrivermen	8.56	.35	.50		

**CARPENTERS (Cont'd)**  
 DeKalb Co; Ogle (East of Hwy. #51 Incl., Rochelle City) Co; Lee (eastern 1/2 of Co. including Roxbury & Compton) Co:  
 Carpenters & Soft Floor Layers .30  
 Millwrights & Piledrivermen .30  
 Remainder of Lee & Ogle Counties: .45  
 Carpenters & Soft Floor Layers .45  
 Millwrights & Piledrivermen .45  
**CEMENT MASONS:**  
 Boone & Minnebago Counties .25  
 DeKalb County .30  
 Whiteside (Erie & Area S.W. thereof) Co. .40  
 Carroll; JoDaviess; Lee; Ogle; Stephenson & remainder of Whiteside County .30  
**ELECTRICIANS:**  
 Boone; DeKalb; Minnebago; Stephenson; Ogle; Lee; JoDaviess (Warren, Bush, Nora, Stockton, Wards Grove, Pleasant Valley, Berreman Twp.) Co; Carroll (Cherry Grove, Sharon, Rock Creek, Lima, Wycox, Zion Grove Twp.) Co; Whiteside (Geneese, Jordan, Hopkins, Sterling, Hume, Montgomery, Tampico, Bahnaman Twp.) Co.  
 JoDaviess (Savanna Ordnance Depot Co; Carroll (Cities of Chadwick, Mt. Carroll, Savanna & Thompson) Co; & Remainder of Whiteside Co. Remainder of JoDaviess County  
**ELEVATOR CONSTRUCTORS:**  
 DeKalb County:  
 Elevator Constructors .445  
 Helpers .445  
 Helpers (Prob.) .445  
 Carroll & Whiteside Counties:  
 Elevator Constructors .445  
 Helpers .445  
 Helpers (Prob.) .445

Basic Hourly Rates	H & V	Penalties	Vacation	App. Fr.
99.87	.45	.60		.03
9.00	.30	.25		.10
10.36	.58	.67		.05
8.75	.40	.90	.42	.01
8.55	.40	.65		.01
8.85	.30	.40	.45	
8.40	.30	.20		
8.55	.30	.40		
10.10	.30			
8.28	.30	.35		
9.18	.30	.35		
8.53	.30	.35		
8.70	.25	.35		
8.28	.25	.25		
8.28	.30	.35		
9.18	.30	.35		
8.53	.30	.35		
8.23	.35	.35		
9.13	.35	.35		
8.48	.35	.35		
8.31	.35	.50		
8.45	.65	.75		
8.56	.35	.50		

DECISION NO. IL75-2044

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & V	Pensions	Vacation	
88.98	.645	.29	37+65b	.02
70.1JR	.445	.29	37+65b	.02
50.1JR				
7.65	.30	.20	.50	.02
6.93	.40	.82		
7.3848	.50	.525		
10.89	.40	.375		
8.75	.40	.375		
10.15	.40	.375		
7.20	.57	.85		
7.30	.57	.85		
7.45	.57	.85		
8.40	.25		.25	
8.045	.50	.40		.04
8.445	.50	.40		.04
6.95	.40	.40		.09
7.39	.40	.40		.09
7.22	.40	.40		.09
7.47	.40	.40		.09

ELEVATOR CONSTRUCTORS (Cont'd)  
 Remainder of Counties:  
 Elevator Constructors  
 Helpers  
 Helpers (Prob.)  
 GLAZIERS:  
 DeKalb (Lee, Waterson, Hinkley & South thereof) Co.  
 Minnabago; Boone; Lee (Eastern 1/2 of Co.); Co.; Remainder of DeKalb Co.  
 Carroll; JoDaviss; Stephenson;  
 Whiteside Co; Lee (Western 1/2 of County including Dixon) County  
 IRRIGATORS:  
 DeKalb (S.E. 2/3 of Co. including Sycamore & DeKalb)  
 Carroll (Vicinity of Savanna & Thompson) Co; JoDaviss (E. Dubuque, Galena, Hanover & Vic.) Co; & remainder of Whiteside County  
 Boone; Minnabago; Stephenson; Lee; Whiteside (Cities of Rock Falls, Sterling & West Sterling) Co;  
 Remainder of Carroll, JoDaviss & DeKalb Counties  
 LABORERS:  
 Boone County:  
 Common Laborer  
 Power Vibrator  
 Jackhammers; Flasterer Tenders  
 MABLE-TILE-TERRAZZO WORKERS:  
 Carroll; Boone; DeKalb; Stephenson;  
 Ogle & Minnabago Counties  
 PAINTERS:  
 DeKalb County:  
 Brush  
 Spray  
 Carroll; Lee; Ogle; Whiteside Co:  
 Brush  
 Spray, Structural Steel, Sandblast  
 JoDaviss County:  
 Brush & Roller  
 Spray, Structural Steel, Sandblast

DECISION NO. IL75-2044

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & V	Pensions	Vacation	
87.80	.30			
8.05	.30			
8.70	.30			
10.10	.30	.50		
7.18	.20			
9.18				
8.00	.25	.50		.01
10.50	.25	.25		.10
8.74	.39	.65		.17
9.25	.35	.40		.05
9.90	.50	.15	.30	
8.00	.15			
9.75		.20		
7.89	.20	.40	.50	.01
8.95	.25	.20		.25
7.30	.30	.25		.02

PAINTERS (Cont'd)  
 Minnabago; Boone & Stephenson Co:  
 Brush & Roller  
 Structural Steel & Sandblast  
 Spray  
 PLASTERERS:  
 DeKalb County  
 Boone & Minnabago Counties  
 Whiteside (Eric & Area S.W. thereof) Co.  
 Carroll; JoDaviss; Lee; Stephenson;  
 Co.; & remainder of Whiteside Co.  
 PLUMBERS & STEAMFITTERS:  
 DeKalb County  
 Whiteside; Lee; Carroll (West of R. #78 excluding Mt. Carroll by 1 mile outside the city limits continuing North on R. #78) Co;  
 JoDaviss (South line of Co., then West to R. #84 to 1 mile North of Hanover, then West to the River 1 mile North of Blaming) Co; The Savanna Ordnance Depot  
 Boone; Ogle; Stephenson; Minnabago;  
 Carroll (to R. #78 including Mt. Carroll) Co; & Remainder of JoDaviss County  
 ROOFERS:  
 DeKalb (Eastern 1/2 of Co., incl. Sycamore, DeKalb & Waterman) Co.  
 Boone; Carroll; JoDaviss; Lee;  
 Ogle; Stephenson; Minnabago;  
 Whiteside (Cities of Rock Falls, Sterling & West Sterling) Co;  
 DeKalb (Western 1/2 of County);  
 Composition-Slate & Tile  
 Remainder of Whiteside County:  
 Flat Slate-Tile-Damp-Waterproof  
 SHEET METAL WORKERS:  
 Boone; DeKalb; Lee; Ogle; Whiteside; Minnabago; Carroll (Eastern 1/2 of Co.)  
 Carroll County (Western 1/2 of Co.)  
 JoDaviss & Stephenson Counties

**LABORERS**  
REMAINDER OF COUNTIES

CLASS I  
CLASS II  
CLASS III

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & V	Pensions	Vacation	
89.40	.50	.70		.08
86.55	.25	.15		
6.70	.25	.15		
6.90	.25	.15		
7.10	.25	.15		
6.60	415.00	419.00		
6.75	415.00	419.00		
6.95	415.00	419.00		
7.15	415.00	419.00		

**SPRINKLER FITTERS**  
**TRUCK DRIVERS:**  
Boons; Stephenson; Minnabago Coal  
Carroll (North of Rt. #72 & East  
of Rt. #78) Co; Jodavress (East  
of Rt. #78 except City of Stock-  
ton) County;  
2-3 Axle Trucks  
4-Axle Trucks  
5-Axle Trucks  
6-Axle Trucks  
DeKalb County; East of Route #51  
in Lee & Ogle Counties:  
2-3 Axle Trucks  
4-Axle Trucks  
5-Axle Trucks  
6-Axle Trucks

Welder - receive rate prescribed for  
craft performing to which welding  
is incidental.

**PAID HOLIDAYS (WEEK APPLICABLE):**  
A-New Year's Day; B-Memorial Day; C-Independence Day;  
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

**FOOTNOTES:**

- a. Six Paid Holidays: A through F.
- b. Employer contributes 1/4 of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.
- c. Five paid holidays, A through F plus Washington's Birthday and Good Friday and Christmas Eve, providing employee has worked 15 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
- d. Per Week Per Employee.

**CLASSIFICATIONS**

**LABORERS**

**CLASS I:** Common Laborers, Carpenter Tenders, Tool Cribmen, Firemen or Salamander Tenders, Flagmen, Gravel Box Men, Dumpmen & Spotters, Form Handlers, Material Checkers, Dispatchers, Landscapers, Paving Laborers, Cleaning lumber, Pit Men, Material Checkers, Dispatchers, Landscapers, Unload- ing Explosives, Laying of Sod, Planting of Trees, Removal of Trees, Asphalt Plant Laborers, Wrecking Laborers, Writer of Scale Tickets, Fire Shop Laborers, Fireproofing Laborers, Janitors, Driving of Stakes, Stringlines for all Machinery, Rod & Chaismen with Technical Engineers, with Land Surveyors & Surveyors, Asphalt Workers with Machine & Layers, Grade Checker, Signal Man on Crane, Coring Machine Operator, Concrete Workers (cast), On Concrete Paving, Placing, Cutting and Tying of Reinforcing Steel Form Setters-Street & Highway

**CLASS II:** Scaffold Workers, Handling of materials treated with any foreign matter harmful to skin or clothing, Bulk Cement Handlers, Unloading of Re-bars, Tunnel Helpers in Ties Air, Patch Dumpers, Mason Tenders, Kettle and Tar Men, Tank Cleaners, Plastic Installers, Motorized Suggies or Motorized Unit used for wet concrete or handling of Building Material, Vibrator Operators, Mortar Mixer Operators, Cement Silica, Clay Fly Ash, Lime & Plasters, Handlers (Bulk or Bag) Deck Hand, Dredge Hand & Shore Laborers, Bankmen on Floating Plant, Power Tools, Material Selector (Firebrick or Castable Material) Chain Saw Operators, Air Tamping Hammerman, Concrete Saw Operator, Front End Man on Chip Spreader, Lutzman, Asphalt Baker.

**CLASS III:** Jackhammer and Drill Operators, Laborers with De-Watering Systems, Bottom Sever Workers Plus Depth, Cofferdam Workers plus depth, Gaffson Workers plus depth, Connite Nozzle Men, Leadman on Sewer Work, Welders, Cutters, Burners and Torchmen, Layout Man and/or Tile Layer, Screensman on Asphalt Pavers, Laborers Tending Masons with Hot Material, Multiple Concrete Duct-Leachman, Chp Asphalt Machine Operator, Ready-Mix Sealmen, Terra- ment, Portable or Temporary Plant, Laser Beam Operator, Concrete Burning Machine Operator, Underpinning and Shoring of Building, Pump Men



POWER EQUIPMENT OPERATORS:  
WESTERN 1/2 OF WHITESIDE COUNTY

ILL-5-1044 P. 8

ILL-15-200-1-2-3

Basic Monthly Rates	Fringe Benefits Payments			App. Tx.
	H & W	Family	Victim	
\$9.10	.10	.50		.08
9.00	.10	.50		.08
8.90	.10	.50		.08
7.75	.10	.50		.08
6.65	.10	.50		.08
7.50	.10	.50		.08

CLASS I  
CLASS II  
CLASS III  
CLASS IV  
CLASS V  
CLASS VI

CLASSIFICATIONS

CLASS I: All hoists or steel erecting equipment used to hoist or erect in conjunction with the crew of a specialty trade.

CLASS II: Cranes, shovel, clamshell, dragline, backhoe, derrick, tower crane, cableway, concrete spreader (servicing two pavers), asphalt truck, asphalt mixer plant engineer, dipper op., dipper dredge crane, dual purpose truck (boom or winch), leverman or engine (hydraulic direct), mechanic, paving mixer with tower attached (operators required), pile driver, boom tractor, stationary, portable or floating mixing plant, trench ching machine, cleaning and grouting machine, end-loader (one half cubic yard or over), basement excavation work, backfiller (throw bucket), locomotive engine, qualified welder or push boat concrete paver, seam saw-saw or similar machines, CRT autograder similar machines, slip form paver, caisson augering machine, mashing machine, asphalt heater-planer with hydraulic cranes.

CLASS III: Wheelbarrow, wheel loader, asphalt pug mill, fireman and driver, concrete pump, concrete spreader (servicing one paver), bulldozer, embankment (other than mentioned above), finisher, elevating grader, scrap equipment grader, astourneau and similar machines, DM-10, straddle carrier, hyman winch and similar machines, motor patrol, power blade push cut, tractor pulling elevating grader or power blade, tractor or grading scoop or scraper, tractor with power attachment, roller on asphalt or blacktop, single arm hoist, Jaeger mix and plane machine, pipe bending machine, welding machines (3 or 4), Fuller Kenyon cement pump or similar machines, automatic cement and gravel bats plants (one stop set-up), Saxon pulvi-blower or similar machines, propelled sheet foot roller or compactor (used in conjunction with a grading spreader), mud jack, underground boring machine (over 8'), apex spreader or similar machine.

CLASS IV: Asphalt booster, leverman and pump operator at asphalt plant, compressor (500 cu ft. and over), concrete finishing machine, form grader with roller on earth, mixers (3 bag to 16E), power operated ball float, tractor without power attachment, Dops pot (agitator motor), Dops chop machine, distributor (back end), Flaxplane or similar machines, portable machine fireman, Hydrohammer, power winch on paving work, self-propelled roller or compactor (other than provided for above), pump operator crusher operator, trench machine (20 H.P. and under), power sub grader (on forms) or similar machines, asphalt spreader, covered operator, conveyor.

CLASS V: Oiler, mechanic's helper, water pump (pumping water to paver), mechanical heater (other than steam boiler) belt machine, small outboard motor boat.

CLASS VI: Air compressor (275 c.f.m. or over) driver on truck cranes or similar machines, light plant, mixers (1 or 2 bags), power batching machine (cement sugar or conveyor), boiler (engineer or fireman, water pumps, welding machine, mechanical broom, automatic cement & gravel batch plants (two or three stop set-up), small backhoes or endloaders), self-propelled curing machine.

ILL-5-1044 P. 7

POWER EQUIPMENT OPERATORS:  
BOONE; CARROLL; EXKAL; JODAVIENS;  
LEE; OGLE; STEPHENS; WINNEBAGO  
& THE EASTERN 1/2 OF WHITESIDE CO.

ILL-12-FED-1

Basic Monthly Rates	Fringe Benefits Payments			App. Tx.
	H & W	Family	Victim	
\$10.30	.50	.70	.20	.05
9.00	.50	.70	.20	.05
7.95	.50	.70	.20	.05
6.75	.50	.70	.20	.05

CLASSIFICATIONS

CLASS I: Asphalt plant, asphalt spreader, auto-grad, batch plant, Remoto (requires two engineers), boiler & throttle valve, caisson rig, central wet-mix plant, combination backhoe front end-loader machine, compressor & throttle valve, concrete breaker (truck mounted), concrete conveyor, concrete paver, concrete placer, concrete tower, cranes (all), derricks (all), grader, elevating, grouting machines, highlift shovels or front end-loader 2 1/2 yd. or over, hoists, one, two & three drum, hoists, two & three drum, hoists, two tigger one floor, hydraulic boom trucks, locomotives (all), mechanic, motor patrol, pile drivers & acid rig, post-hole digger, pre-stress machine, pump cures dual run (requiring frequent lubrication & water), pumpcures, squeeze cures - screw type pumps, Gysam bulker & pump, rock drill (self-propelled), rock drill (truck mounted), scoops - tractor driven, slip form paver, straddle boggies, tounmagull, tractor with boom & side boom, trenching machines

CLASS II: Boilers, bulldozers, broom, all power propelled, concrete mixer (2 bag & over), conveyor, portable, forklift trucks grader engineer, highlift shovels or front endloaders under 2 1/2 yd., hoists, automatic, hoists, all elevators, hoists, tigger single drum, rollers, all, steam generators, stone crushers, tractors, all, winch trucks with "A" frame

CLASS III: Air compressor - small 150 & under (1) to 5 not to exceed a total of 300 ft., Air compressor - large over 150, combination - small equipment opt., generators under & over 50 KW, heaters, mechanical, pumps, over 3" (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, & small electric drill winches

CLASS IV: Oilers

ILJ5-2044 P. 9

JOURNALIST (N. OF ST. #78 INCL.  
CITY OF STOCKTON) CO; & REMAINDER  
OF CARROLL, WHITESIDE, COLE AND  
LEE COUNTIES

TRUCK DRIVERS

ILL-82-TP-1-2-3

Basic Monthly Rates	Fringe Benefits Payments			App. To
	H & V	Vacation	Retire	
\$8.10	.45	113.00		
8.50	.45	113.00		
8.70	.45	113.00		

GROUP I  
GROUP II  
GROUP III

CLASSIFICATIONSGROUP 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.

SUPERSEDES DECISION

STATE: Oklahoma  
 COUNTY: Muskogee, Adair, & Cherokee  
 DECISION NO.: OK73-4057  
 DATE: Date of Publication  
 Supersede Decision No. AB-35 dated September 27, 1974, in 38 FR 35043  
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), and heavy and highway construction within the City of Muskogee.

	Basic Hourly Rates	Fringe Benefits Payments			App. To
		M & W	Vacation	App. To	
ASBESTOS WORKERS	\$8.90	.35	.50		.015
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS-STONEMASONS	7.93	.30	.40		.04
CARPENTERS:					
Carpenters	7.60		.25		.01
Millwrights-Pile-drivers	8.10		.25		.01
CEMENT MASONS:					
Cement masons	7.05				
Power tool operator	7.30				
ELECTRICIANS:					
ZONE I - A 20 mile radius from Post Office of City of Muskogee	7.93	.30	.15		1/2
ZONE II - Area outside zone I	8.33	.30	.15		1/2
Zone I					
Electricians	8.23	.30	.15		1/2
Cable splicers	8.63	.30	.15		1/2
Zone II					
Electricians	7.93	.445	.29	3x+4x	.02
Cable splicers	7.93	.445	.29	3x+4x	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.93				
ELEVATOR CONSTRUCTORS' HELPERS (Probationary 6 months)	7.01R				
GLAZIERS	7.00	.40	.30		.01
IRONWORKERS	8.49	.30	.35		.08
LABORERS:					
Group 1	5.00	.25	.20		
Group 2	5.30	.25	.20		
Group 3	5.50	.25	.20		

CLASSIFICATION DEFINITIONS

GROUP I - All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of building and all structures, cleaning and clearing of debris; loading and unloading of materials, hoist or cages, except when the man is directly tending labbers, masons, or plasterers; water boys, when used, carpenter tenders; and common laborers.

DECISION NO. 0875-4037

**LABORERS CLASSIFICATION DEFINITIONS CONT'D**

**GROUP II** - All machine tool operators that come under the jurisdiction of the laborers; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to four inches and slip form jacks; men erecting scaffolds and directly tending labors, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; high work over 30 feet from the ground or floors; cement finisher helper; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe doping, treating and wrapping, including all men working with dope; mortar and plaster mixing machine, pump-crete machines, and grout mixing machines, including placing of concrete; handling crosoted or treated materials, liquid acids, or like materials when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale men on batch plants; all laborers screening sand, running sand drier, and feeding operating sand blaster, except nozzle; signal men and curbing torch operators in connection with laborers' work; concrete grader

**GROUP III** - Wagon drill operator and powdermen or blaster

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		W & W	Pensions	Vacation	
<b>LATHERS</b>	6.60		.30		.01
<b>LINE CONSTRUCTION</b>					
Lineman	8.00		1%		1/2
Cable splicers	8.48		1%		1/2
Sole digger operator	7.26		1%		1/2
Heavy Equipment Operator (or Pole Cat Equivalent)	7.26		1%		1/2
Line truck driver (winch operator)	6.57		1%		1/2
Jack Hammerman	5.99		1%		1/2
Powderman	7.26		1%		1/2
Groundman	5.34		1%		1/2
Truck driver (flat bed, ton and half and under)	5.70		1%		1/2
<b>PAINTERS:</b>					
Commercial brush and roller	5.35		.25		.20
Spray; glove or dipping; sand-blasters, spray or sand pot tender (maximum two pots, guns or nozzles), power rollers, power equipment operators, bituminous and like materials, applicators and kettle tenders	6.60		.25		.20
Spray or sand pot tender (maximum one pot, one nozzle or gun	5.70		.25		.20

**COUNTIES:** Atchison, Doniphan, Leavenworth, and Wyandotte Counties, Kansas; Andrew, Atchison, Boonville, Buchanan, Callaway, Carroll, Cass, Clay, Cole, Cooper, Franklin, Gasconade, Holt, Howard, Jackson, Lafayette, Monticello, Montgomery, Osage, Platte, Ray, Saline, St. Charles, St. Louis and Warren Counties, Missouri; Nemaha and Richardson Counties, Nebraska  
**DATE:** Date of Publication  
**AMT:** 38 FR 23647.

DECISION NO.: 0875-4060  
 Supersedes Decision No. X-21, dated August 31, 1973, in 38 FR 23647.  
**DESCRIPTION OF WORK:** Maintenance Dredging

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		W & W	Pensions	Vacation	
Atchison, Doniphan, Leavenworth and Wyandotte Counties, Kansas; Andrew, Atchison, Buchanan, Carroll, Chariton, Clay, Cooper, Holt, Howard, Jackson, Lafayette, Platte, Ray and Saline Counties, Missouri; Nemaha and Richardson Counties, Nebraska; Maintenance Dredging Leveeman, Engineer, Mechanic and Boatman Oiler	\$9.57 8.15	.50 .50	.75 .75		.10 .10
Boone, Callaway, Cole, Franklin, Gasconade, Monticello, Montgomery, Osage, St. Charles, St. Louis and Warren Counties, Missouri; Maintenance Dredging Leveeman, Engineer, Mechanic and Boatman Oiler	10.05 8.63	.35 .35	.50 .50		.02 .02
Atchison, Doniphan, Leavenworth and Wyandotte Counties, Kansas; Andrew, Atchison, Buchanan, Carroll, Clay, Holt, Jackson, Lafayette, Platte, Ray and Saline Counties, Missouri; Nemaha and Richardson Counties, Nebraska; Maintenance Dredging Deckhand	7.36	.50	.50		.10
Boone, Callaway, Cole, Cooper, Franklin, Gasconade, Howard, Monticello, Montgomery, Osage, St. Charles, St. Louis and Warren Counties, Missouri; Maintenance Dredging Deckhand	7.46	.40	.50		.10

STATE: Kansas, Missouri and Nebraska

SYNOPSIS DECISION

DECISION NO. OK75-4057

**PAINTERS (cont'd)**

Harwood work  
Cooning steel, stage bosun chair  
spiders, jack, roof work, skat-  
es, rolling scaffolds and like  
equipment - fifty cents above  
basic rate

**POWER EQUIPMENT OPERATORS:**

Group	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & V	Vacation	App. Tr.	
Group 1	8.25	.35	.25	.12	
Group 2	8.00	.35	.25	.12	
Group 3	7.75	.35	.25	.12	
Group 4	7.50	.35	.25	.12	
Group 5	7.00	.35	.25	.12	
Group 6	7.10	.35	.25	.12	
Group 7	6.50	.35	.25	.12	
Group 8	6.60	.35	.25	.12	

**POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS:**

**GROUP I** - All crane type equipment with 100' of boom or over (including jib); all tower cranes and all crane type of 3 cu. yd. or more.

**GROUP II** - Heavy duty mechanic; welder; crane hook and overhead monorail; whirley; panel board batch plant operators; derrick; piledrivers; engineer; dragline; shovel; clamshell; backhoe; sideboom; grapple; hydro crane; cherry picker; hoists while operating 2 or more drums.

**GROUP III** - Motor patrol (Blade); dozer (engine H.P. 65 or over); Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; trowel, DW 10, 15, 16, 20, 21, and similar rubber-tired equipment, Euclid, TS-24 and similar; loader operator or hi-lift (engine H.P. 65 or over); Asphalt lay machines; tail boom; conveyor-multiplier; panel board control, power driver hole digger; trenching machine; concrete pump - boom type

**GROUP IV** - Locomotive engineer; boring machine, tug boat; mixer, 18 cu. ft. and over, sand barge; dredging machine; tugger; hoist when operating one drum, welding machine, 3 to 6, Air compressor, 3 to 6, 500 cu. ft. and under; air compressor, over 500 cu. ft. (1), pumps, battery, 3 to 6; fork-lift, bobcat and similar equipment; generator plant engineer, diesel elec; winch trucks with A-Frame; rollers all types; outside elevator or building or personnel hoist, concrete buster or tamper; heater under jurisdiction of operator; engineers; fireman; boiler operator; crushing plant; oiler distributor; pulverizer; farmer tractor with or without attachments; batch plant operator (portable) conveyor operator-duel, continuous or bit-bulk handling; screened operator; concrete pump; form grader; screening plant, well point pump operator; signal man or large whirleys when and if required; operator for rotary drilling machine when operated from console or machines

**GROUP V** - Permanent elevator-building type (automatic), concrete mixer, with hopper less than 18 cu. ft.; air compressor, 500 cu. ft. and under (1 or 2); welding machine (1 or 2); fuelman; conveyor operator-single continuous belt bulk handling

DECISION NO. OK75-4057

**POWER EQUIPMENT OPERATORS (CONT'D) CLASSIFICATION DEFINITIONS**

**GROUP VI** - Greaser, tilt top trailer operator  
**GROUP VII** - Truck crane oiler driver or truck crane oiler  
**GROUP VIII** - Asphalt lay machine back end man helper

Engineers for machine not listed under the above classification shall receive the scale comparable to these classifications.  
Engineers of all classifications when working in caverns or tunnels shall receive 40.15 per hour above listed rates.

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & V	Vacation	App. Tr.	
PLUMBERS-STEAMFITTERS	8.55	.40	.80	.10	
BOOFERS	7.25	.25	.25	.04	
SHEET METAL WORKERS	8.09	.45	.45	.06	
SPRINKLER FITTERS	9.05	.50	.70	.08	
TERRAZZO WORKERS	7.78		.10		
TERRAZZO WORKERS HELPERS	6.28				
TERRAZZO WORKERS HELPERS' FLOOR OP.	6.38				
TERRAZZO WORKERS'HELPERS BASE	6.58				
MACHINE OPERATOR	7.78		.10		
TILE LAYERS					
TRUCK DRIVERS:					
Group 1	6.15				
Group 2	6.25				
Group 3	6.35				
Group 4	6.30				
Group 5	6.45				

**CLASSIFICATION DEFINITIONS**

**GROUP I** - Pick-up, 1 1/2 tons or 2 1/2 yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses

**GROUP II** - 3 tons or 4 yards and up to but not including 4 tons or 6 yards

**GROUP III** - 5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, turner pile, or other heavy material moving equipment; tractor trailer drivers and similar equipment, such as tractors, ten wheelers

**GROUP IV** - Ready-mix concrete trucks up to but not including 3 yards

**GROUP V** - Ready-mix concrete trucks 3 yards and over

**FOOTNOTES:** a. 1st 6 mos. to 5 yrs. - 1% over 5 yrs. - 1/2% of basic hourly rate.  
b. Paid Holidays - A through P  
PAID HOLIDAYS: A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

SUPERSEDES DECISION

STATE: South Carolina  
 DECISION NUMBER: 5775-1019  
 Supercedes Decision No. AB-1008 in 39 FR 26555 dated July 17, 1974  
 DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

COMMENTS: See below\*  
 DATE: Date of Publication

* Counties: Aiken, Barnwell, Edgefield	Basic Monthly Rates	Fringe Benefits Payments		
		H & V	Pensions	Variable
Air conditioning & heating mechanic	3.50			
Bricklayers	5.40			
Carpenters	3.77			
Carpet layers	5.00			
Cement masons	4.85			
Dry wall finisher	4.50			
Dry wall hanger	3.50			
Electricians	5.29			
Glaziers	5.15			
Insulation installer	2.75			
Laborers:				
Laborers	2.22			
Mason tenders and mortar mixers	2.50			
Pipelayers	2.75			
Painters, brush	4.00			
Plumbers & pipefitters	4.94			
Roofers	2.81			
Sheet metal workers	3.50			
Soft floor layers	3.00			
Tile Setters	5.25			
Truck Drivers:				
Single axle	2.22			
Double axle	2.33			
Welders - rate for craft.				
<u>POWER EQUIPMENT OPERATORS:</u>				
Asphalt distributor	2.50			
Asphalt finisher	2.50			
Asphalt rakers and oiler	2.25			
Backhoe & trenching machine	3.50			
Bulldozer	3.15			
Crane	3.41			
Tractor	2.89			
Front end loader	2.84			
Grader	3.16			
Mechanic	3.37			
Pav. op.	2.90			
Steel wheel roller	2.50			

*Cochran Lewis Solicitors, 1200 Lakeside Dr. 347*

[FR Doc. 75-5814 Filed 3-6-75; 8:45 am]

**INDEX TO GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF FEBRUARY 14, 1975**

There is set forth below an index to general wage determination decisions and modifications as published in the Federal Register pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions

and modifications by State and county. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

**ABBREVIATIONS**

- (B)—Building Construction.
- (D)—Dredging Construction.
- (F)—Flood Control Construction.
- (H)—Heavy Construction.
- (HW)—Highway Construction.
- (R)—Residential Construction.
- Mod.—Modification.
- (HE)—Heavy Engineering.

- (LE)—Light Engineering.
- (U)—Light Engineering.
- (S)—Utility.
- (W&S)—Water and Sewer Lines.

Signed at Washington, D.C., this 28th day of February 1975.

**RAY J. DOLAN,**  
Assistant Administrator,  
Wage and Hour Division.

**ALABAMA (Cont'd)**

- CLAY COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- CLEBURNE COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- COFFEE COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- COLBERT COUNTY
  - Decision #A7-1022 (B)
  - 40 FR 6912 - 2/18/75
  - (HW) - See Statewide
  - (D) - See Statewide
- CONECOH COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
  - (R) - See Baldwin County
- COOSA COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- COYNINGTON COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- CRENSHAW COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- COLLIER COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- DALE COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- BELLAS COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- DE KALB COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- ELMORE COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- ESCAMBIA COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- ETOWAH COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide

**ALABAMA (cont'd)**

- LOWMEDES COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- MACON COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- MADEISSON COUNTY
  - Decision #A2-4067 - (B)
  - 39 FR 44151 - 12/20/74
  - Mod. #1 - 40 FR 2373 - 1/10/75
  - Mod. #2 - 40 FR 4786 - 1/31/75
  - Mod. #3 - 40 FR 5932 - 2/7/75
  - Mod. #4 - 40 FR 6999 - 2/14/75
  - (D) - See Statewide
  - (HW) - See Statewide
- MARSHENGO COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- MARION COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- MARSHALL COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- MOBILE COUNTY
  - Decision #A75-1023 (B)
  - 40 FR 6913 - 2/14/75
  - (HW) - See Statewide
  - (D) - See Statewide
  - (R) - See Baldwin County
- MONROE COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- MONTGOMERY COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
  - Decision #A7-184 (B)
  - 38 FR 11244 - 5/4/73
  - Mod. #1 - 38 FR 13103 - 5/18/73
  - Mod. #2 - 38 FR 24781 - 7/5/74
  - Mod. #3 - 38 FR 36709 - 10/11/74
  - Decision #A7-4032 (B)
  - 39 FR 8100 - 3/7/74
  - (D) - See Statewide
  - (HW) - See Statewide
- MORGAN COUNTY
  - (B) - See Lawrence County
  - (D) - See Statewide
  - (HW) - See Statewide
- PEPPER COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- PICKENS COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide

**ALABAMA (Cont'd)**

- FAWETTE COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- FRANKLIN COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- GENEVA COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- GREENE COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- HALE COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- HENRY COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- HOUSTON COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- JACKSON COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- JEFFERSON COUNTY
  - Decision #A7-643 (B)
  - 39 FR 35918 - 10/4/74
  - Mod. #1 - 39 FR 41655 - 11/29/74
  - Mod. #2 - 39 FR 42804 - 12/5/74
  - Mod. #3 - 40 FR 2373 - 1/10/75
  - Mod. #4 - 40 FR 6999 - 2/14/75
  - (D) - See Statewide
  - (HW) - See Statewide
- LAUDERDALE COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- LAWR COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- LAURENCE COUNTY
  - (B) - See Colbert County
  - (D) - See Statewide
  - (HW) - See Statewide
- LAWRENCE COUNTY
  - Decision #A7-4033 (B)
  - 39 FR 33145 - 9/13/74
  - Mod. #1 - 39 FR 35903 - 10/4/74
  - Mod. #2 - 40 FR 2373 - 1/10/75
  - Mod. #3 - 40 FR 6999 - 2/14/75
  - (D) - See Statewide
  - (HW) - See Statewide
- LEE COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- LEWIS COUNTY
  - (D) - See Statewide
  - (HW) - See Statewide
- LIVINGSTONE COUNTY
  - (D) - See Lawrence County
  - (HW) - See Statewide

ALASKA

STATEWIDE  
 Decision #AK75-5001 (B,H,Hw,R)  
 40 FR 2382 - 1/10/75  
 Mod. #1 - 40 FR 4786 - 1/31/75

ARIZONA

STATEWIDE  
 Decision #AR-1008 (B,H,Hw)  
 39 FR 28773 - 8/9/74  
 Mod. #1 - 39 FR 33147 - 9/13/74  
 Mod. #2 - 39 FR 35903 - 10/4/74  
 Mod. #3 - 40 FR 2374 - 1/10/75  
 Mod. #4 - 40 FR 3081 - 1/17/75  
 Mod. #5 - 40 FR 6899 - 2/14/75

APACHE COUNTY  
 Decision #AZ75-5003 (R)  
 (Navajo and Hopi Indian Reservations Only)  
 40 FR 28658 - 1/17/75

(B,H,Hw) - See Statewide

COCHISE COUNTY  
 (B,H,Hw) - See Statewide

COCONINO COUNTY  
 (B,H,Hw) - See Statewide

(B,H,Hw) - See Statewide

(R) - See Apache County

GILA COUNTY  
 (B,H,Hw) - See Statewide

GRAHAM COUNTY  
 (B,H,Hw) - See Statewide

(B,H,Hw) - See Statewide

GREENLEE COUNTY  
 (B,H,Hw) - See Statewide

MARICOPA COUNTY  
 (B,H,Hw) - See Statewide

Decision #AR-1009 (R)  
 39 FR 28781 - 8/9/74  
 Mod. #1 - 39 FR 31772 - 8/30/74  
 Mod. #2 - 39 FR 33146 - 9/13/74  
 Mod. #3 - 40 FR 2374 - 1/10/75  
 Mod. #4 - 40 FR 6899 - 2/14/75

MOHAVE COUNTY  
 (B,H,Hw) - See Statewide

NAVAJO COUNTY  
 (B,H,Hw) - See Statewide

(R) - See Apache County

PIMA COUNTY  
 Decision #AR-1010 (R)  
 39 FR 28787 - 8/9/74  
 Mod. #1 - 39 FR 33148 - 9/13/74  
 Mod. #2 - 40 FR 2375 - 1/10/75  
 Mod. #3 - 40 FR 6900 - 2/14/75

PINAL COUNTY  
 (B,H,Hw) - See Statewide

SANTA CRUZ COUNTY  
 (B,H,Hw) - See Statewide

YAVAPAI COUNTY  
 (B,H,Hw) - See Statewide

YUMA COUNTY  
 (B,H,Hw) - See Statewide

ALABAMA (Cont'd)

PIKE COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

PANHANDLE COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

RUSSELL COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

SAINT CLAIR COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

(R) - See Blount County

SHELBY COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

(R) - See Blount County

SUMNER COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

TALLADEGA COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

TALLAPOOSA COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

TUSCALOOSA COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

Decision #AQ-4125 (B)  
 39 FR 20911 - 9/14/74  
 Mod. #1 - 39 FR 33147 - 9/13/74  
 Mod. #2 - 39 FR 41655 - 11/29/74  
 Mod. #3 - 40 FR 2373 - 1/10/75  
 Mod. #4 - 40 FR 6899 - 2/14/75

WALKER COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

WASHINGTON COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

WILCOX COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

WINSTON COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

ALABAMA (cont'd)

LOWNDES COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

MACON COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

MADISON COUNTY  
 Decision #AR-4067 - (B)  
 39 FR 44151 - 12/20/74  
 Mod. #1 - 40 FR 2373 - 1/10/75  
 Mod. #2 - 40 FR 4786 - 1/31/75  
 Mod. #3 - 40 FR 5972 - 2/7/75  
 Mod. #4 - 40 FR 6899 - 2/14/75

(D) - See Statewide  
 (Hw) - See Statewide

MARENGO COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

MARION COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

MARSHALL COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

(D) - See Statewide  
 (Hw) - See Statewide

MOBILE COUNTY  
 Decision #AL75-1023 (B)  
 40 FR 6913 - 2/14/75  
 (Hw) - See Statewide  
 (R) - See Baldwin County

MONROE COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

MONTGOMERY COUNTY  
 Decision #AP-184 (B)  
 38 FR 11244 - 5/4/73  
 Mod. #1 - 38 FR 13103 - 5/19/73  
 Mod. #2 - 39 FR 24781 - 7/5/74  
 Mod. #3 - 39 FR 36709 - 10/11/74

Decision #AD-4082 (R)  
 39 FR 8100 - 3/1/74  
 (D) - See Statewide  
 (Hw) - See Statewide

MORGAN COUNTY  
 (B) - See Lawrence County  
 (D) - See Statewide  
 (Hw) - See Statewide

PERRY COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

PICKENS COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

ALABAMA (Cont'd)

FAYETTE COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

FRANKLIN COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

GENEVA COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

GREENE COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

HALE COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

HENRY COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

HUNTSVILLE COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

JACKSON COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

JEFFERSON COUNTY  
 Decision #AR-4043 (B)  
 39 FR 35918 - 10/4/74  
 Mod. #1 - 39 FR 41655 - 11/29/74  
 Mod. #2 - 39 FR 42804 - 12/6/74  
 Mod. #3 - 40 FR 2373 - 1/10/75  
 Mod. #4 - 40 FR 6899 - 2/14/75

(D) - See Statewide  
 (R) - See Blount County  
 (Hw) - See Statewide

LAWRER COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

LAUDERDALE COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

LAWRENCE COUNTY  
 Decision #AR-4033 (B)  
 39 FR 33145 - 9/13/74  
 Mod. #1 - 39 FR 35903 - 10/4/74  
 Mod. #2 - 40 FR 2373 - 1/10/75  
 Mod. #3 - 40 FR 6899 - 2/14/75

(D) - See Statewide  
 (Hw) - See Statewide

LEE COUNTY  
 (D) - See Statewide  
 (Hw) - See Statewide

LIBERTY COUNTY  
 (D) - See Lawrence County  
 (Hw) - See Statewide



ARKANSAS

STATEWIDE

Decision #AR-71 (Construction, Alteration, and/or repair of streets, highways, runways, and Water & Sewer Utilities)  
39 FR 40409 - 11/15/74  
Decision #AR-4013 (D)  
39 FR 27397 - 7/26/74

ARKANSAS COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
Decision #AR-4057 (F)  
39 FR 41113 - 11/22/74  
Mod. #1 - 40 FR 4791 - 1/31/75

ASHLEY COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

BAXTER COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

BENTON COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

BOONE COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

BRADLEY COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

CALHOUN COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

CARROLL COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

CHESTER COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

CLEGG COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

ARKANSAS (CONT'D)

CLARK COUNTY

(H, Hw) (D) - See Statewide  
(F) - See Arkansas County

CLAY COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

CLEBURNE COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

CLEVELAND COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

COLUMBIA COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

CONWAY COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

CRAIGHEAD COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

CRAWFORD COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

CRITTENDEN COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

CROSS COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

DALLAS COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

DESHA COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

DEWEY COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

ARKANSAS (Cont'd)

DREW COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

FAULKNER COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

FRANKLIN COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

FULTON COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

GARLAND COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

GRANT COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

GREENE COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

HEMPSTEAD COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

HOT SPRING COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

HOWARD COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

INDIVIDUAL COUNTY

(H, Hw) (D) - See Statewide  
(F) - See Arkansas County

IZARD COUNTY

(H, Hw) (D) - See Statewide  
(F) - See Arkansas County

ARKANSAS (Cont'd.)

JACKSON COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

JEFFERSON COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

JOHNSON COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

LAFAYETTE COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

LAWRENCE COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

LEE COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

LINCOLN COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

LITTLE RIVER COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

LOGAN COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

LONG COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

LOUISIANA COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

MADISON COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

MARION COUNTY

(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

## ARKANSAS (Cont'd)

MILLER COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

MISSISSIPPI COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

MONROE COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

MONTGOMERY COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

NEVADA COUNTY  
(D) - See Statewide  
(H, Hw) - See Statewide  
(F) - See Arkansas County

NEWTON COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

OUACHITA COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

PERRY COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

PHILLIPS COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

PIKE COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

POINSETT COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

POLK COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

## ARKANSAS (CONT'D)

POPE COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

PRELIE COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

PULASKI COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

RANDOLPH COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

ST. FRANCIS COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

SALINE COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

SCOTT COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

SEARON COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

SEBASTIAN COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

SEVIER COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

SHARP COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

## ARKANSAS (CONT'D)

STONE COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

UNION COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

WASHINGTON COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

WHITE COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

WOODRUFF COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

YELL COUNTY  
(H, Hw) - See Statewide  
(D) - See Statewide  
(F) - See Arkansas County

## CALIFORNIA

ALAMEDA COUNTY  
Decision #CA75-5015 (B, D, H, Hw, D)  
40 FR 5985 - 2/7/75  
Decision #CA75-5016 (R)  
40 FR 6005 - 2/7/75

ALPINE COUNTY  
(B, H, Hw, D) - See Alameda County  
(R) - See Alameda County

AMADOR COUNTY  
(B, H, Hw, D) - See Alameda County  
(R) - See Alameda County

BUTTE COUNTY  
(B, H, Hw, D) - See Alameda County  
(R) - See Alameda County

CALAVERAS COUNTY  
(B, H, Hw, D) - See Alameda County  
(R) - See Alameda County

COLUSA COUNTY  
(B, H, Hw, D) - See Alameda County  
(R) - See Alameda County

COSTA COUNTY  
(B, H, Hw, D) - See Alameda County  
(R) - See Alameda County

DELMONTE COUNTY  
(B, H, Hw, D) - See Alameda County  
(R) - See Alameda County

ELDORADO COUNTY  
(B, H, Hw, D) - See Alameda County  
(R) - See Alameda County

FRESNO COUNTY  
(B, H, Hw, D) - See Alameda County  
(R) - See Alameda County

GLENN COUNTY  
(B, H, Hw, D) - See Alameda County  
(R) - See Alameda County

HUMBOLDT COUNTY  
(B, H, Hw, D) - See Alameda County  
(R) - See Alameda County

IMPERIAL COUNTY  
Decision #AR-1044 (B, D, H, Hw)  
39 FR 39677 - 11/8/74  
Mod. #1 - 41655 - 11/29/74  
Mod. #2 - 39 FR 44152 - 12/20/74

INYO COUNTY  
Decision #AR-1045 (R)  
39 FR 39687 - 11/8/74  
Mod. #1 - 39 FR 41656 - 11/29/74  
Mod. #2 - 39 FR 44152 - 12/20/74

KERN COUNTY  
(B, H, Hw, D) - See Imperial County  
(R) - See Imperial County

## CALIFORNIA (Cont'd)

KING COUNTY - See Alameda County  
 (B,H,Hw,D)  
 LAKE COUNTY - See Alameda County  
 (B,H,Hw,D)  
 LASSER COUNTY - See Alameda County  
 (B,H,Hw,D)  
 LOS ANGELES COUNTY - See Imperial County  
 (B,H,Hw,D)  
 LOS ANGELES COUNTY - See Imperial County  
 (R)  
 MADERA COUNTY - See Alameda County  
 (B,H,Hw,D)  
 MARIN COUNTY - See Alameda County  
 (B,H,Hw,D)  
 MARIPOSA COUNTY - See Alameda County  
 (B,H,Hw,D)  
 MENDOCINO COUNTY - See Alameda County  
 (B,H,Hw,D)  
 MERCED COUNTY - See Alameda County  
 (B,H,Hw,D)  
 MODOC COUNTY - See Alameda County  
 (B,H,Hw,D)  
 MONO COUNTY - See Imperial County  
 (B,H,Hw,D)  
 MONTEREY COUNTY - See Alameda County  
 (B,H,Hw,D)  
 MORA COUNTY - See Alameda County  
 (R)  
 NAJIA COUNTY - See Alameda County  
 (B,H,Hw,D)  
 NEVADA COUNTY - See Alameda County  
 (B,H,Hw,D)  
 NEVADA COUNTY - See Alameda County  
 (R)  
 NIMBLE COUNTY - See Alameda County  
 (B,H,Hw,D)  
 ORANGE COUNTY - See Imperial County  
 (B,H,Hw,D)  
 ORANGE COUNTY - See Imperial County  
 (R)  
 PLACER COUNTY - See Alameda County  
 (B,H,Hw,D)  
 PLUMAS COUNTY - See Alameda County  
 (B,H,Hw,D)  
 RIVERSIDE COUNTY - See Imperial County  
 (B,H,Hw,D)  
 RIVERSIDE COUNTY - See Imperial County  
 (R)  
 SACRAMENTO COUNTY - See Alameda County  
 (B,H,Hw,D)  
 SAN BENITO COUNTY - See Alameda County  
 (B,H,Hw,D)  
 SAN BENITO COUNTY - See Alameda County  
 (R)  
 SAN BERNARDINO COUNTY - See Imperial County  
 (B,H,Hw,D)  
 SAN DIEGO COUNTY - See Imperial County  
 (R)  
 Decision #C075-5020 (B,H,Hw,D)  
 40 FR 6916 - 2/14/75

## CALIFORNIA (Cont'd)

SAN DIEGO COUNTY (Cont'd.)  
 Decision #C075-5021 (R)  
 40 FR 6922 - 2/14/75  
 SAN FRANCISCO COUNTY  
 (B,H,Hw,D) - See Alameda County  
 (R)  
 SAN JOAQUIN COUNTY  
 (B,H,Hw,D) - See Alameda County  
 (R)  
 SAN LUIS OBISPO COUNTY  
 (B,H,Hw,D) - See Imperial County  
 (R)  
 SAN MATEO COUNTY  
 (B,H,Hw,D) - See Alameda County  
 (R)  
 SANTA BARBARA COUNTY  
 (B,H,Hw,D) - See Imperial County  
 (R)  
 SANTA CLARA COUNTY  
 (B,H,Hw,D) - See Alameda County  
 (R)  
 SANTA CRUZ COUNTY  
 (B,H,Hw,D) - See Alameda County  
 (R)  
 SHASTA COUNTY  
 (B,H,Hw,D) - See Alameda County  
 (R)  
 SIERRA COUNTY  
 (B,H,Hw,D) - See Alameda County  
 (R)  
 SISKIYOU COUNTY  
 (B,H,Hw,D) - See Alameda County  
 (R)  
 SOLANO COUNTY  
 (B,H,Hw,D) - See Alameda County  
 (R)  
 SONOMA COUNTY  
 (B,H,Hw,D) - See Alameda County  
 (R)  
 STANISLAUS COUNTY  
 (B,H,Hw,D) - See Alameda County  
 (R)  
 SUTTER COUNTY  
 (B,H,Hw,D) - See Alameda County  
 (R)  
 TEHAMA COUNTY  
 (B,H,Hw,D) - See Alameda County  
 (R)  
 TRINITY COUNTY  
 (B,H,Hw,D) - See Alameda County  
 (R)  
 TULARE COUNTY  
 (B,H,Hw,D) - See Alameda County  
 (R)  
 TUOLUMNE COUNTY  
 (B,H,Hw,D) - See Alameda County  
 (R)  
 VENTURA COUNTY  
 (B,H,Hw,D) - See Imperial County  
 (R)

## CALIFORNIA (Cont'd)

YOLO COUNTY  
 (B,H,Hw,D) - See Alameda County  
 (R)  
 YUBA COUNTY  
 (B,H,Hw,D) - See Alameda County  
 (R)

## COLORADO (cont'd)

CLEAR CREEK  
 (B,H) - See Adams County  
 (Hw) - See Statewide  
 CONEJOS COUNTY  
 (Hw) - See Statewide  
 COSTILLA COUNTY  
 (Hw) - See Statewide  
 CROWLEY COUNTY  
 (Hw) - See Statewide  
 CUSTER COUNTY  
 (Hw) - See Statewide  
 DELTA COUNTY  
 (Hw) - See Statewide  
 DENVER COUNTY  
 (Hw) - See Statewide  
 (B,H) - See Adams County  
 (R) - See Adams County  
 DOLORES COUNTY  
 (Hw) - See Statewide  
 DOUGLAS COUNTY  
 (Hw) - See Statewide  
 (B,H) - See Adams County  
 EAGLE COUNTY  
 (B,H) - See Adams County  
 (Hw) - See Statewide  
 ELBERT COUNTY  
 (Hw) - See Statewide  
 (B,H) - See Adams County  
 EL PASO COUNTY  
 (Hw) - See Statewide  
 Decision #C075-5009 (B,H)  
 40 FR 3869 - 1/24/75  
 FREMONT COUNTY  
 (Hw) - See Statewide  
 GARFIELD COUNTY  
 Decision #C075-5010 (B,H)  
 40 FR 3875 - 1/24/75  
 GILPIN COUNTY  
 (B,H) - See Adams County  
 (Hw) - See Statewide  
 GRAND COUNTY  
 (B,H) - See Adams County  
 (Hw) - See Statewide  
 GUNNISON COUNTY  
 (B,H) - See Garfield County  
 (Hw) - See Statewide  
 HINDSDALE COUNTY  
 (Hw) - See Statewide  
 HIERFANO COUNTY  
 (Hw) - See Statewide  
 JACKSON COUNTY  
 (Hw) - See Statewide

## COLORADO

STATEWIDE  
 Decision #R-1022 (Hw)  
 39 FR 30673 - 8/23/74  
 Mod. #1 - 39 FR 34910 - 9/27/74  
 Mod. #2 - 39 FR 36800 - 11/1/74  
 ADAMS COUNTY  
 Decision #C075-5007 (B,H)  
 40 FR 4782 - 1/31/75  
 (Hw) - See Statewide  
 Decision #40-1099 (R)  
 39 FR 14123 - 4/19/74  
 ALAMOSA COUNTY  
 (Hw) - See Statewide  
 ARAPAHOE COUNTY  
 (Hw) - See Statewide  
 (B,H) - See Adams County  
 (R) - See Adams County  
 ARCHULETA COUNTY  
 (Hw) - See Statewide  
 BACA COUNTY  
 (Hw) - See Statewide  
 BENT COUNTY  
 (Hw) - See Statewide  
 BOULDER COUNTY  
 (Hw) - See Statewide  
 (B,H) - See Adams County  
 CHAFFEE COUNTY  
 (Hw) - See Statewide  
 CHEYENNE COUNTY  
 (Hw) - See Statewide

## COLORADO (Cont'd)

JEFFERSON COUNTY  
(Hw) - See Statewide  
(B,H) - See Adams County  
(R) - See Adams County

KIOWA COUNTY  
(Hw) - See Statewide

KIT CARSON COUNTY  
(Hw) - See Statewide

LAKE COUNTY  
(B,H) - See Adams County  
(Hw) - See Statewide

LA PLATA COUNTY  
(Hw) - See Statewide

LARIMER COUNTY  
(B,H) - See Adams County  
(Hw) - See Statewide

LAS ANIMAS COUNTY  
Decision #0075-5008 (B,H)  
40 FR 4799 - 1/31/75

(Hw) - See Statewide

LINCOLN COUNTY  
(Hw) - See Statewide

LOGAN COUNTY  
(Hw) - See Statewide

MESA COUNTY  
(B,H) - See Garfield County  
(Hw) - See Statewide

MINERAL COUNTY  
(Hw) - See Statewide

MOFFAT COUNTY  
(Hw) - See Statewide

MONTEZUMA COUNTY  
(Hw) - See Statewide

MORITRUSE COUNTY  
(B,H) - See Garfield County  
(Hw) - See Statewide

MORGAN COUNTY  
(B,H) - See Adams County  
(Hw) - See Statewide

OTERO COUNTY  
(Hw) - See Statewide

OURAY COUNTY  
(Hw) - See Statewide

PARK COUNTY  
(B,H) - See Adams County  
(Hw) - See Statewide

PHILLIPS COUNTY  
(Hw) - See Statewide

PITKIN COUNTY  
(B,H) - See Garfield County  
(Hw) - See Statewide

PROMERS COUNTY  
(Hw) - See Statewide

PUEBLO COUNTY  
(Hw) - See Statewide  
(B,H) - See Las Animas County

## COLORADO (Cont'd)

RIO BLANCO COUNTY  
(Hw) - See Statewide

RIO GRANDE COUNTY  
(Hw) - See Statewide

ROUIT COUNTY  
(Hw) - See Statewide

SAGUACHE COUNTY  
(Hw) - See Statewide

SAN JUAN COUNTY  
(Hw) - See Statewide

SAN MIGUEL COUNTY  
(Hw) - See Statewide

SEDMICK COUNTY  
(Hw) - See Statewide

SUMMIT COUNTY  
(B,H) - See Adams County  
(Hw) - See Statewide

TELLER COUNTY  
(Hw) - See Statewide

WASHINGTON COUNTY  
(Hw) - See Statewide

WELD COUNTY  
(B,H) - See Adams County  
(Hw) - See Statewide

YUMA COUNTY  
(Hw) - See Statewide

## CONNECTICUT

FAIRFIELD COUNTY  
Decision #AR-3094 (B,H,Hw,R)  
39 FR 29730 - 8/16/74

Mod. #1 - 39 FR 31773 - 8/30/74  
Mod. #2 - 39 FR 35904 - 10/4/74  
Mod. #3 - 39 FR 43458 - 12/13/74  
Mod. #4 - 39 FR 44153 - 12/20/74

Decision #NY75-3010 (D)  
40 FR 3681 - 1/24/75

HARTFORD COUNTY  
Decision #AR-3095 (B,H,Hw)  
39 FR 29735 - 8/16/74

Mod. #1 - 39 FR 31773 - 8/30/74  
Mod. #2 - 39 FR 35904 - 10/4/74  
Mod. #3 - 39 FR 41109 - 11/22/74

Decision #AQ-3096 (R)  
39 FR 5961 - 2/15/74

(D) - See Fairfield County

LITCHFIELD COUNTY  
Decision #AR-3096 (B,H,Hw,R)  
39 FR 29739 - 8/16/74

Mod. #1 - 39 FR 31773 - 8/30/74  
Mod. #2 - 39 FR 35904 - 10/4/74

MIDDLESEX COUNTY  
Decision #AR-3097 (B,H,Hw)  
39 FR 29743 - 8/16/74

Mod. #1 - 39 FR 31773 - 8/30/74  
Mod. #2 - 39 FR 35904 - 10/4/74  
Mod. #3 - 39 FR 41109 - 11/22/74

(D) - See Fairfield County

NEW HAVEN COUNTY  
Decision #AR-3098 (B,H,Hw)  
39 FR 29747 - 8/16/74

Mod. #1 - 39 FR 31773 - 8/30/74  
Mod. #2 - 39 FR 35904 - 10/4/74

(D) - See Fairfield County

NEW LONDON COUNTY  
Decision #AR-3099 (B,H,Hw,R)  
39 FR 29752 - 8/16/74

Mod. #1 - 39 FR 31773 - 8/30/74  
Mod. #2 - 39 FR 35905 - 10/4/74  
Mod. #3 - 39 FR 41109 - 11/22/74

(D) - See Fairfield County

TOLLAND COUNTY  
Decision #AR-3100 (B,H,Hw)  
39 FR 29756 - 8/16/74

Mod. #1 - 39 FR 31773 - 8/30/74  
Mod. #2 - 39 FR 35905 - 10/4/74  
Mod. #3 - 39 FR 41109 - 11/22/74

WINDHAM COUNTY  
Decision #AR-3101 (B,H,Hw,R)  
39 FR 29760 - 8/16/74

Mod. #1 - 39 FR 31773 - 8/30/74  
Mod. #2 - 39 FR 35906 - 10/4/74  
Mod. #3 - 39 FR 41109 - 11/22/74

## DELAWARE

STATEWIDE  
Decision #NY75-3010 (D)  
40 FR 3681 - 1/24/75

Decision #DE75-3001 (B,H,Hw)  
40 FR 930 - 1/3/75

KENT COUNTY  
(B,H,Hw,D) - See Statewide

NEW CASTLE COUNTY  
(D) - See Statewide  
(B,H,Hw) - See Statewide

SUSSEX COUNTY  
(D) - See Statewide  
(B,H,Hw) - See Statewide

FLORIDA

ALACHUA COUNTY  
 Decision #AR-4026 (B)  
 39 FR 31791 - 8/30/74  
 Mod. #1 - 39 FR 38088 - 10/25/74  
 Mod. #2 - 39 FR 40404 - 11/15/74  
 Decision #AQ-4031 (Hw)  
 38 FR 31092 - 11/9/73  
 BAKER COUNTY  
 Decision #AQ-4004 (Hw)  
 38 FR 22841 - 8/24/73  
 BAY COUNTY  
 Decision #FL75-1012 (B)  
 40 FR 4805 - 1/31/75  
 Decision #AR-4013 (D)  
 39 FR 27397 - 7/26/74  
 Decision #AQ-4030 (Hw)  
 38 FR 29727 - 10/26/73  
 Mod. #1 - 38 FR 31058 - 11/9/73  
 BROWARD COUNTY  
 (Hw) - See Alachua County  
 BREVARD COUNTY (Cape Kennedy  
 Kennedy Space Flight Center &  
 Patrick AFB only) (B,H,Hw)  
 Decision #AQ-4121 (B,H,Hw)  
 39 FR 20300 - 8/7/74  
 Mod. #1 - 39 FR 38080 - 10/25/74  
 Decision #AR-4058 (D)  
 39 FR 44915 - 12/27/74  
 (Remainder of County)  
 Decision #AQ-4006 (Hw)  
 38 FR 22842 - 8/24/73  
 Mod. #1 - 39 FR 5047 - 2/8/74  
 BROWARD COUNTY  
 Decision #AQ-4003 (Hw)  
 38 FR 22841 - 8/24/73  
 Decision #FL75-1011 (B,H)  
 40 FR 3886 - 1/24/75  
 (D) - See Brevard County  
 CALHOUN COUNTY  
 (Hw) - See Bay County  
 CHARLOTTE COUNTY  
 Decision #AQ-4019 (Hw)  
 38 FR 27703 - 10/5/73  
 (D) - See Brevard County  
 CITRUS COUNTY  
 Decision #AR-4000 (R)  
 39 FR 24775 - 7/5/74  
 Mod. #1 - 39 FR 38711 - 10/11/74  
 Decision #AQ-4039 (Hw)  
 38 FR 33203 - 11/30/73  
 (D) - See Brevard County  
 CLAY COUNTY  
 (Hw) - See Baker County  
 COLLIER COUNTY  
 (D) - See Brevard County  
 (Hw) - See Charlotte County

FLORIDA (cont'd)

COLUMBIA COUNTY  
 (Hw) - See Alachua County  
 DADE COUNTY  
 Decision #FL75-1018 (B)  
 40 FR 6018 - 2/7/75  
 Decision #AR-4050 (R)  
 39 FR 38077 - 10/25/74  
 Mod. #1 - 39 FR 40404 - 11/15/74  
 (D) - See Brevard County  
 DESSOTO COUNTY  
 (Hw) - See Broward County  
 Decision #AQ-4017 (Hw)  
 38 FR 27718 - 10/5/73  
 DIXIE COUNTY  
 (D) - See Brevard County  
 (Hw) - See Alachua County  
 DUVAL COUNTY  
 Decision #FL75-1016 (B)  
 40 FR 4807 - 1/31/75  
 (D) - See Brevard County  
 ESCAMBIA COUNTY  
 Decision #AR-4055 (B)  
 39 FR 3088 - 1/25/74  
 Mod. #1 - 39 FR 12583 - 4/5/74  
 Mod. #2 - 39 FR 22365 - 6/21/74  
 Mod. #3 - 39 FR 26557 - 7/19/74  
 Decision #AP-178 (R)  
 38 FR 11259 - 5/4/73  
 Mod. #1 - 39 FR 15604 - 5/3/74  
 (D) - See Bay County  
 Decision #AQ-4005 (Hw)  
 38 FR 22842 - 8/24/73  
 FLAGLER COUNTY  
 (D) - See Brevard County  
 (Hw) - See Baker County  
 FRANKLIN COUNTY  
 (D) - See Bay County  
 (Hw) - See Bay County  
 GADSDEN COUNTY  
 Decision #AP-179 (B)  
 38 FR 11260 - 5/4/73  
 Mod. #1 - 39 FR 15604 - 5/3/74  
 GILCHRIST COUNTY  
 (Hw) - See Alachua County  
 GLADES COUNTY  
 (Hw) - See Charlotte County  
 GULF COUNTY  
 (D) - See Bay County  
 (Hw) - See Bay County  
 HAMILTON COUNTY  
 (Hw) - See Alachua County  
 HARDEE COUNTY  
 Decision #AR-4065 (R)  
 39 FR 43468 - 12/13/74  
 (Hw) - See De Soto County  
 HERKORY COUNTY  
 (Hw) - See Charlotte County

FLORIDA (cont'd)

HERNANDO COUNTY  
 (D) - See Brevard County  
 HIGHLANDS COUNTY  
 (Hw) - See De Soto County  
 HILLSBOROUGH COUNTY  
 Decision #FL75-1010 (B)  
 40 FR 3884 - 1/24/75  
 Decision #AQ-4018 (Hw)  
 38 FR 27703 - 10/5/73  
 (D) - See Brevard County  
 (Hw) - See Citrus County  
 HOLMES COUNTY  
 (Hw) - See Bay County  
 INDIAN RIVER COUNTY  
 (D) - See Brevard County  
 (Hw) - See Brevard Co. (Remainder of Co.)  
 JACKSON COUNTY  
 (Hw) - See Bay County  
 JEFFERSON COUNTY  
 (D) - See Bay County  
 (R) - See Gadsden County  
 (Hw) - See Bay County  
 LAFAYETTE COUNTY  
 (Hw) - See Alachua County  
 LAKE COUNTY  
 Decision #AR-4033 (R)  
 39 FR 33157 - 9/13/74  
 Mod. #1 - 39 FR 34910 - 9/27/74  
 (Hw) - See Brevard Co. (Remainder of Co.)  
 LEE COUNTY  
 (D) - See Brevard County  
 (Hw) - See Charlotte County  
 LEON COUNTY  
 Decision #AR-4028 (B)  
 39 FR 31795 - 8/30/74  
 (Hw) - See Bay County  
 (R) - See Gadsden County  
 LEVY COUNTY  
 (D) - See Brevard County  
 (Hw) - See Citrus County  
 LIBERTY COUNTY  
 (Hw) - See Bay County  
 MADISON COUNTY  
 (R) - See Gadsden County  
 (Hw) - See Alachua County  
 MANATEE COUNTY  
 (D) - See Brevard County  
 (Hw) - See Hillsborough County  
 MARION COUNTY  
 (Hw) - See Citrus County  
 MARTIN COUNTY  
 Decision #AQ-4092 (B)  
 39 FR 10993 - 3/22/74  
 Mod. #1 - 39 FR 17652 - 5/17/74  
 Mod. #2 - 39 FR 26558 - 7/19/74  
 (D) - See Brevard County  
 (Hw) - See Broward County

FLORIDA (cont'd)

MONROE COUNTY  
 (D) - See Brevard County  
 (Hw) - See Broward County  
 MASSAU COUNTY  
 (D) - See Brevard County  
 (Hw) - See Baker County  
 OKALOOSA COUNTY  
 (B) - See Escambia County  
 (D) - See Bay County  
 (Hw) - See Escambia County  
 Decision #AP-180 (R)  
 38 FR 11260 - 5/4/74  
 Mod. #1 - 39 FR 15604 - 5/3/74  
 OKECHOBEE COUNTY  
 (Hw) - See DeSoto County  
 ORANGE COUNTY  
 Decision #FL75-1009 (B)  
 40 FR 3882 - 1/24/75  
 (Hw) - See Brevard Co. (Remainder of Co.)  
 OSCEOLA COUNTY  
 (Hw) - See Brevard Co. (Remainder of Co.)  
 (R) - See Lake County  
 PALM BEACH COUNTY  
 (D) - See Brevard County  
 (B) - See Martin County  
 (Hw) - See Broward County  
 PASCO COUNTY  
 (D) - See Brevard County  
 (Hw) - See Hillsborough County  
 (R) - See Citrus County  
 PINELLAS COUNTY  
 Decision #AQ-4100 (B)  
 39 FR 13425 - 4/12/74  
 Mod. #1 - 39 FR 26558 - 7/19/74  
 (R) - See Citrus County  
 (D) - See Brevard County  
 (Hw) - See Hillsborough County  
 (R) - See Citrus County  
 POLK COUNTY  
 (Hw) - See DeSoto County  
 (R) - See Hardee County  
 PUTNAM COUNTY  
 (Hw) - See Baker County  
 ST. JOHNS COUNTY  
 (D) - See Brevard County  
 (Hw) - See Baker County  
 ST. LUCIE COUNTY  
 (D) - See Brevard County  
 (Hw) - See Broward County  
 SANTA ROSA COUNTY  
 (B) - See Escambia County  
 (D) - See Bay County  
 (Hw) - See Escambia County  
 (R) - See Okaloosa County

## FLORIDA (Cont'd)

SARASOTA COUNTY  
(D) - See Brevard County  
(H) - See Hillsborough County

SEMIWOLE COUNTY  
(H) - See Brevard Co. (Remainder of Co.)  
(R) - See Lake County

SUMNER COUNTY  
(H) - See Citrus County  
(R) - See Citrus County

SUMNER COUNTY  
(H) - See Citrus County  
(R) - See Citrus County

SUMNER COUNTY  
(H) - See Citrus County  
(R) - See Citrus County

TAYLOR COUNTY  
(D) - See Brevard County  
(R) - See Gadsden County

UNION COUNTY  
(H) - See Alachua County  
(R) - See Alachua County

VOLUSIA COUNTY (Except Cape Kennedy, Kennedy Space Flight Center & Patrick Air Force Base only and Including Melabar Radar Site)  
Decision #48-4001 (B)  
39 FR 24776 - 7/5/74  
Mod. #1 - 39 FR 26558 - 7/19/74  
Mod. #2 - 39 FR 27391 - 7/26/74  
Mod. #3 - 39 FR 31774 - 8/30/74  
Mod. #4 - 40 FR 5972 - 2/7/75  
(B, H) - See Brevard Co. (Cape Kennedy, Etc.)  
(D) - See Brevard County  
(R) - See Brevard County (Remainder of Co.)

WAGGONER COUNTY  
(D) - See Bay County  
(H) - See Bay County

WALTON COUNTY  
(B) - See Escambia County  
(D) - See Bay County  
(H) - See Bay County  
(R) - See Okaloosa County

WASHINGTON COUNTY  
(H) - See Bay County

## GEORGIA (Cont'd.)

CHARLTON COUNTY  
(H) - See Statewide

CHATTAHOOCY COUNTY  
Decision #48-4064 (B)  
39 FR 42817 - 12/6/74  
Decision #40-4058 (R)  
39 FR 3394 - 1/25/74  
(D) - See Bryan County  
CHATTAHOOCY COUNTY  
Decision #40-4086 (R)  
39 FR 9334 - 3/8/74  
Mod. #1 - 40 FR 3083 - 1/17/75  
(H) - See Statewide

CHATTAHOOCY COUNTY  
(H) - See Statewide

CHEROKEE COUNTY  
(H) - See Statewide

CLARKE COUNTY  
(H) - See Statewide

CLAY COUNTY  
(R) - See Barrow County

CLAY COUNTY  
(R) - See Baker County  
(H) - See Statewide

CLAYTON COUNTY  
Decision #48-4061 (H)  
39 FR 38797 - 11/1/74  
(B) - See Fulton County  
(H) - See Statewide

CLINTON COUNTY  
(H) - See Statewide

COBB COUNTY  
(B) - See Fulton County  
(R) - See Fulton County  
(H) - See Clayton County  
(H) - See Statewide

COFFEY COUNTY  
(H) - See Statewide

COLQUITT COUNTY  
(H) - See Statewide

COLUMBIA COUNTY  
(R) - See Burke County  
(H) - See Statewide

COOK COUNTY  
(H) - See Statewide

COMET COUNTY  
(H) - See Statewide

CRAWFORD COUNTY  
(H) - See Statewide

CRESWELL COUNTY  
(H) - See Statewide

DADE COUNTY  
(H) - See Statewide

DANFORTH COUNTY  
(D) - See Bryan County  
(H) - See Statewide

DECATUR COUNTY  
(H) - See Baker County  
(R) - See Baker County

## GEORGIA (Cont'd)

DEKALB COUNTY  
(B) (R) - See Fulton County  
(H) - See Clayton County  
(H) - See Statewide

DODGE COUNTY  
(H) - See Statewide

DOOLY COUNTY  
(H) - See Statewide

DOUGHERTY COUNTY  
(H) - See Statewide  
(R) - See Baker County

DOUGLAS COUNTY  
(H) - See Statewide

EARLY COUNTY  
(H) - See Statewide  
(R) - See Baker County

ECHOLS COUNTY  
(H) - See Statewide

EFFINGHAM COUNTY  
(H) - See Statewide

ELBERT COUNTY  
(H) - See Statewide

EMPHAT COUNTY  
(R) - See Barrow County

EVANS COUNTY  
(H) - See Statewide

FANNING COUNTY  
(H) - See Statewide

FAYETTE COUNTY  
(H) - See Statewide

FLOYD COUNTY  
(H) - See Statewide

FORSYTH COUNTY  
(H) - See Statewide

FRANKLIN COUNTY  
(H) - See Statewide

FULTON COUNTY  
Decision #475-1019 (B) -  
40 FR 6020 - 2/7/75  
Decision #40-4052 (R)  
39 FR 2328 - 1/18/74  
Mod. #1 - 40 FR 3861 - 1/24/75  
(H) - See Clayton County

GILMER COUNTY  
(H) - See Statewide

GLASCOCK COUNTY  
(H) - See Statewide

GLYNN COUNTY  
(D) - See Bryan County  
(H) - See Statewide

GORDON COUNTY  
(H) - See Statewide

GROUNDED COUNTY  
(H) - See Statewide

GREENE COUNTY  
(H) - See Barrow County

GEORGIA (Cont'd.)

GWINNETT COUNTY  
 (Hw) - See Clayton County  
 (Hw) - See Statewide  
 HABERSHAM COUNTY  
 (Hw) - See Statewide  
 HALL COUNTY  
 (Hw) - See Statewide  
 HANCOCK COUNTY  
 (Hw) - See Statewide  
 (Hw) - See Burke County  
 HARALSON COUNTY  
 (Hw) - See Statewide  
 HARRIS COUNTY  
 (Hw) - See Statewide  
 (Hw) - See Chattahoochee County  
 HART COUNTY  
 (R) - See Barrow County  
 (Hw) - See Statewide  
 HEARD COUNTY  
 (Hw) - See Statewide  
 HENRY COUNTY  
 (Hw) - See Statewide  
 HOUSTON COUNTY  
 (Hw) - See Statewide  
 IRMIA COUNTY  
 (Hw) - See Statewide  
 JACKSON COUNTY  
 (Hw) - See Statewide  
 (R) - See Barrow County  
 JASPER COUNTY  
 (Hw) - See Statewide  
 JEFF DAVIS COUNTY  
 (Hw) - See Statewide  
 JEFFERSON COUNTY  
 (Hw) - See Statewide  
 (R) - See Burke County  
 JENKINS COUNTY  
 (Hw) - See Statewide  
 (R) - See Burke County  
 JOHNSON COUNTY  
 (Hw) - See Statewide  
 JONES COUNTY  
 (Hw) - See Statewide  
 LAMAR COUNTY  
 (Hw) - See Statewide  
 LANTIER COUNTY  
 (Hw) - See Statewide  
 LAURENS COUNTY  
 Decision #A0-4124 (B)  
 39 FR 20912 - 6/14/74  
 (Hw) - See Statewide  
 LEE COUNTY  
 (Hw) - See Statewide  
 LIBERTY COUNTY  
 (R) - See Baker County  
 (D) - See Bryan County  
 (Hw) - See Statewide  
 LINCOLN COUNTY  
 (Hw) - See Statewide  
 (R) - See Burke County

GEORGIA (Cont'd.)

LOWMEDES COUNTY  
 (Hw) - See Statewide  
 LUMPKIN COUNTY  
 (Hw) - See Statewide  
 MCOUFFIE COUNTY  
 (Hw) - See Statewide  
 (R) - See Burke County  
 MCINTOSH COUNTY  
 (D) - See Bryan County  
 (Hw) - See Statewide  
 MCONO COUNTY  
 (Hw) - See Statewide  
 (Hw) - See Statewide  
 MADISON COUNTY  
 (Hw) - See Statewide  
 (R) - See Barrow County  
 MARION COUNTY  
 (Hw) - See Statewide  
 (R) - See Chattahoochee County  
 MERMETHER COUNTY  
 (R) - See Chattahoochee County  
 MILLER COUNTY  
 (Hw) - See Statewide  
 MITCHELL COUNTY  
 (Hw) - See Statewide  
 (R) - See Baker County  
 MORGAN COUNTY  
 (Hw) - See Statewide  
 MONTGOMERY COUNTY  
 (Hw) - See Statewide  
 (Hw) - See Statewide  
 MORRIS COUNTY  
 (Hw) - See Statewide  
 (R) - See Barrow County  
 MURRAY COUNTY  
 (Hw) - See Statewide  
 MUSCOGEE COUNTY  
 (Hw) - See Statewide  
 NEMTON COUNTY  
 (Hw) - See Statewide  
 (R) - See Barrow County  
 OCOREE COUNTY  
 (Hw) - See Statewide  
 (R) - See Barrow County  
 OGLETHORPE COUNTY  
 (Hw) - See Statewide  
 (R) - See Barrow County  
 PAULDING COUNTY  
 (Hw) - See Statewide  
 PEACH COUNTY  
 (Hw) - See Statewide  
 PICKENS COUNTY  
 (Hw) - See Statewide  
 PIERCE COUNTY  
 (Hw) - See Statewide  
 (R) - See Mare County  
 PIKE COUNTY  
 (Hw) - See Statewide

GEORGIA (Cont'd.)

POLK COUNTY  
 (Hw) - See Statewide  
 PULASKI COUNTY  
 (Hw) - See Statewide  
 PUTNAM COUNTY  
 (Hw) - See Statewide  
 QUITMAN COUNTY  
 (Hw) - See Statewide  
 (R) - See Baker County  
 RABUN COUNTY  
 (Hw) - See Statewide  
 RANDOLPH COUNTY  
 (Hw) - See Statewide  
 (R) - See Baker County  
 RICHMOND COUNTY  
 Decision #A75-1005 (B)  
 40 FR 3091 - 1/17/75  
 Mod. #1 - 40 FR 6900 - 2/14/75  
 (Hw) - See Statewide  
 (R) - See Burke County  
 ROCKDALE COUNTY  
 (Hw) - See Statewide  
 SCHLEY COUNTY  
 (Hw) - See Statewide  
 (R) - See Chattahoochee County  
 SCREVEN COUNTY  
 (Hw) - See Statewide  
 SEKONILE COUNTY  
 (Hw) - See Statewide  
 (R) - See Baker County  
 SPALDING COUNTY  
 (Hw) - See Statewide  
 STEPHENS COUNTY  
 (Hw) - See Statewide  
 STEWART COUNTY  
 (Hw) - See Statewide  
 (R) - See Chattahoochee County  
 SUMTER COUNTY  
 (Hw) - See Statewide  
 (R) - See Chattahoochee County  
 TALBOT COUNTY  
 (Hw) - See Statewide  
 (R) - See Chattahoochee County  
 TALLAHASSEE COUNTY  
 (Hw) - See Statewide  
 TALLAFERRO COUNTY  
 (Hw) - See Statewide  
 TATTNALL COUNTY  
 (Hw) - See Statewide  
 TAYLOR COUNTY  
 (Hw) - See Statewide  
 (R) - See Chattahoochee County  
 TELFAIR COUNTY  
 (Hw) - See Statewide  
 TERRELL COUNTY  
 (Hw) - See Statewide  
 (R) - See Baker County  
 THOMAS COUNTY  
 (Hw) - See Statewide

GEORGIA (Cont'd.)

TIFT COUNTY  
 (Hw) - See Statewide  
 TOombs COUNTY  
 (Hw) - See Statewide  
 TOWNS COUNTY  
 (Hw) - See Statewide  
 TREUTLEN COUNTY  
 (Hw) - See Statewide  
 TROUP COUNTY  
 (Hw) - See Statewide  
 (Hw) - See Statewide  
 (R) - See Chattahoochee County  
 TURNER COUNTY  
 (Hw) - See Statewide  
 TWIGGS COUNTY  
 (Hw) - See Statewide  
 UNION COUNTY  
 (Hw) - See Statewide  
 UPSON COUNTY  
 (Hw) - See Statewide  
 WALKER COUNTY  
 (Hw) - See Statewide  
 WALTON COUNTY  
 (Hw) - See Statewide  
 (Hw) - See Statewide  
 (R) - See Barrow County  
 WARRE COUNTY  
 Decision #A75-1008 (B)  
 40 FR 3093 - 1/17/75  
 Decision #A0-4037 (C)  
 39 FR 33919 - 9/20/74  
 Mod. #1 - 40 FR 3083 - 1/17/75  
 (Hw) - See Statewide  
 WABBER COUNTY  
 (Hw) - See Statewide  
 (R) - See Burke County  
 WASHINGTON COUNTY  
 (Hw) - See Statewide  
 (R) - See Burke County  
 WAYNE COUNTY  
 (Hw) - See Statewide  
 WEBSTER COUNTY  
 (Hw) - See Statewide  
 (R) - See Chattahoochee County  
 WHEELER COUNTY  
 (Hw) - See Statewide  
 WHITE COUNTY  
 (Hw) - See Statewide  
 WHITEFIELD COUNTY  
 (Hw) - See Statewide  
 WILCOX COUNTY  
 (Hw) - See Statewide  
 WILKES COUNTY  
 (Hw) - See Statewide  
 WILKINSON COUNTY  
 (Hw) - See Statewide  
 WORTH COUNTY  
 (Hw) - See Statewide

## ILLINOIS

ADAMS COUNTY  
Decision #AR-3059 (H,HW)  
39 FR 28030 - 8/2/74  
Mod. #1 - 40 FR 3861 - 1/24/75

ALEXANDER COUNTY  
Decision #AR-3062 (H,HW)  
39 FR 28041 - 8/2/74  
Mod. #1 - 40 FR 3862 - 1/24/75  
Decision #IL75-2036 (D)  
40 FR 6023 - 2/7/75

BOND COUNTY  
Decision #IL75-2015 (H,HW)  
40 FR 6927 - 2/14/75

BOONE COUNTY  
Decision #AR-3055 (H,HW)  
39 FR 28014 - 8/2/74  
Mod. #1 - 39 FR 33148 - 9/13/74  
Mod. #2 - 39 FR 44904 - 12/27/74

BROWN COUNTY  
(H,HW) - See Adams County  
(D) - See Alexander County

BUREAU COUNTY  
Decision #IL75-2035 (B)  
40 FR 5961 - 2/7/75

Decision #AR-3056 (H,HW)  
39 FR 28018 - 8/2/74  
Mod. #1 - 40 FR 925 - 1/3/75

CALHOUN COUNTY  
(H,HW) - See Bond County  
(D) - See Alexander County

CARRROLL COUNTY  
(H,HW) - See Bureau County

CASS COUNTY  
(H,HW) - See Adams County  
(D) - See Alexander County

CHAMPAIGN COUNTY  
Decision #AR-3170 (B)  
39 FR 40421 - 11/15/74  
Decision #AR-3058 (H,HW)  
39 FR 28021 - 8/2/74  
Mod. #1 - 39 FR 30665 - 8/23/74  
Mod. #2 - 40 FR 3084 - 1/17/75

CHRISTIAN COUNTY  
(H,HW) - See Adams County

CLARK COUNTY  
(H,HW) - See Champaign County

CLAY COUNTY  
Decision #AR-3069 (H,HW)  
39 FR 28033 - 8/2/74  
Mod. #1 - 40 FR 3861 - 1/24/75

CLINTON COUNTY  
(H,HW) - See Bond County

COLES COUNTY  
(H,HW) - See Champaign County

COOK COUNTY  
Decision #AR-3064 (B,H,HW,R)  
39 FR 28000 - 8/9/74  
Mod. #1 - 39 FR 42806 - 12/16/74

## IDAH0 (Cont'd)

FREMONT COUNTY  
(B,H,HW) - See Statewide

GEM COUNTY  
(B,H,HW) - See Statewide

GOODING COUNTY  
(B,H,HW) - See Statewide

IDAHO COUNTY  
(B,H,HW) - See Statewide

JEFFERSON COUNTY  
(B,H,HW) - See Statewide

JEROME COUNTY  
(B,H,HW) - See Statewide

KOOTENAI COUNTY  
(B,H,HW) - See Statewide

LATAH COUNTY  
(B,H,HW) - See Statewide

LEMHI COUNTY  
(B,H,HW) - See Statewide

LEMUS COUNTY  
(B,H,HW) - See Statewide

LINCOLN COUNTY  
(B,H,HW) - See Statewide

MADISON COUNTY  
(B,H,HW) - See Statewide

MINIDOKA COUNTY  
(B,H,HW) - See Statewide

NEZ PERCE COUNTY  
(B,H,HW) - See Statewide

ONEIDA COUNTY  
(B,H,HW) - See Statewide

OWNEE COUNTY  
(B,H,HW) - See Statewide

PAYETTE COUNTY  
(B,H,HW) - See Statewide

POWER COUNTY  
(B,H,HW) - See Statewide

SHOSHONE COUNTY  
(B,H,HW) - See Statewide

TETON COUNTY  
(B,H,HW) - See Statewide

TWIN FALLS COUNTY  
(B,H,HW) - See Statewide

VALLEY COUNTY  
(B,H,HW) - See Statewide

WASHINGTON COUNTY  
(B,H,HW) - See Statewide

## IDAH0

STATEWIDE  
Decision #AR-1046 (B,H,HW)  
39 FR 40410 - 11/15/74  
Mod. #1 - 39 FR 43458 - 12/13/74  
Mod. #2 - 40 FR 5972 - 2/7/75

ADA COUNTY  
Decision #AQ-1029 (B)  
38 FR 24513 - 9/7/73  
Mod. #1 - 38 FR 26543 - 9/21/73

ADAMS COUNTY  
(B,H,HW) - See Statewide

BANNOCK COUNTY  
(B,H,HW) - See Statewide

BEAR LAKE COUNTY  
(B,H,HW) - See Statewide

BENEFICIAL COUNTY  
(B,H,HW) - See Statewide

BINGHAM COUNTY  
(B,H,HW) - See Statewide

BLAINE COUNTY  
(B,H,HW) - See Statewide

BOISE COUNTY  
(B,H,HW) - See Statewide

BONNER COUNTY  
(B,H,HW) - See Statewide

BONNEVILLE COUNTY  
(B,H,HW) - See Statewide

BOUNDARY COUNTY  
(B,H,HW) - See Statewide

BUTTE COUNTY  
(B,H,HW) - See Statewide

CAVALS COUNTY  
(B,H,HW) - See Statewide

CANYON COUNTY  
(B,H,HW) - See Statewide

CARIBOU COUNTY  
(B,H,HW) - See Statewide

CASSIA COUNTY  
(B,H,HW) - See Statewide

CLARK COUNTY  
(B,H,HW) - See Statewide

CLEARWATER COUNTY  
(B,H,HW) - See Statewide

CUSTER COUNTY  
(B,H,HW) - See Statewide

ELMORE COUNTY  
(B,H,HW) - See Statewide

FRANKLIN COUNTY  
(B,H,HW) - See Statewide

## GUAM

Decision #AR-1029 (B,H,HW,R)  
39 FR 32448 - 9/6/74

## HAWAII

STATEWIDE  
Decision #IL75-5002 (B,H,HW,D)  
40 FR 3869 - 1/24/75



## ILLINOIS (Cont'd.)

COOK COUNTY (Cont'd.)  
 Decision #40-3095 (D)  
 39 FR 5982 - 2/15/74  
 Mod. #1 - 39 FR 44161 - 12/20/74

CRAWFORD COUNTY  
 (H, Hw) - See Clay County

CUMBERLAND COUNTY  
 (H, Hw) - See Champaign County

DEKALB COUNTY  
 (H, Hw) - See Boone County

DEWITT COUNTY  
 (H, Hw) - See Champaign County

DOUGLAS COUNTY  
 (H, Hw) - See Champaign County

DU PAGE COUNTY  
 (H, Hw) - See Boone County

Decision #40-3168 (B, R)  
 39 FR 40424 - 11/15/74

EDGAR COUNTY  
 (H, Hw) - See Champaign County

EDWARDS COUNTY  
 (H, Hw) - See Clay County

EFFINGHAM COUNTY  
 (H, Hw) - See Clay County

FAYETTE COUNTY  
 (H, Hw) - See Clay County

FORD COUNTY  
 (H, Hw) - See Clay County

Decision #175-2001 (H, Hw)  
 40 FR 934 - 1/3/75

FRANKLIN COUNTY  
 (H, Hw) - See Alexander County

FULTON COUNTY  
 (H, Hw) - See Alexander County

Decision #40-3057 (H, Hw)  
 39 FR 28022 - 8/2/74  
 Mod. #1 - 40 FR 3084 - 1/17/75

GALLATIN COUNTY  
 (H, Hw) - See Alexander County

GREENE COUNTY  
 (H, Hw) - See Bond County

GRUNDY COUNTY  
 (H, Hw) - See Alexander County

HAMILTON COUNTY  
 (H, Hw) - See Clay County

HANCOCK COUNTY  
 (H, Hw) - See Fulton County

HARDIN COUNTY  
 (H, Hw) - See Alexander County

Decision #175-2016 (B, R)  
 40 FR 8931 - 2/14/75

HENDERSON COUNTY  
 (H, Hw) - See Fulton County

HENRY COUNTY  
 (H, Hw) - See Bureau County

IRROQUOIS COUNTY  
 (H, Hw) - See Ford County

JACKSON COUNTY  
 (H, Hw) - See Alexander County  
 (D) - See Alexander County

## ILLINOIS (Cont'd.)

JASPER COUNTY  
 (H, Hw) - See Clay County

JEFFERSON COUNTY  
 (H, Hw) - See Clay County

JERSEY COUNTY  
 (H, Hw) - See Bond County  
 (D) - See Alexander County

JO DAVIESS COUNTY  
 (H, Hw) - See Bureau County

JOHNSON COUNTY  
 (H, Hw) - See Alexander County

KANE COUNTY  
 (B, R) - See Du Page County  
 (H, Hw) - See Boone County

KANKAKEE COUNTY  
 (H, Hw) - See Ford County

KENDALL COUNTY  
 (H, Hw) - See Boone County

KNOX COUNTY  
 (H, Hw) - See Fulton County

LAKE COUNTY  
 (B, R) - See Du Page County  
 (D) - See Cook County

LA SALLE COUNTY  
 (H, Hw) - See Boone County

LAURENCE COUNTY  
 (B) - See Bureau County  
 (H, Hw) - See Ford County

LEE COUNTY  
 (H, Hw) - See Bureau County

LIVINGSTON COUNTY  
 (B) - See Bureau County  
 (H, Hw) - See Ford County

LOGAN COUNTY  
 (H, Hw) - See Adams County

MCDONOUGH COUNTY  
 (H, Hw) - See Fulton County

MCCLAIN COUNTY  
 (H, Hw) - See Ford County

MADISON COUNTY  
 (H, Hw) - See Champaign County

MAUCOPPIN COUNTY  
 (H, Hw) - See Bond County

MADISON COUNTY  
 Decision #175-2016 (B, R)  
 40 FR 8931 - 2/14/75  
 (H, Hw) - See Bond County

## ILLINOIS (Cont'd.)

MASON COUNTY  
 (H, Hw) - See Clay County

MARSHALL COUNTY  
 (B) See Bureau County

MASON COUNTY  
 (H, Hw) - See Ford County

MASSAC COUNTY  
 (H, Hw) - See Adams County

MENARD COUNTY  
 (H, Hw) - See Alexander County

MERCER COUNTY  
 (H, Hw) - See Adams County

MONROE COUNTY  
 (H, Hw) - See Fulton County

MONTGOMERY COUNTY  
 (D) - See Alexander County

MORGAN COUNTY  
 (H, Hw) - See Bond County

MULTRIE COUNTY  
 (D) - See Adams County

OGLE COUNTY  
 (H, Hw) - See Champaign County

PEORIA COUNTY  
 (H, Hw) - See Bureau County

Decision #40-3069 (B, R, D)  
 39 FR 28813 - 8/9/74  
 Mod. #1 - 39 FR 42808 - 12/6/74

PERRY COUNTY  
 (H, Hw) - See Fulton County

PIATT COUNTY  
 (H, Hw) - See Alexander County

PIKE COUNTY  
 (H, Hw) - See Champaign County

POPE COUNTY  
 (H, Hw) - See Adams County  
 (D) - See Alexander County

POLASKI COUNTY  
 (H, Hw, D) - See Alexander County

POTNAM COUNTY  
 (H, Hw, D) - See Alexander County

RANDOLPH COUNTY  
 (B) - See Bureau County

RICHLAND COUNTY  
 (H, Hw, D) - See Alexander County

ROCK ISLAND COUNTY  
 Decision #40-3175 (B)  
 39 FR 43469 - 12/13/74

SAINT CLAIR COUNTY  
 (H, Hw) - See Bureau County

SAINT MADISON COUNTY  
 (B, R) - See Madison County

SHELBY COUNTY  
 (H, Hw) - See Bond County  
 (D) - See Alexander County

SANGAMON COUNTY  
 Decision #40-3072 (B, R)  
 39 FR 28822 - 8/9/74  
 Mod. #1 - 39 FR 43459 - 12/13/74

SCHUYLER COUNTY  
 (H, Hw) - See Adams County

SCOTT COUNTY  
 (H, Hw) - See Adams County

SHELBY COUNTY  
 (D) - See Alexander County

STARK COUNTY  
 (H, Hw) - See Champaign County

STEPHENSON COUNTY  
 (H, Hw) - See Fulton County

TAZEWELL COUNTY  
 (H, Hw) - See Bureau County

UNION COUNTY  
 (B, R, D) - See Peoria County  
 (H, Hw) - See Fulton County

VERMILION COUNTY  
 (H, Hw, D) - See Alexander County

WASHINGTON COUNTY  
 (B) - See Champaign County

WABASH COUNTY  
 (H, Hw) - See Champaign County

WAGNER COUNTY  
 (H, Hw) - See Clay County

WASHINGTON COUNTY  
 (H, Hw) - See Fulton County

WAYNE COUNTY  
 (H, Hw) - See Bond County

WELLS COUNTY  
 (H, Hw) - See Clay County

WILLIAMSON COUNTY  
 (H, Hw) - See Bureau County

Decision #40-3074 (B)  
 39 FR 28826 - 8/9/74  
 Mod. #1 - 39 FR 44153 - 12/20/74

WINNEBAGO COUNTY  
 Decision #40-3076 (B)  
 39 FR 28831 - 8/9/74  
 Mod. #1 - 39 FR 44153 - 12/20/74

WOODFORD COUNTY  
 (H, Hw) - See Bureau County

(B) - See Bureau County

## INDIANA (Cont'd.)

ADAMS COUNTY  
Decision #60-3123 (H,HW)  
39 FR 30739 - 8/23/74  
Mod. #1 - 39 FR 34913 - 9/27/74  
Mod. #2 - 40 FR 2379 - 1/10/75

ALLEN COUNTY  
Decision #1N75-2017 (B)  
40 FR 6024 - 2/7/75  
Decision #1N75-2018 (B)  
39 FR 22341 - 8/17/73  
(H,HW) - See Adams County

BARTHOLOMEW COUNTY  
Decision #1N75-2018 (B)  
40 FR 4809 - 1/31/75  
(H,HW) - See Boone County

BENTON COUNTY  
Decision #1N75-2019 (B)  
40 FR 6027 - 2/7/75  
Decision #AR-3124 (H,HW)  
39 FR 30744 - 8/23/74  
Mod. #1 - 39 FR 33151 - 9/13/74  
Mod. #2 - 39 FR 34913 - 9/27/74  
Mod. #3 - 40 FR 2379 - 1/10/75

BLACKFORD COUNTY  
Decision #AR-3125 (H,HW)  
39 FR 30748 - 8/23/74  
Mod. #1 - 39 FR 33151 - 9/13/74

BOONE COUNTY  
Decision #P-668 (R)  
38 FR 13247 - 5/18/73  
Decision #1N75-2014 - (H,HW)  
40 FR 3892 - 1/24/75

BROWN COUNTY  
(H,HW) - See Bartholomew County

CARROLL COUNTY  
(H,HW) - See Benton County

CASS COUNTY  
(H,HW) - See Benton County

CLARK COUNTY  
Decision #P-3094 (D)  
39 FR 5070 - 2/8/74  
(H,HW) - See Bartholomew County

CLAY COUNTY  
(H,HW) - See Boone County

CLINTON COUNTY  
(H,HW) - See Benton County

CRAMFORD COUNTY  
(H,HW) - See Boone County  
(D) - See Clark County

DAVIESS COUNTY  
(H,HW) - See Boone County

DEARBORN COUNTY  
Decision #1N75-2020 (B)  
40 FR 4812 - 1/31/75

DECATUR COUNTY  
(H,HW) - See Bartholomew County

DEKALB COUNTY  
(H,HW) - See Adams County

DELAWARE COUNTY  
Decision #AR-3084 (B)  
39 FR 30708 - 8/23/74  
Mod. #1 - 39 FR 33150 - 9/13/74  
Mod. #2 - 39 FR 44805 - 12/27/74  
(H,HW) - See Blackford County

DUBOIS COUNTY  
(H,HW) - See Crawford County

ELKHART COUNTY  
(H,HW) - See Adams County

FAYETTE COUNTY  
(H,HW) - See Blackford County

FLOYD COUNTY  
(D) - See Clark County  
(H,HW) - See Bartholomew County

FOUNTAIN COUNTY  
(H,HW) - See Boone County

FRANKLIN COUNTY  
(H,HW) - See Bartholomew County

FULTON COUNTY  
(H,HW) - See Benton County

GIBSON COUNTY  
(H,HW) - See Crawford County

GRANT COUNTY  
Decision #1N75-2022 (B)  
40 FR 6032 - 2/7/75

GREENE COUNTY  
(H,HW) - See Boone County

HAMILTON COUNTY  
(H,HW) - See Blackford County

HANDCOCK COUNTY  
(R) - See Boone County

HARRISON COUNTY  
(H,HW) - See Clark County  
(H,HW) - See Bartholomew County

HENRIETTA COUNTY  
(H,HW) - See Boone County

HENRY COUNTY  
(H,HW) - See Blackford County

HUNDSBERRY COUNTY  
(H,HW) - See Benton County

JACKSON COUNTY  
(H,HW) - See Adams County

JASPER COUNTY  
(H,HW) - See Bartholomew County

JAY COUNTY  
(H,HW) - See Benton County  
(H,HW) - See Blackford County

## INDIANA (Cont'd.)

JEFFERSON COUNTY  
(D) - See Clark County  
(H,HW) - See Bartholomew County

JENNINGS COUNTY  
(H,HW) - See Bartholomew County

JOHNSON COUNTY  
(H,HW) - See Blackford County  
(R) - See Boone County

KNOX COUNTY  
(H,HW) - See Boone County

KOSCIUSKO COUNTY  
(H,HW) - See Adams County

LAGRANGE COUNTY  
(H,HW) - See Adams County

LAKE COUNTY  
Decision #1N75-2023 (B,H,HW)  
40 FR 6035 - 2/7/75  
Decision #AQ-3095 (D)  
39 FR 5982 - 2/15/74  
Mod. #1 - 39 FR 44161 - 12/20/74

LAPORTE COUNTY  
Decision #1N75-3087 (B,H,HW)  
40 FR 6039 - 2/7/75  
(D) - See Lake County

LAWRENCE COUNTY  
(H,HW) - See Bartholomew County

MADISON COUNTY  
(H,HW) - See Blackford County

MARION COUNTY  
Decision #1N75-2025 (B)  
40 FR 4815 - 1/31/75  
(R) - See Boone County

MARSHALL COUNTY  
(H,HW) - See Blackford County

MARTIN COUNTY  
(H,HW) - See Adams County

MIAMI COUNTY  
(H,HW) - See Bartholomew County

MORFORD COUNTY  
Decision #1N75-2026 (B)  
40 FR 4817 - 1/31/75  
(H,HW) - See Bartholomew County

MONTGOMERY COUNTY  
(H,HW) - See Boone County

MORGAN COUNTY  
(R) - See Boone County

MORTON COUNTY  
(H,HW) - See Boone County

MOBLE COUNTY  
(H,HW) - See Adams County

OHIO COUNTY  
(D) - See Clark County  
(H,HW) - See Bartholomew County

ORANGE COUNTY  
(H,HW) - See Bartholomew County

OWEN COUNTY  
(H,HW) - See Boone County

PARKE COUNTY  
(H,HW) - See Boone County

PERCY COUNTY  
(D) - See Clark County  
(H,HW) - See Crawford County

PIKE COUNTY  
(H,HW) - See Crawford County

PORTER COUNTY  
Decision #1N75-2027 (B,H,HW)  
40 FR 6044 - 2/7/75  
(D) - See Lake County

POSEY COUNTY  
(D) - See Clark County  
(H,HW) - See Crawford County

PULASKI COUNTY  
(H,HW) - See Benton County

PUTNAM COUNTY  
(H,HW) - See Boone County

RANDOLPH COUNTY  
(H,HW) - See Blackford County

RIPLEY COUNTY  
(H,HW) - See Bartholomew County

RUSH COUNTY  
(H,HW) - See Blackford County

SAINTE JOSEPH COUNTY  
Decision #1N75-2028 (B,H,HW)  
40 FR 6049 - 2/7/75

SCOTT COUNTY  
(H,HW) - See Bartholomew County

SHELBY COUNTY  
(R) - See Boone County  
(H,HW) - See Blackford County

SPEAKER COUNTY  
(D) - See Clark County  
(H,HW) - See Crawford County

STARBUCK COUNTY  
(H,HW) - See Adams County

STUBEN COUNTY  
(H,HW) - See Adams County

SULLY COUNTY  
(H,HW) - See Boone County

SWITZERLAND COUNTY  
(D) - See Bartholomew County  
(H,HW) - See Bartholomew County

NOTICES

INDIANA (Cont'd)

TIPPECANOE COUNTY (B,H,Hw) - See Benton County  
 TIPTON COUNTY (H,Hw) - See Benton County  
 UNION COUNTY (H,Hw) - See Blackford County  
 VANDERBURGH COUNTY (H,Hw) - See Blackford County  
 Decision #1N75-2029 (B)  
 40 FR 4820 - 1/31/75  
 (D) - See Clark County  
 (H,Hw) - See Crawford County  
 VERMILLION COUNTY (H,Hw) - See Boone County  
 VIGO COUNTY (H,Hw) - See Boone County  
 Decision #1N75-2030 (B)  
 40 FR 8033 - 2/7/75  
 (H,Hw) - See Boone County  
 WABASH COUNTY (H,Hw) - See Benton County  
 WADSWORTH COUNTY (H,Hw) - See Boone County  
 WARRICK COUNTY (D) - See Clark County  
 (H,Hw) - See Crawford County  
 WASHINGTON COUNTY (H,Hw) - See Bartholomew County  
 WAYNE COUNTY (H,Hw) - See Blackford County  
 WELLS COUNTY (H,Hw) - See Adams County  
 WHITE COUNTY (H,Hw) - See Benton County  
 WHITLEY COUNTY (H,Hw) - See Adams County

IOWA

ADAIR COUNTY None  
 ADAMS COUNTY None  
 ALLAMAKEE COUNTY None  
 APPANOOSE COUNTY Decision #AR-73 (Hw)  
 39 FR 38797 - 11/17/74  
 Mod. #1 - 40 FR 4786 - 1/31/75  
 AUDUBON COUNTY None  
 BENTON COUNTY Decision #AR-74 (Hw)  
 39 FR 38798 - 11/17/74  
 BLACK HAWK COUNTY Decision #1A75-4034 (B,H,Hw),(City of Waterloo & abutting Municipalities)  
 40 FR 4823 - 1/31/75  
 Mod. #1 - 40 FR 6900 - 2/14/75  
 BOONE COUNTY None  
 BREWER COUNTY None  
 BUCHANAN COUNTY None  
 BUENA VISTA COUNTY None  
 BUTLER COUNTY None  
 CALHOUN COUNTY None  
 CARROLL COUNTY Decision #AP-6712 (H,Hw)  
 37 FR 7429 - 4/14/72  
 Mod. #1 - 39 FR 40404 - 11/15/74  
 CASS COUNTY (H,Hw) - See Carroll County  
 CEDAR COUNTY None  
 CERRO GORDO COUNTY (Mason City) Decision #1A75-4035 (B,H,Hw)  
 40 FR 4826 - 1/31/75  
 Mod. #1 - 40 FR 6901 - 2/14/75  
 CHEROKEE COUNTY None  
 CHICKASAW COUNTY None  
 CLARGE COUNTY None

IOWA (Cont'd)

CLAY COUNTY (H,Hw) - See Carroll County  
 CLAYTON COUNTY None  
 CLINTON COUNTY (City of Clinton and abutting municipalities) Decision #1A75-4036 (B,H,Hw)  
 40 FR 4828 - 1/31/75  
 Mod. #1 - 40 FR 6900 - 2/14/75  
 (H,Hw) - See Carroll County  
 DALLAS COUNTY None  
 DAVIS COUNTY (Hw) - See Appanoose County  
 DECATUR COUNTY None  
 DELAWARE COUNTY None  
 DES MOINES COUNTY (City of Burlington and abutting Municipalities; and Burlington Ordnance Plant) Decision #1A75-4037 (B,H,Hw)  
 40 FR 4581 - 1/31/75  
 Mod. #1 - 40 FR 6901 - 2/14/75  
 DICKINSON COUNTY None  
 DUBUQUE COUNTY (City of Dubuque and abutting municipalities) Decision #1A75-4038 (B,H,Hw)  
 40 FR 4834 - 1/31/75  
 ENNETT COUNTY None  
 FAYETTE COUNTY None  
 FLOYD COUNTY None  
 FRANKLIN COUNTY None  
 FREDERICK COUNTY Decision #AR-75 (Channel Stabilization)  
 39 FR 38798 - 11/17/74  
 GREENE COUNTY None  
 GRUNDY COUNTY None

IOWA (Cont'd)

GUTHRIE COUNTY None  
 HAMILTON COUNTY None  
 HAWKOCK COUNTY None  
 HAZARD COUNTY None  
 HARRISON COUNTY (Crawm. Stab.) - See Fremont Co.  
 HENRY COUNTY None  
 HOWARD COUNTY (H,Hw) - See Carroll County  
 HUMBOLDT COUNTY None  
 IOWA COUNTY None  
 IOWA COUNTY (Hw) - See Benton County  
 JACKSON COUNTY None  
 JASPER COUNTY None  
 JEFFERSON COUNTY (Hw) - See Appanoose County  
 JOHNSON COUNTY (City of Iowa City and abutting municipalities) Decision #1A75-4039 (B,H,Hw)  
 40 FR 4836 - 1/31/75  
 Mod. #1 - 40 FR 6902 - 2/14/75  
 (Hw) - See Benton County  
 JONES COUNTY None  
 KEOKUK COUNTY (Hw) - See Benton County  
 KOSCIUSKO COUNTY None  
 LEE COUNTY None  
 LINN COUNTY (City of Cedar Rapids and abutting municipalities) Decision #1A75-4040 (B,H,Hw)  
 40 FR 4839 - 1/31/75

## IOWA (Cont'd.)

LOUISA COUNTY  
None

LUCAS COUNTY  
None

LYON COUNTY  
None

MAHON COUNTY  
None

MAHASKA COUNTY  
(H, Hw) - See Benton County

MARION COUNTY  
None

MARSHALL COUNTY  
None

MILLS COUNTY  
(Chann. Stab.) - See Fremont Co.

MITCHELL COUNTY  
None

MONONA COUNTY  
(H, Hw) - See Carroll County

MORRIS COUNTY  
(Chann. Stab.) - See Fremont Co.

MONTGOMERY COUNTY  
None

MUSCATINE COUNTY  
None

O'BRIEN COUNTY  
(H, Hw) - See Carroll County

OSCEOLA COUNTY  
(H, Hw) - See Carroll County

PAGE COUNTY  
None

PALO ALTO COUNTY  
None

PLYMOUTH COUNTY  
None

POCAHONTAS COUNTY  
None

POLK COUNTY  
Decision #IA75-4041 (B, H, Hw)  
40 FR 4841 - 1/31/75  
Mod. #1 - 40 FR 6903 - 2/14/75

POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City Limits)  
Decision #IA75-4042 (B, H, Hw)  
40 FR 4843 - 1/31/75  
Mod. #1 - 40 FR 6903 - 2/14/75  
(Chann. Stab.) - See Fremont County

## IOWA (Cont'd.)

PONESHEK COUNTY  
(Hw) - See Benton County

RINGGOLD COUNTY  
(H, Hw) - See Carroll County

SAC COUNTY  
None

SCOTT COUNTY  
Decision #IA75-4043 (B, H, Hw)  
40 FR 4845 - 1/31/75  
Mod. #1 - 40 FR 6903 - 2/14/75

SHELBY COUNTY  
None

SIOUX COUNTY  
None

STORY COUNTY (City of Ames and abutting municipalities)  
Decision #IA75-4044 (B, H, Hw)  
40 FR 4848 - 1/31/75  
Mod. #1 - 40 FR 6904 - 2/14/75

TAMA COUNTY  
(Hw) - See Benton County

TAYLOR COUNTY  
(H, Hw) - See Carroll County

UNION COUNTY  
None

VAN BUREN COUNTY  
(Hw) - See Appanoose County

WAPELLO COUNTY  
(Hw) - See Appanoose County

WARREN COUNTY  
None

WASHINGTON COUNTY  
(Hw) - See Benton County

WAYNE COUNTY  
None

WEBSTER COUNTY (FORT DOUGER)  
Decision #IA75-4045 (B, H, Hw)  
40 FR 4851 - 1/31/75  
Mod. #1 - 40 FR 6904 - 2/14/75

WINNEBAGO COUNTY  
None

WINNEBOK COUNTY  
None

## IOWA (Cont'd.)

WOODBURY COUNTY (City of Sioux City and abutting municipalities)  
Decision #IA75-4046 (B)  
40 FR 4853 - 1/31/75  
Mod. #1 - 40 FR 6905 - 2/14/75  
(Chann. Stab.) - See Fremont Co.

WORTH COUNTY  
None

WRIGHT COUNTY  
None

## KANSAS (Cont'd.)

CLAY COUNTY  
(Hw, MBS) - See Allen County

CLOUD COUNTY  
(Hw, MBS) - See Allen County

COFFEY COUNTY  
(Hw, MBS) - See Allen County

COMANCHE COUNTY  
(Hw, MBS) - See Allen County

CONLEY COUNTY  
(Hw, MBS) - See Barber County

CRAWFORD COUNTY  
(Hw, MBS) - See Allen County

DECATUR COUNTY  
(Hw, MBS) - See Barber County

DICKINSON COUNTY  
(Hw, MBS) - See Allen County

DONIPHAN COUNTY  
(D) - See Atchison County

DOUGLAS COUNTY  
(Hw, MBS) - See Allen County

Decision #AR-83 (Hw)  
39 FR 41666 - 11/29/74

EDWARDS COUNTY  
(Hw, MBS) - See Barber County

ELK COUNTY  
(Hw, MBS) - See Allen County

ELLIS COUNTY  
(Hw, MBS) - See Barber County

ELLSWORTH COUNTY  
(Hw, MBS) - See Barber County

FINNEY COUNTY  
(Hw, MBS) - See Barber County

FORD COUNTY  
(Hw, MBS) - See Barber County

FRANKLIN COUNTY  
(Hw, MBS) - See Allen County

Decision #AQ-88 (B)  
39 FR 11791 - 3/29/74

COVE COUNTY  
(Hw, MBS) - See Barber County

GRAHAM COUNTY  
(Hw, MBS) - See Barber County

GRANT COUNTY  
(Hw, MBS) - See Barber County

ALLEN COUNTY  
Decision #KS75-4051 (Hw, MBS)  
40 FR 6056 - 2/7/75

ANDERSON COUNTY  
(Hw, MBS) - See Allen County

ATCHISON COUNTY  
Decision #AQ-21 (D)  
38 FR 23847 - 9/31/73  
(Hw, MBS) - See Allen County

BARBER COUNTY  
Decision #KS75-4053 (Hw, MBS)  
40 FR 6058 - 2/7/75

BARTON COUNTY  
(Hw, MBS) - See Barber County

BOURBON COUNTY  
(Hw, MBS) - See Allen County

BROWN COUNTY  
(Hw, MBS) - See Allen County

BUTLER COUNTY  
(Hw, MBS) - See Allen County

CASS COUNTY  
(Hw, MBS) - See Allen County

CHASE COUNTY  
(Hw, MBS) - See Allen County

CHAUTAUQUA COUNTY  
(Hw, MBS) - See Allen County

CHEROKEE COUNTY  
(Hw, MBS) - See Allen County

CHEYENNE COUNTY  
(Hw, MBS) - See Barber County

CLARK COUNTY  
(Hw, MBS) - See Barber County

## KANSAS

Decision #KS75-4051 (Hw, MBS)  
40 FR 6056 - 2/7/75

ANDERSON COUNTY  
(Hw, MBS) - See Allen County

ATCHISON COUNTY  
Decision #AQ-21 (D)  
38 FR 23847 - 9/31/73  
(Hw, MBS) - See Allen County

BARBER COUNTY  
Decision #KS75-4053 (Hw, MBS)  
40 FR 6058 - 2/7/75

BARTON COUNTY  
(Hw, MBS) - See Barber County

BOURBON COUNTY  
(Hw, MBS) - See Allen County

BROWN COUNTY  
(Hw, MBS) - See Allen County

BUTLER COUNTY  
(Hw, MBS) - See Allen County

CASS COUNTY  
(Hw, MBS) - See Allen County

CHASE COUNTY  
(Hw, MBS) - See Allen County

CHAUTAUQUA COUNTY  
(Hw, MBS) - See Allen County

CHEROKEE COUNTY  
(Hw, MBS) - See Allen County

CHEYENNE COUNTY  
(Hw, MBS) - See Barber County

CLARK COUNTY  
(Hw, MBS) - See Barber County

KANSAS (CONT'D.)

HAMILTON COUNTY  
(Hw, MBS) - See Barber County

HARPER COUNTY  
(Hw, MBS) - See Allen County

HARVEY COUNTY  
(Hw, MBS) - See Allen County

HASKELL COUNTY  
(Hw, MBS) - See Barber County

HOGGEMAN COUNTY  
(Hw, MBS) - See Barber County

JACKSON COUNTY  
(Hw, MBS) - See Allen County

JEFFERSON COUNTY  
(Hw) - See Douglas County

JENELL COUNTY  
(Hw, MBS) - See Barber County

JOHNSON COUNTY  
Decision #AQ-44 (B, H, Hw)  
38 FR 31760 - 11/16/73  
Mod. #1 - 38 FR 26559 - 7/19/74  
Mod. #2 - 40 FR 5973 - 2/7/75

Decision #AQ-52 (R)  
38 FR 32388 - 11/23/73

KEARNEY COUNTY  
(Hw, MBS) - See Barber County

KINGMAN COUNTY  
(Hw, MBS) - See Allen County

KIOWA COUNTY  
(Hw, MBS) - See Barber County

LABETTE COUNTY  
(Hw, MBS) - See Allen County

LANE COUNTY  
(Hw, MBS) - See Barber County

LEAVENWORTH COUNTY  
Decision #AQ-36 (B)  
38 FR 28511 - 10/24/73  
Mod. #1 - 38 FR 31754 - 11/16/73  
Mod. #2 - 39 FR 33911 - 9/20/74  
(Hw) - See Douglas County  
(D) - See Atchison County

LINCOLN COUNTY  
(Hw, MBS) - See Barber County

LINN COUNTY  
(Hw, MBS) - See Allen County

LOGAN COUNTY  
(Hw, MBS) - See Barber County

KANSAS (Cont'd.)

LYON COUNTY  
(Hw, MBS) - See Allen County

MCPHERSON COUNTY  
(Hw, MBS) - See Allen County

MARION COUNTY  
(Hw, MBS) - See Allen County

MARSHALL COUNTY  
(Hw, MBS) - See Allen County

MEADE COUNTY  
(Hw, MBS) - See Barber County

MIAMI COUNTY  
(Hw) - See Douglas County

MITCHELL COUNTY  
(Hw, MBS) - See Barber County

MONTGOMERY COUNTY  
(Hw, MBS) - See Allen County

MORRIS COUNTY  
(Hw, MBS) - See Allen County

MORTON COUNTY  
(Hw, MBS) - See Barber County

NEMARA COUNTY  
(Hw, MBS) - See Allen County

NEOSHO COUNTY  
(Hw, MBS) - See Allen County

NESS COUNTY  
(Hw, MBS) - See Barber County

NORTON COUNTY  
(Hw, MBS) - See Barber County

OSAGE COUNTY  
(Hw, MBS) - See Allen County

OSBORNE COUNTY  
(Hw, MBS) - See Barber County

OTTAWA COUNTY  
(Hw, MBS) - See Allen County

PAWNEE COUNTY  
(Hw, MBS) - See Barber County

PHILLIPS COUNTY  
(Hw, MBS) - See Barber County

POTTAWATOMIE COUNTY  
(Hw, MBS) - See Allen County

PRATT COUNTY  
(Hw, MBS) - See Barber County

RAMBLE COUNTY  
(Hw, MBS) - See Barber County

KANSAS (Cont'd.)

RENO COUNTY  
(Hw, MBS) - See Allen County

REPUBLIC COUNTY  
(Hw, MBS) - See Allen County

RICE COUNTY  
(Hw, MBS) - See Barber County

RILEY COUNTY  
(Hw, MBS) - See Allen County  
(R) - See Geary County

ROOKS COUNTY  
(Hw, MBS) - See Barber County

RUSH COUNTY  
(Hw, MBS) - See Barber County

RUSSELL COUNTY  
(Hw, MBS) - See Barber County

SALINE COUNTY  
(Hw, MBS) - See Allen County

SCOTT COUNTY  
(Hw, MBS) - See Barber County

SEDMICK COUNTY  
Decision #AP-533 (R)  
38 FR 16573 - 6/22/73  
Decision #AP-532 (B)  
38 FR 13922 - 5/25/73  
Mod. #1 - 38 FR 20166 - 7/27/73  
Mod. #2 - 38 FR 27163 - 9/28/73  
Decision #KS75-4052 (Hw, MBS)  
40 FR 6057 - 2/7/75

SEWARD COUNTY  
(Hw, MBS) - See Barber County

SHAWNEE COUNTY  
Decision #AQ-32 (B)  
38 FR 27169 - 9/28/73  
Mod. #1 - 39 FR 26550 - 7/19/74  
Decision #AQ-33 (R)  
38 FR 27172 - 9/28/74  
(Hw) - See Douglas County

KANSAS (Cont'd.)

SHERIDAN COUNTY  
(Hw, MBS) - See Barber County

SHERMAN COUNTY  
(Hw, MBS) - See Barber County

SMITH COUNTY  
(Hw, MBS) - See Barber County

STAFFORD COUNTY  
(Hw, MBS) - See Barber County

STANTON COUNTY  
(Hw, MBS) - See Barber County

STEVENS COUNTY  
(Hw, MBS) - See Barber County

SUNNER COUNTY  
(Hw, MBS) - See Allen County

THOMAS COUNTY  
(Hw, MBS) - See Barber County

TREGO COUNTY  
(Hw, MBS) - See Barber County

WAGONMOUND COUNTY  
(Hw, MBS) - See Allen County

WALLACE COUNTY  
(Hw, MBS) - See Barber County

WASHINGTON COUNTY  
(Hw, MBS) - See Allen County

WICHITA COUNTY  
(Hw, MBS) - See Barber County

WILSON COUNTY  
(Hw, MBS) - See Allen County

WOODSON COUNTY  
(Hw, MBS) - See Allen County

WYANDOTTE COUNTY  
(B, H, Hw) - See Johnson County  
(R) - See Johnson County  
(D) - See Atchison County

## KENTUCKY

ADAIR COUNTY  
Decision #AR-4054 (H, HW)  
39 FR 39697 - 11/8/74  
Mod. #1 - 39 FR 44907 - 12/27/74  
Mod. #2 - 40 FR 3025 - 1/17/75

ALLEN COUNTY  
Decision #AR-4053 - (H, HW)  
39 FR 39694 - 11/8/74  
Mod. #1 - 40 FR 3085 - 1/17/75

ANDERSON COUNTY  
Decision #AR-4055 (H, HW)  
39 FR 39700 - 11/8/74  
Mod. #1 - 40 FR 3085 - 1/17/75

BALLARD COUNTY  
Decision #AQ-4002 (D)  
38 FR 21037 - 8/3/73  
Mod. #1 - 39 FR 4264 - 2/1/74  
Mod. #2 - 39 FR 15603 - 5/3/74

BARGE COUNTY  
(H, HW) - See Allen County

BATH COUNTY  
(H, HW) - See Adair County

BATH COUNTY  
(H, HW) - See Anderson County  
Decision #AQ-4056 (R)  
39 FR 4305 - 2/1/74

BELL COUNTY  
(H, HW) - See Adair County  
Decision #AQ-4056 (H, HW)  
39 FR 39703 - 11/8/74  
Mod. #1 - 40 FR 3082 - 1/17/75  
Mod. #2 - 40 FR 4796 - 1/31/75

BOONE COUNTY  
Decision #AR-4034 (B)  
39 FR 33158 - 9/13/74  
Decision #AQ-3094 (D)  
39 FR 5070 - 2/8/74

BOURBON COUNTY  
(H, H) - See Anderson County  
(R) - See Bath County

BOYD COUNTY  
Decision #AR-4047 (B)  
39 FR 38824 - 11/1/74

BOYD COUNTY  
(H, HW) - See Anderson County  
(D) - See Boone County

BOYLE COUNTY  
(H, HW) - See Anderson County

BRADLEY COUNTY  
(H, HW) - See Anderson County  
(D) - See Boone County

BREATHITT COUNTY  
Decision #AQ-4076 (H, HW)  
39 FR 5987 - 2/15/74  
Mod. #1 - 39 FR 8102 - 3/1/74

## KENTUCKY (Cont'd.)

BRECKINRIDGE COUNTY  
Decision #AP-103 (R)  
38 FR 11278 - 5/4/74  
(H, HW) - See Anderson County  
(D) - See Boone County

BULLITT COUNTY  
(D) - See Boone County  
(H, HW) - See Anderson County  
(R) - See Breckinridge County

BUTLER COUNTY  
(H, HW) - See Allen County

CALDWELL COUNTY  
(H, HW) - See Allen County

CALLAWAY COUNTY  
(H, HW) - See Allen County

CAMPBELL COUNTY  
(B, H, HW) - See Boone County

CARLISLE COUNTY  
(D) - See Ballard County  
(H, HW) - See Allen County

CARRIAGE COUNTY  
(H, HW) - See Anderson County  
(D) - See Boone County

CARTER COUNTY  
(H, HW) - See Anderson County

CASEY COUNTY  
(H, HW) - See Adair County

CHRISTIAN COUNTY  
(H, HW) - See Allen County

CLARK COUNTY  
(H, HW) - See Anderson County  
(R) - See Bath County

CLAY COUNTY  
(H, HW) - See Adair County

CLINTON COUNTY  
(H, HW) - See Adair County

CRITTENDEN COUNTY  
(H, HW) - See Allen County  
(D) - See Boone County

CUMBERLAND COUNTY  
(H, HW) - See Adair County

DAVIESS COUNTY  
Decision #AQ-4122 (B)  
39 FR 20281 - 6/7/74  
(H, HW) - See Allen County  
(D) - See Boone County

EDMONSON COUNTY  
(H, HW) - See Allen County

ELLIOTT COUNTY  
(H, HW) - See Anderson County

ESTILL COUNTY  
(H, HW) - See Adair County

## KENTUCKY (Cont'd.)

FAYETTE COUNTY  
Decision #AR-4018 (B)  
39 FR 28836 - 8/9/74  
Mod. #1 - 39 FR 32442 - 9/6/74  
Mod. #2 - 39 FR 40406 - 11/15/74  
(H, HW) - See Anderson County  
(R) - See Bath County

FLEMING COUNTY  
(H, HW) - See Anderson County

FLOYD COUNTY  
Decision #AR-4002 (B)  
39 FR 24777 - 7/5/74  
(H, HW) - See Breathitt County

FRANKLIN COUNTY  
Decision #AQ-4101 (B)  
39 FR 14113 - 4/19/74  
Mod. #1 - 39 FR 30665 - 8/23/74  
Mod. #2 - 39 FR 38803 - 11/1/74

FULTON COUNTY  
(D) - See Ballard County  
(H, HW) - See Allen County

GALLATIN COUNTY  
(H, HW) - See Anderson County  
(D) - See Boone County

GARRARD COUNTY  
(H, HW) - See Adair County

GRANT COUNTY  
(H, HW) - See Anderson County

GRAVES COUNTY  
(H, HW) - See Allen County

GRATSON COUNTY  
(H, HW) - See Anderson County

GREENE COUNTY  
(H, HW) - See Adair County

GREENUP COUNTY  
(B) - See Boone County

HANCOCK COUNTY  
(H, HW) - See Allen County  
(D) - See Boone County

## KENTUCKY (Cont'd.)

HARDIN COUNTY  
(B) - See Jefferson County  
(H, HW) - See Anderson County  
(R) - See Breckinridge County  
(D) - See Boone County

HARLAN COUNTY  
(H, HW) - See Adair County

HARRISON COUNTY  
(H, HW) - See Anderson County  
(R) - See Bath County

HART COUNTY  
(H, HW) - See Adair County

HENDERSON COUNTY  
Decision #AR-4025 (B)  
39 FR 31796 - 8/30/74  
(H, HW) - See Allen County  
(D) - See Boone County

HENRY COUNTY  
(H, HW) - See Anderson County

HICOGAN COUNTY  
(D) - See Ballard County  
(H, HW) - See Allen County

HOPKINS COUNTY  
(H, HW) - See Allen County

JACKSON COUNTY  
(H, HW) - See Adair County

JEFFERSON COUNTY  
Decision #AR-4016 (B)  
39 FR 28833 - 8/9/74  
Mod. #1 - 39 FR 38803 - 11/1/74

(D) - See Boone County  
(R) - See Breckinridge County  
(H, HW) - See Anderson County

JESSAMINE COUNTY  
(H, HW) - See Anderson County  
(R) - See Bath County

KENTUCKY (Cont'd)

JOHNSON COUNTY  
 Decision #40-4080 (H, Hw)  
 39 FR 7033 - 2/22/74  
 Mod. #1 - 39 FR 14848 - 4/26/74  
 Mod. #2 - 39 FR 20913 - 6/14/74  
 Mod. #3 - 39 FR 29705 - 8/16/74

KENTON COUNTY  
 (B, H, Hw, D) - See Boone County

KNOTT COUNTY  
 (H, Hw) - See Breathitt County

KNOX COUNTY  
 (H, Hw) - See Adair County

LARUE COUNTY  
 (H, Hw) - See Anderson County

LAUREL COUNTY  
 (H, Hw) - See Adair County

LAWRENCE COUNTY  
 (H, Hw) - See Johnson County

LEE COUNTY  
 (H, Hw) - See Adair County

LESLIE COUNTY  
 (H, Hw) - See Adair County

LEITCHER COUNTY  
 (H, Hw) - See Breathitt County

LEWIS COUNTY  
 (H, Hw) - See Anderson County  
 (D) - See Boone County

LINCOLN COUNTY  
 (H, Hw) - See Adair County

LIVINGSTON COUNTY  
 (H, Hw) - See Allen County  
 (D) - See Boone County

LOGAN COUNTY  
 (H, Hw) - See Allen County

LYON COUNTY  
 (H, Hw) - See Allen County

MCCRACKEN COUNTY  
 Decision #AR-4014 (B)  
 39 FR 28044 - 8/2/74  
 Mod. #1 - 39 FR 30665 - 8/23/74  
 Mod. #2 - 39 FR 40406 - 11/15/74  
 (D) - See Boone County  
 (H, Hw) - See Allen County

KENTUCKY (Cont'd)

MCCRACKY COUNTY  
 (H, Hw) - See Adair County

MCLAIN COUNTY  
 (H, Hw) - See Allen County

MADISON COUNTY  
 (H, Hw) - See Anderson County  
 (R) - See Bath County

MAGOFFIN COUNTY  
 (H, Hw) - See Breathitt County

MARION COUNTY  
 (H, Hw) - See Anderson County

MARSHALL COUNTY  
 (R) - See Breckinridge County

MARTIN COUNTY  
 (H, Hw) - See Allen County

MASON COUNTY  
 (H, Hw) - See Breathitt County

MAYES COUNTY  
 (H, Hw) - See Anderson County  
 (D) - See Boone County

MEADE COUNTY  
 (H, Hw) - See Anderson County  
 (B) - See Jefferson County  
 (R) - See Breckinridge County  
 (D) - See Boone County

MENIFFE COUNTY  
 (H, Hw) - See Adair County

MERCER COUNTY  
 (H, Hw) - See Anderson County

METCALFE COUNTY  
 (H, Hw) - See Adair County

MONROE COUNTY  
 (H, Hw) - See Adair County

MONTGOMERY COUNTY  
 (H, Hw) - See Anderson County  
 (R) - See Bath County

MORGAN COUNTY  
 (H, Hw) - See Anderson County

MARLENSBERG COUNTY  
 (H, Hw) - See Allen County

KENTUCKY (Cont'd)

NELSON COUNTY  
 (H, Hw) - See Anderson County  
 (R) - See Breckinridge County

NICHOLS COUNTY  
 (H, Hw) - See Anderson County

OHIO COUNTY  
 (H, Hw) - See Allen County

OLDHAM COUNTY  
 (H, Hw) - See Anderson County  
 (R) - See Breckinridge County  
 (D) - See Boone County

OWEN COUNTY  
 (H, Hw) - See Anderson County

OSLEY COUNTY  
 (H, Hw) - See Adair County

PENDLETON COUNTY  
 (B)(D) - See Boone County  
 (D) - See Boone County

PERRY COUNTY  
 (H, Hw) - See Breathitt County

PIKE COUNTY  
 (B) - See Floyd County  
 (H, Hw) - See Breathitt County

POWELL COUNTY  
 (H, Hw) - See Adair County

PULASKI COUNTY  
 (H, Hw) - See Adair County

ROBERTSON COUNTY  
 (H, Hw) - See Anderson County

ROCKCASTLE COUNTY  
 (H, Hw) - See Adair County

ROMAN COUNTY  
 (H, Hw) - See Anderson County

RUSSELL COUNTY  
 (H, Hw) - See Adair County

SCOTT COUNTY  
 (H, Hw) - See Anderson County  
 (R) - See Bath County

SHELBY COUNTY  
 (H, Hw) - See Anderson County  
 (R) - See Breckinridge County

KENTUCKY (Cont'd)

SIMPSON COUNTY  
 (H, Hw) - See Allen County

SPENCER COUNTY  
 (H, Hw) - See Anderson County  
 (R) - See Breckinridge County

TAYLOR COUNTY  
 (H, Hw) - See Allen County

TODD COUNTY  
 (H, Hw) - See Allen County

TRIGGS COUNTY  
 (H, Hw) - See Allen County

TRIMBLE COUNTY  
 (H, Hw) - See Anderson County  
 (D) - See Boone County

UNION COUNTY  
 (H, Hw) - See Allen County  
 (D) - See Boone County

WARREN COUNTY  
 Decision #AR-4023 (B)  
 39 FR 32449 - 9/6/74  
 (H, Hw) - See Statewide

WASHINGTON COUNTY  
 (H, Hw) - See Anderson County  
 (R) - See Breckinridge County

WAYNE COUNTY  
 (H, Hw) - See Adair County

WEBSTER COUNTY  
 (H, Hw) - See Allen County

WHITLEY COUNTY  
 (H, Hw) - See Adair County

WOLFE COUNTY  
 (H, Hw) - See Adair County

WOODFORD COUNTY  
 (H, Hw) - See Anderson County  
 (R) - See Bath County

LOUISIANA

STATEWIDE

Decision #AR-4013 (D)  
 39 FR 27397 - 7/26/74  
 Decision #A75-4033 (B, Hw, R)  
 40 FR 3898 - 1/24/75  
 Mod. #1 - 40 FR 6907 - 2/14/75

ACADIA PARISH  
 (D) - See Statewide  
 (Hw) - See Statewide  
 Decision #AP-1107 (F)  
 38 FR 17358 - 6/29/73  
 Mod. #1 - 39 FR 15602 - 5/3/74  
 (B) - See Statewide

ALLEN COUNTY

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

ASCENSION PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

ASSUMPTION PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

AVOUELLES PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

BEAUREGARD PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

BIENVILLE PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

BOSSIER PARISH

(D) - See Statewide  
 (B, R) - See Statewide  
 (Hw) - See Statewide

CAJODO PARISH

(D) - See Statewide  
 (B, R) - See Statewide  
 (Hw) - See Statewide

CALCASIEU PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (Hw) - See Statewide

CAJODO PARISH

(D) - See Statewide  
 (B, R) - See Statewide

LOUISIANA (Cont'd.)

IBERVILLE PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

JACKSON PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

JEFFERSON PARISH

Decision #49-3 (R)  
 39 FR 25777 - 7/12/74  
 (D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

JEFFERSON DAVIS PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

LAFAYETTE PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

LAFORCHE PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

LA SALLE PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

LINCOLN PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

LIVINGSTON PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

MADISON PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

MOREHOUSE PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

MATCHBEECH PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

ORLEANS PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

QUACHITA PARISH

Decision #40-116 (R)  
 39 FR 22397 - 6/21/74  
 (B) (Hw) - See Statewide

LOUISIANA (Cont'd.)

PLAQUEMINE PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

POINTE DUPEE PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

RAPIDES PARISH

(D) - See Statewide  
 (B) (Hw) - See Statewide

RED RIVER PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

RICHLAND PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

SABINE PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

ST. BERNARD PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

ST. CHARLES PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

ST. HELENA PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

ST. JAMES PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

ST. JOHN THE BAPTIST PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

ST. LABREY PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

ST. MARTIN PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide

ST. MAUR PARISH

(D) - See Statewide  
 (F) - See Acadia Parish  
 (B) (Hw) - See Statewide



## LOUISIANA (Cont'd)

- ST. TAMMANY PARISH  
(D) - See Statewide  
(F) - See Acadia Parish  
(B)(Hw) - See Statewide
- TANGIPAHOLA PARISH  
(D) - See Statewide  
(F) - See Acadia Parish  
(B)(Hw) - See Statewide
- TENSAS PARISH  
(D) - See Statewide  
(F) - See Acadia Parish  
(B)(Hw) - See Statewide
- TERREBOINE PARISH  
(D) - See Statewide  
(F) - See Acadia Parish  
(B)(Hw) - See Statewide
- UNION PARISH  
(D) - See Statewide  
(F) - See Acadia Parish  
(B)(Hw) - See Statewide
- VERMILION PARISH  
(D) - See Statewide  
(F) - See Acadia Parish  
(B)(Hw) - See Statewide
- VERNON PARISH  
(D) - See Statewide  
(F) - See Acadia Parish  
(B)(Hw) - See Statewide
- WASHINGTON PARISH  
(D) - See Statewide  
(F) - See Acadia Parish  
(B)(Hw) - See Statewide
- WEBSTER PARISH  
(D) - See Statewide  
(F) - See Acadia Parish  
(B)(Hw) - See Statewide
- WEST BATON ROUGE PARISH  
(D) - See Statewide  
(F) - See Acadia Parish  
(B)(Hw) - See Statewide
- WEST FELICIANA PARISH  
(D) - See Statewide  
(F) - See Acadia Parish  
(B)(Hw) - See Statewide
- MINN PARISH  
(D) - See Statewide  
(F) - See Acadia Parish  
(B)(Hw) - See Statewide

## MARYLAND

- ALLEGHANY COUNTY  
Decision #AR-2091 (B)  
39 FR 41651 - 11/29/74  
Mod. #1 - 40 FR 928 - 1/3/75
- ANDROSOGGIN COUNTY  
None
- AROSTOOK COUNTY  
None
- CUMBERLAND COUNTY  
Decision #W75-3010 (D)  
40 FR 3881 - 1/24/75
- FRANKLIN COUNTY  
None
- HANCOCK COUNTY  
(D) - See Cumberland County
- KENNEBEC COUNTY  
None
- KNOX COUNTY  
(D) - See Cumberland County
- LINDOLN COUNTY  
(D) - See Cumberland County
- OXFORD COUNTY  
None
- PENOBSCOT COUNTY  
None
- PISCATAQUIS COUNTY  
None
- SAGadahoc COUNTY  
(D) - See Cumberland County
- SOMERSET COUNTY  
None
- WALDO COUNTY  
(D) - See Cumberland County
- WASHINGTON COUNTY  
(D) - See Cumberland County
- YORK COUNTY  
(D) - See Cumberland County
- ALLEGHANY COUNTY  
Decision #AR-2091 (B)  
39 FR 41651 - 11/29/74  
Mod. #1 - 40 FR 928 - 1/3/75
- ANNES ARUNDEL COUNTY  
Decision #AR-2085 (Hw)  
39 FR 41100 - 11/22/74  
Decision #W75-3008 (D)  
40 FR 3084 - 1/17/75
- BALTIMORE CITY & BALTIMORE COUNTY  
Mod. #1 - 40 FR 928 - 1/3/75
- BALTIMORE COUNTY  
Decision #AR-2052 (Hw)  
39 FR 34904 - 9/27/74
- CALVERT COUNTY  
Decision #AR-2053 (Hw)  
39 FR 34905 - 9/27/74  
Mod. #1 - 40 FR 928 - 1/3/75
- CARROLL COUNTY  
Decision #AR-2093 (B,H)  
39 FR 44162 - 12/20/74  
Mod. #1 - 40 FR 928 - 1/3/75
- CECIL COUNTY  
Decision #AQ-2072 (R)  
39 FR 8122 - 3/1/74
- CHARLES COUNTY  
(D) - See Anne Arundel County
- DORCHESTER COUNTY  
(D) - See Anne Arundel County
- FREDERICK COUNTY  
Decision #AQ-2076 (R)  
39 FR 10069 - 3/15/74  
(Hw) - See Anne Arundel County
- GARRETT COUNTY  
(B,H,Hw) - See Allegany County
- HARFORD COUNTY  
(R) - See Baltimore County  
(D) - See Anne Arundel County  
(Hw) - See Anne Arundel County
- HOWARD COUNTY  
(R) - See Baltimore County  
(Hw) - See Anne Arundel County  
(D) - See Baltimore County
- KENT COUNTY  
(D) - See Anne Arundel County
- MONTGOMERY COUNTY  
Decision #W75-3003 (B)  
40 FR 937 - 1/3/75  
(Hw) - See Anne Arundel County
- PRINCE GEORGES COUNTY  
(B) - See Montgomery County  
(D) - See Anne Arundel County  
(Hw) - See Anne Arundel County
- QUEEN ANNES COUNTY  
(D) - See Anne Arundel County
- ST. MARYS COUNTY  
(D) - See Anne Arundel County  
(Hw) - See Anne Arundel County
- SOMERSET COUNTY  
(D) - See Anne Arundel County
- TALBOT COUNTY  
(D) - See Anne Arundel County
- WASHINGTON COUNTY  
(Hw) - See Anne Arundel County
- WICOMICO COUNTY  
Decision #AQ-2075 (R)  
39 FR 10068 - 3/15/74  
Mod. #1 - 39 FR 14949 - 4/26/74
- WORCESTER COUNTY  
(D) - See Baltimore County  
(Hw) - See Baltimore County  
39 FR 27991 - 8/2/74

## MARYLAND (CONT'D.)

- ALLEGHANY COUNTY  
Decision #AR-2091 (B)  
39 FR 41651 - 11/29/74  
Mod. #1 - 40 FR 928 - 1/3/75
- ANNES ARUNDEL COUNTY  
Decision #AR-2085 (Hw)  
39 FR 41100 - 11/22/74  
Decision #W75-3008 (D)  
40 FR 3084 - 1/17/75
- BALTIMORE CITY & BALTIMORE COUNTY  
Mod. #1 - 40 FR 928 - 1/3/75
- BALTIMORE COUNTY  
Decision #AR-2052 (Hw)  
39 FR 34904 - 9/27/74
- CALVERT COUNTY  
Decision #AR-2053 (Hw)  
39 FR 34905 - 9/27/74  
Mod. #1 - 40 FR 928 - 1/3/75
- CARROLL COUNTY  
Decision #AR-2093 (B,H)  
39 FR 44162 - 12/20/74  
Mod. #1 - 40 FR 928 - 1/3/75
- CECIL COUNTY  
Decision #AQ-2072 (R)  
39 FR 8122 - 3/1/74
- CHARLES COUNTY  
(D) - See Anne Arundel County
- DORCHESTER COUNTY  
(D) - See Anne Arundel County
- FREDERICK COUNTY  
Decision #AQ-2076 (R)  
39 FR 10069 - 3/15/74  
(Hw) - See Anne Arundel County
- GARRETT COUNTY  
(B,H,Hw) - See Allegany County
- HARFORD COUNTY  
(R) - See Baltimore County  
(D) - See Anne Arundel County  
(Hw) - See Anne Arundel County
- HOWARD COUNTY  
(R) - See Baltimore County  
(Hw) - See Anne Arundel County  
(D) - See Baltimore County
- KENT COUNTY  
(D) - See Anne Arundel County
- MONTGOMERY COUNTY  
Decision #W75-3003 (B)  
40 FR 937 - 1/3/75  
(Hw) - See Anne Arundel County
- PRINCE GEORGES COUNTY  
(B) - See Montgomery County  
(D) - See Anne Arundel County  
(Hw) - See Anne Arundel County
- QUEEN ANNES COUNTY  
(D) - See Anne Arundel County
- ST. MARYS COUNTY  
(D) - See Anne Arundel County  
(Hw) - See Anne Arundel County
- SOMERSET COUNTY  
(D) - See Anne Arundel County
- TALBOT COUNTY  
(D) - See Anne Arundel County
- WASHINGTON COUNTY  
(Hw) - See Anne Arundel County
- WICOMICO COUNTY  
Decision #AQ-2075 (R)  
39 FR 10068 - 3/15/74  
Mod. #1 - 39 FR 14949 - 4/26/74
- WORCESTER COUNTY  
(D) - See Baltimore County  
(Hw) - See Baltimore County  
39 FR 27991 - 8/2/74

**BARNSTABLE COUNTY**  
 Decision #A75-2002 (B,H,Hw, & Marine)  
 40 FR 3095 - 1/17/75  
 Decision #A2-2125 (D)  
 39 FR 19413 - 5/31/74  
 Mod. #1 - 39 FR 36710 - 10/11/74  
**BEXSHIRE COUNTY**  
 Decision #A75-2003 (B,H,Hw)  
 40 FR 3099 - 1/17/75  
 Mod. #1 - 40 FR 6908 - 2/14/75  
**BRISTOL COUNTY**  
 Decision #A75-2004 (B,H,Hw, & Marine)  
 40 FR 3103 - 1/17/75  
 (D) - See Barnstable County  
**DUNES COUNTY**  
 (D) - See Barnstable County  
**ESSEX COUNTY**  
 Decision #A75-2005 (B,H,Hw, & Marine)  
 40 FR 3107 - 1/17/75  
 (D) - See Barnstable County  
**FRANKLIN COUNTY**  
 Decision #A75-2006 (B,H,Hw)  
 40 FR 3112 - 1/17/75  
**HAMPDEN COUNTY**  
 Decision #A75-2007 (B,H,Hw)  
 40 FR 3116 - 1/17/75  
 Decision #A2-3032 (R)  
 39 FR 30361 - 11/2/73  
 Mod. #1 - 39 FR 33205 - 11/30/73  
 Mod. #2 - 39 FR 4274 - 2/1/74  
**HAMPSHIRE COUNTY**  
 Decision #A75-2008 (B,H,Hw)  
 40 FR 3121 - 1/17/75  
**MIDDLESEX COUNTY**  
 Decision #A75-2009 (B,H,Hw,R, & Marine)  
 40 FR 3125 - 1/17/75  
 (D) - See Barnstable County  
**NANTUCKET COUNTY**  
 (D) - See Barnstable County  
**NORFOLK COUNTY**  
 Decision #A75-2010 (B,H,Hw,R)  
 40 FR 3129 - 1/17/75  
 (D) - See Barnstable County  
**PLYMOUTH COUNTY**  
 Decision #A75-2011 (B,H,Hw,R)  
 40 FR 3133 - 1/17/75  
**SUFFOLK COUNTY**  
 Decision #A75-2012 (B,H,Hw,D,R, & Marine)  
 40 FR 3137 - 1/17/75  
**WORCESTER COUNTY**  
 Decision #A75-2013 (B,H,Hw,R)  
 40 FR 3141 - 1/17/75

**STATEWIDE**  
 Decision #AR-3141 (Hw, MS)  
 39 FR 30765 - 8/23/74  
 Mod. #1 - 39 FR 41109 - 11/22/74  
 Mod. #2 - 39 FR 41658 - 11/29/74  
**ALCONA COUNTY**  
 Decision #A2-3095 (D)  
 39 FR 5982 - 2/15/74  
 Mod. #1 - 39 FR 44161 - 12/20/74  
 (Hw, MS) - See Statewide  
 (B,H) - See Alpena County  
**ALGER COUNTY**  
 (D) - See Alpena County  
**ALLEGAN COUNTY**  
 Decision #AR-3102 (B,H)  
 39 FR 29784 - 8/16/74  
 Mod. #1 - 39 FR 33152 - 9/13/74  
 Mod. #2 - 39 FR 33911 - 9/20/74  
 Mod. #3 - 39 FR 34920 - 9/27/74  
 Decision #AM-398 (R)  
 36 FR 15891 - 8/18/71  
 (Hw, MS) - See Statewide  
 (D) - See Alpena County  
**ALPENA COUNTY**  
 Decision #AR-3150 (B,H)  
 39 FR 36759 - 10/11/74  
 (Hw, MS) - See Statewide  
**ANTRIN COUNTY**  
 (D) - See Alpena County  
**ARENAC COUNTY**  
 (D) - See Alpena County  
**BARAGA COUNTY**  
 Decision #AR-3177 (B,H)  
 39 FR 44164 - 12/20/74  
 Mod. #1 - 40 FR 929 - 1/3/75  
 (D) - See Alpena County  
 (Hw, MS) - See Statewide  
**BARRY COUNTY**  
 (Hw, MS) - See Statewide  
**BAY COUNTY**  
 (D) - See Alpena County  
**BENZIE COUNTY**  
 (Hw, MS) - See Statewide  
 (D) - See Alpena County  
 (Hw, MS) - See Statewide

**BERRIEN COUNTY**  
 Decision #AR-3164 (B,H)  
 39 FR 37338 - 10/18/74  
 Decision #AM-399 (R)  
 36 FR 15892 - 8/18/71  
 (D) - See Alpena County  
 (Hw, MS) - See Statewide  
**BRANDY COUNTY**  
 Decision #AM-401 (R)  
 36 FR 15894 - 8/18/71  
 (Hw, MS) - See Statewide  
**CALHOUN COUNTY**  
 Decision #A2-3105 (B,H)  
 39 FR 29797 - 8/16/74  
 Mod. #1 - 39 FR 33154 - 9/13/74  
 Mod. #2 - 39 FR 33912 - 9/20/74  
 Mod. #3 - 39 FR 34922 - 9/27/74  
 Decision #AM-400 (R)  
 36 FR 15892 - 8/18/71  
 (Hw, MS) - See Statewide  
**CASS COUNTY**  
 (Hw, MS) - See Statewide  
 (R) - See Branch County  
**CHARLEVOIX COUNTY**  
 Decision #AR-3122 (B,H)  
 39 FR 29850 - 8/16/74  
 Mod. #1 - 39 FR 33155 - 9/13/74  
 Mod. #2 - 39 FR 33916 - 9/20/74  
 Mod. #3 - 39 FR 34922 - 9/27/74  
 (D) - See Alpena County  
**CHEBOYGAN COUNTY**  
 (Hw, MS) - See Statewide  
 (D) - See Alpena County  
**CHIPPEWA COUNTY**  
 (B,H) - See Baraga County  
 (D) - See Alpena County  
 (Hw, MS) - See Statewide  
**CLARE COUNTY**  
 (Hw, MS) - See Statewide  
**CLINTON COUNTY**  
 (Hw, MS) - See Statewide  
**COAN COUNTY**  
 (Hw, MS) - See Statewide  
 (Hw, MS) - See Statewide

MICHIGAN (Cont'd.)

DELTA COUNTY  
 (D) - See Alcona County  
 (H, W, MS) - See Statewide  
 DICKINSON COUNTY  
 (H, W, MS) - See Statewide  
 EATON COUNTY  
 Decision #A-8041 (R)  
 36 FR 24027 - 12/17/71  
 (H, W, MS) - See Statewide  
 EMMET COUNTY  
 Decision #AR-3108 (B, H)  
 39 FR 25803 - 8/16/74  
 Mod. #1 - 39 FR 33155 - 9/13/74  
 Mod. #2 - 39 FR 33912 - 9/20/74  
 Mod. #3 - 39 FR 35908 - 10/4/74  
 (D) - See Alcona County  
 (H, W, MS) - See Statewide  
 GENESEE COUNTY  
 Decision #AR-3109 (B, H)  
 39 FR 29807 - 8/16/74  
 Mod. #1 - 39 FR 33912 - 9/20/74  
 Mod. #2 - 39 FR 35908 - 10/4/74  
 (H, W, MS) - See Statewide  
 GLADWIN COUNTY  
 (H, W, MS) - See Statewide  
 GOSEBIC COUNTY  
 (B, H) - See Baraga County  
 (D) - See Alcona County  
 (H, W, MS) - See Statewide  
 GRAND TRAVERSE COUNTY  
 Decision #AR-3111 (B, H)  
 39 FR 29814 - 8/16/74  
 Mod. #1 - 39 FR 33913 - 9/20/74  
 Mod. #2 - 39 FR 35909 - 10/4/74  
 Mod. #3 - 39 FR 41657 - 11/29/74  
 (D) - See Alcona County  
 (H, W, MS) - See Statewide  
 GRATIOT COUNTY  
 (H, W, MS) - See Statewide  
 HILLSDALE COUNTY  
 (H, W, MS) - See Statewide  
 HOUGHTON COUNTY  
 (B, H) - See Baraga County  
 (D) - See Alcona County  
 (H, W, MS) - See Statewide  
 HURON COUNTY  
 Decision #AR-3112 (B, H)  
 39 FR 29817 - 8/16/74  
 Mod. #1 - 39 FR 33174 - 8/30/74  
 Mod. #2 - 39 FR 33913 - 9/20/74  
 Mod. #3 - 39 FR 35910 - 10/4/74  
 (D) - See Alcona County  
 (H, W, MS) - See Statewide  
 INGHAM COUNTY  
 Decision #AR-3113 (B, H)  
 39 FR 29817  
 Mod. #1 - 39 FR 33154 - 9/13/74

MICHIGAN (Cont'd.)

INGHAM COUNTY (Cont'd.)  
 Mod. #2 - 39 FR 33914 - 9/20/74  
 Mod. #3 - 39 FR 35910 - 10/4/74  
 (H, W, MS) - See Statewide  
 (H, W, MS) - See Eaton County  
 IONIA COUNTY  
 (H, W, MS) - See Statewide  
 IOSCO COUNTY  
 (D) - See Alcona County  
 (H, W, MS) - See Statewide  
 IRON COUNTY  
 (H, W, MS) - See Statewide  
 ISABELLA COUNTY  
 (H, W, MS) - See Statewide  
 JACKSON COUNTY  
 (H, W, MS) - See Statewide  
 KALAMAZOO COUNTY  
 Decision #AR-3114 (B, H)  
 39 FR 29823 - 8/16/74  
 Mod. #1 - 39 FR 33914 - 9/20/74  
 Mod. #2 - 39 FR 35910 - 10/4/74  
 (H, W, MS) - See Statewide  
 (R) - See Branch County  
 KALKASKA COUNTY  
 (H, W, MS) - See Statewide  
 KENT COUNTY  
 Decision #AR-3054 (B, H)  
 39 FR 24858 - 7/12/74  
 Mod. #1 - 39 FR 33155 - 9/13/74  
 Mod. #2 - 39 FR 34920 - 9/27/74  
 Decision #AR-402 (R)  
 36 FR 15895 - 8/18/71  
 (H, W, MS) - See Statewide  
 KENEDAWA COUNTY  
 (B, H) - See Baraga County  
 (H, W, MS) - See Statewide  
 LAKE COUNTY  
 (H, W, MS) - See Statewide  
 LAPEER COUNTY  
 (B, H) - See Genesee County  
 (H, W, MS) - See Statewide  
 LEELANAU COUNTY  
 (B, H) - See Grand Traverse County  
 (H, W, MS) - See Statewide  
 LAMARIE COUNTY  
 (H, W, MS) - See Statewide  
 LIVINGSTON COUNTY  
 (H, W, MS) - See Statewide  
 LUCE COUNTY  
 (D) - See Alcona County  
 (H, W, MS) - See Statewide  
 MACKINAC COUNTY  
 (B, H) - See Chippewa County  
 (H, W, MS) - See Statewide  
 MACOMB COUNTY  
 Decision #AR-3121 (B, H, R)  
 39 FR 29846 - 8/16/74  
 Mod. #1 - 39 FR 33916 - 9/20/74  
 Mod. #2 - 39 FR 35913 - 10/4/74  
 (D) - See Alcona County  
 (H, W, MS) - See Statewide

MICHIGAN (Cont'd.)

MANISTEE COUNTY  
 (D) - See Alcona County  
 (H, W, MS) - See Statewide  
 MARQUETTE COUNTY  
 Decision #AR-3178 (R)  
 39 FR 44156 - 12/20/74  
 (D) - See Alcona County  
 (H, W, MS) - See Statewide  
 MASON COUNTY  
 Decision #AR-3116 (B, H)  
 39 FR 29830 - 8/16/74  
 Mod. #1 - 39 FR 33914 - 9/20/74  
 Mod. #2 - 39 FR 35911 - 10/4/74  
 (D) - See Alcona County  
 (H, W, MS) - See Statewide  
 MEMPHIS COUNTY  
 (H, W, MS) - See Statewide  
 (D) - See Alcona County  
 (H, W, MS) - See Statewide  
 MIDLAND COUNTY  
 (H, W, MS) - See Statewide  
 MISSAUKEE COUNTY  
 (H, W, MS) - See Statewide  
 MONROE COUNTY  
 (D) - See Alcona County  
 (H, W, MS) - See Statewide  
 MONTCALM COUNTY  
 (H, W, MS) - See Statewide  
 MONTMORENCY COUNTY  
 (B, H) - See Alcona County  
 (H, W, MS) - See Statewide  
 MUSKEGON COUNTY  
 Decision #AR-3117 (B, H)  
 39 FR 29833 - 8/16/74  
 Mod. #1 - 39 FR 33915 - 9/20/74  
 Mod. #2 - 39 FR 35912 - 10/4/74  
 Mod. #3 - 39 FR 36716 - 10/11/74  
 Decision #M-403 (R)  
 36 FR 15896 - 8/18/71  
 (D) - See Alcona County  
 (H, W, MS) - See Statewide  
 NEMAGOG COUNTY  
 (H, W, MS) - See Statewide  
 OAKLAND COUNTY  
 (B, H, R) - See Macomb County  
 (D) - See Alcona County  
 (H, W, MS) - See Statewide  
 OCEANA COUNTY  
 (B, H, R) - See Muskegon County  
 (D) - See Alcona County  
 (H, W, MS) - See Statewide  
 OCEANA COUNTY  
 Decision #AR-3122 (B, H, R)  
 39 FR 29846 - 8/16/74  
 Mod. #1 - 39 FR 33916 - 9/20/74  
 Mod. #2 - 39 FR 35913 - 10/4/74  
 (D) - See Alcona County  
 (H, W, MS) - See Statewide

MICHIGAN (Cont'd.)

OSCEOLA COUNTY  
 (D) - See Alcona County  
 (H, W, MS) - See Statewide  
 OSCODA COUNTY  
 (B, H) - See Alpena County  
 (H, W, MS) - See Statewide  
 OTSEGO COUNTY  
 (H, W, MS) - See Statewide  
 OTTAWA COUNTY  
 (D) - See Alcona County  
 (H, W, MS) - See Statewide  
 (R) - See Allegan County  
 PRESQUE ISLE COUNTY  
 (B, H) - See Alpena County  
 (D) - See Alcona County  
 (H, W, MS) - See Statewide  
 ROSCOMMON COUNTY  
 (H, W, MS) - See Statewide  
 SAGINAW COUNTY  
 Decision #AR-3148 (B, H, R)  
 39 FR 36754 - 10/11/74  
 (H, W, MS) - See Statewide  
 SAINT CLAIR COUNTY  
 Decision #AR-3165 (B, H, R)  
 39 FR 37341 - 10/18/74  
 Mod. #1 - 39 FR 43464 - 12/13/74  
 (H, W, MS) - See Statewide  
 SAINT JOSEPH COUNTY  
 (H, W, MS) - See Statewide  
 (R) - See Branch County  
 SANILAC COUNTY  
 (B, H) - See Saint Clair County  
 (D) - See Alcona County  
 (H, W, MS) - See Statewide  
 SCHOOLCRAFT COUNTY  
 (D) - See Alcona County  
 (H, W, MS) - See Statewide  
 SHIPLAKE COUNTY  
 (B, H) - See Genesee County  
 (H, W, MS) - See Statewide  
 TUSCOLA COUNTY  
 (D) - See Alcona County  
 (H, W, MS) - See Statewide  
 VAN BUREN COUNTY  
 (D) - See Alcona County  
 (H, W, MS) - See Statewide  
 WASHTENAW COUNTY  
 Decision #AR-3120 (B, H)  
 39 FR 29843 - 8/16/74  
 Mod. #1 - 39 FR 33916 - 9/20/74  
 Mod. #2 - 39 FR 35913 - 10/4/74  
 WAYNE COUNTY  
 (B, H, R) - See Macomb County  
 (D) - See Alcona County  
 (H, W, MS) - See Statewide  
 WEXFORD COUNTY  
 (H, W, MS) - See Statewide

MINNESOTA

MINNESOTA (Cont'd.)

MINNESOTA (Cont'd.)

MINNESOTA (Cont'd.)

- AITKIN COUNTY (H, Hw) - See Anoka County
- ANOKA COUNTY (B, R) - See Anoka County
- Decision #48-3166 (B, R) 39 FR 39705 - 11/8/74
- Decision #48-3053 (H, Hw) 39 FR 25873 - 7/12/74
- Mod. #1 - 39 FR 31775 - 8/23/74
- Mod. #2 - 39 FR 38805 - 11/1/74
- Mod. #3 - 39 FR 44908 - 12/27/74
- BECKER COUNTY (H, Hw) - See Anoka County
- Decision #40-3104 (H, Hw) 39 FR 9369 - 3/8/74
- BELTRAMI COUNTY (B, R) - See Anoka County
- 39 FR 36704 - 10/11/74
- BENTON COUNTY (H, Hw) - See Anoka County
- BIG STONE COUNTY (H, Hw) - See Anoka County
- Decision #42-3105 (H, Hw) 39 FR 9370 - 3/8/74
- BLUE EARTH COUNTY (H, Hw) - See Anoka County
- BROWN COUNTY None
- CARLTON COUNTY (H, Hw) - See Anoka County
- CARVER COUNTY (B, R) - See Anoka County
- (H, Hw) - See Anoka County
- CASS COUNTY (Hw) - See Becker County
- CHIPPEWA COUNTY (Hw) - See Big Stone County
- CHITSAGO COUNTY (H, Hw) - See Anoka County
- CLAY COUNTY (Hw) - See Becker County
- CLEAR WATER COUNTY (H, Hw) - See Beltrami County
- COOK COUNTY (H, Hw) - See Anoka County
- COTTONWOOD COUNTY (B, R) - See Anoka County
- Decision #40-3134 (H, Hw) 39 FR 935 - 3/8/74
- CROW WING COUNTY (H, Hw) - See Anoka County
- DAKOTA COUNTY (B, R) - See Anoka County
- (H, Hw) - See Anoka County
- DOUGLAS COUNTY (H, Hw) - See Anoka County
- DUGLAS COUNTY (H, Hw) - See Big Stone County
- FALBIAULT COUNTY (H, Hw) - See Anoka County
- FILLMORE COUNTY (H, Hw) - See Anoka County
- FREBORO COUNTY (H, Hw) - See Anoka County
- GOODHUE COUNTY (H, Hw) - See Anoka County
- GRANT COUNTY (H, Hw) - See Big Stone County
- HENNEPIN COUNTY (B, R) - See Anoka County
- (H, Hw) - See Anoka County
- HOUSTON COUNTY (H, Hw) - See Anoka County
- HUBBARD COUNTY (H, Hw) - See Becker County
- ISANTI COUNTY (H, Hw) - See Anoka County
- ITASKA COUNTY (H, Hw) - See Anoka County
- JACKSON COUNTY (H, Hw) - See Anoka County
- KANABEC COUNTY (H, Hw) - See Anoka County
- KANDIYUHI COUNTY (H, Hw) - See Big Stone County
- KLITSON COUNTY (H, Hw) - See Beltrami County
- KOOCHICING COUNTY (H, Hw) - See Anoka County
- LAC QUI PARLE COUNTY (H, Hw) - See Big Stone County
- LAKE COUNTY (H, Hw) - See Anoka County
- (D) - See Cook County
- LAKE OF THE WOODS COUNTY (H, Hw) - See Beltrami County
- LE SUEUR COUNTY (H, Hw) - See Anoka County
- LINCOLN COUNTY (H, Hw) - See Cottonwood County
- LYON COUNTY (H, Hw) - See Cottonwood County
- MELLEO COUNTY (H, Hw) - See Anoka County
- MANKOSHEN COUNTY (H, Hw) - See Beltrami County
- MARSHALL COUNTY (H, Hw) - See Beltrami County
- MARTIN COUNTY (H, Hw) - See Anoka County
- MEeker COUNTY (H, Hw) - See Anoka County
- MILLE LACS COUNTY (H, Hw) - See Anoka County
- MORRISON COUNTY (H, Hw) - See Anoka County
- MOWER COUNTY (H, Hw) - See Anoka County
- MURRAY COUNTY (H, Hw) - See Cottonwood County
- NICOLLET COUNTY (H, Hw) - See Anoka County
- NOBLES COUNTY (H, Hw) - See Anoka County
- NORMAN COUNTY (H, Hw) - See Beltrami County
- OLMSTED COUNTY (H, Hw) - See Anoka County
- OTTER TAIL COUNTY (H, Hw) - See Becker County
- PENNINGTON COUNTY (H, Hw) - See Beltrami County
- PINE COUNTY (H, Hw) - See Anoka County
- PIPESTONE COUNTY (H, Hw) - See Cottonwood County
- POLK COUNTY (H, Hw) - See Beltrami County
- POPE COUNTY (H, Hw) - See Beltrami County
- RANSNEY COUNTY (B, R) - See Anoka County
- (H, Hw) - See Anoka County
- RED LAKE COUNTY (H, Hw) - See Beltrami County
- REDWOOD COUNTY (H, Hw) - See Cottonwood County
- RENVILLE COUNTY None
- RICE COUNTY (H, Hw) - See Anoka County
- ROCK COUNTY (H, Hw) - See Anoka County
- ROSEAU COUNTY (H, Hw) - See Beltrami County
- SAINT LOUIS COUNTY (D) - See Cook County
- (H, Hw) - See Anoka County
- CITY OF DULUTH (B, R) - See Anoka County
- SCOTT COUNTY (H, Hw) - See Anoka County
- (B, R) - See Anoka County
- SHERBURNE COUNTY (H, Hw) - See Anoka County
- SIBLEY COUNTY (H, Hw) - See Anoka County
- STEARNS COUNTY (H, Hw) - See Anoka County
- STEELE COUNTY (H, Hw) - See Anoka County
- STEVENS COUNTY (H, Hw) - See Big Stone County
- SWIFT COUNTY (H, Hw) - See Big Stone County
- TODD COUNTY (Hw) - See Becker County
- TRaverse COUNTY (H, Hw) - See Big Stone County
- WABASHA COUNTY (H, Hw) - See Anoka County
- WADENA COUNTY (H, Hw) - See Becker County
- WASECA COUNTY (H, Hw) - See Anoka County
- WASHINGTON COUNTY (B, R) - See Anoka County
- (H, Hw) - See Anoka County
- WATONWAN COUNTY None
- WILKIN COUNTY (H, Hw) - See Becker County
- WINONA COUNTY (H, Hw) - See Anoka County
- WRIGHT COUNTY (H, Hw) - See Anoka County
- YELLOW MEDICINE COUNTY (H, Hw) - See Cottonwood County

## MISSISSIPPI (cont'd)

## STATEWIDE

Decision #AR-4013 (D)  
 39 FR 27392 - 7/26/74  
 Decision #AR-4057 (F)  
 39 FR 41113 - 11/22/74  
 Decision #AR-4066 (H,Hw)  
 39 FR 44167 - 12/20/74  
 Mod. #1 - 40 FR 3086 - 1/17/75  
 Mod. #2 - 40 FR 5977 - 2/14/75

ADAMS COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

ALCOURN COUNTY  
 (H,Hw) - See Statewide  
 (D) - See Statewide  
 (F) - See Statewide  
 (R) - See Statewide

ANKITE COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

ATTALA COUNTY  
 (H,Hw) - See Statewide  
 (D) - See Statewide  
 (F) - See Statewide  
 (R) - See Statewide

BENTON COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

BOLIVAR COUNTY  
 (H,Hw) - See Statewide  
 (D) - See Statewide  
 (F) - See Statewide

CALHOUN COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

CARDWELL COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

CHILCASSAR COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

CHOCTAW COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

CLAIBORNE COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

CLARKE COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

## MISSISSIPPI (cont'd)

## CLAY COUNTY

(H,Hw) - See Statewide

COAHOMA COUNTY  
 Decision #AR-4024 (R)  
 39 FR 31771 - 8/30/74  
 Mod. #1 - 40 FR 3086 - 1/17/75  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

COPIAH COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

CONVINCER COUNTY  
 (R) - See Hinds County  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

DE SOTO COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

FORREST COUNTY  
 Decision #RS75-1007 (R)  
 40 FR 3147 - 1/17/75  
 Decision #RS75-1020 (B)  
 40 FR 3666 - 2/7/75  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

FRANKLIN COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

GEORGE COUNTY  
 (H,Hw) - See Statewide  
 (D) - See Statewide  
 (F) - See Statewide  
 (R) - See Harrison County

GREENE COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

GRENADE COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

HANCOCK COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

HARRISON COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

Decision #RS75-1013 (B,H,Hw,MBS)  
 40 FR 4854 - 1/31/75  
 Decision #AP-174 (R)  
 38 FR 10584 - 4/27/73  
 Mod. #1 - 39 FR 8102 - 3/1/74  
 (D,F) - See Statewide

## HINDS COUNTY

Decision #AR-4030 (B)  
 39 FR 32454 - 9/6/74  
 Mod. #1 - 39 FR 38806 - 11/1/74  
 Mod. #2 - 39 FR 41658 - 11/29/74  
 Decision #AQ-4120 (R)  
 39 FR 20302 - 6/7/74  
 (D,F) - See Statewide  
 (H,Hw) - See Statewide

HOLMES COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

HUMPHREYS COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

ISSAQUEMIA COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

ITAWAMBA COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

JACKSON COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

JASPER COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

JEFFERSON COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

JEFFERSON DAVIS COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

JONES COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

KEMPER COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

LAFAYETTE COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

LAUREL COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

## LAWAR COUNTY

(D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

LAUDERDALE COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

LAWRENCE COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

LEAKE COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

LEE COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

LEFLORE COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

LINCOLN COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

LOWNDES COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

MADISON COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

MARION COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

MARSHALL COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

MONROE COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

MONTGOMERY COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

## MISSISSIPPI (cont'd)

## MISSISSIPPI (cont'd)

Decision #AR-4030 (B)  
 39 FR 32454 - 9/6/74  
 Mod. #1 - 39 FR 38806 - 11/1/74  
 Mod. #2 - 39 FR 41658 - 11/29/74  
 Decision #AQ-4120 (R)  
 39 FR 20302 - 6/7/74  
 (D,F) - See Statewide  
 (H,Hw) - See Statewide

HOLMES COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

HUMPHREYS COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

ISSAQUEMIA COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

ITAWAMBA COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

JACKSON COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

JASPER COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

JEFFERSON COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

JEFFERSON DAVIS COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

JONES COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

KEMPER COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

LAFAYETTE COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

LAUREL COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

## MISSISSIPPI (Cont'd)

MESHOBA COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 NEWTON COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 NOLBEE COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 ONTARIO COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 PANOLA COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 PEARL RIVER COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw,WBS) - See Harrison County  
 (R) - See Harrison County  
 PERRY COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 PIKE COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 POINTOTOC COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 PRENTISS COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 QUITMAN COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 RANKIN COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 (R) - See Hinds County

## MISSISSIPPI (Cont'd)

SCOTT COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 (R) - See Hinds County  
 SHARKEY COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 SIMPSON COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 (R) - See Hinds County  
 SMITH COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 (R) - See Hinds County  
 STONE COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 (R) - See Harrison County  
 SUNFLOWER COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 (R) - See Coahoma County  
 TALLAHATCHIE COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 TATE COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 TIPPAR COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 TISHOMINGO COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 TUNICA COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 UNION COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide

## MISSISSIPPI

STATEWIDE  
 Decision #42-79 (H,Hw)  
 39 FR 49449 - 11/15/74  
 Mod. #1 - 39 FR 42807 - 12/16/74  
 ADAIR COUNTY  
 (H,Hw) - See Statewide  
 ANDREW COUNTY  
 Decision #Aq-21 (D)  
 38 FR 23647 - 8/31/74  
 (H,Hw) - See Statewide  
 ATCHISON COUNTY  
 (D) - See Andrew County  
 (H,Hw) - See Statewide  
 AUDRAIN COUNTY  
 (H,Hw) - See Statewide  
 BARRY COUNTY  
 (D) - See Statewide  
 (H,Hw) - See Statewide  
 BARTON COUNTY  
 (H,Hw) - See Statewide  
 BATES COUNTY  
 (D) - See Statewide  
 (H,Hw) - See Statewide  
 BENTON COUNTY  
 (H,Hw) - See Statewide  
 BOLLINGER COUNTY  
 (H,Hw) - See Statewide  
 BOONE COUNTY  
 (D) - See Andrew County  
 (H,Hw) - See Statewide  
 BUCHANAN COUNTY  
 (D) - See Andrew County  
 (H,Hw) - See Statewide  
 BUTLER COUNTY  
 (H,Hw) - See Statewide  
 CALDWELL COUNTY  
 (H,Hw) - See Statewide  
 CALLAWAY COUNTY  
 (D) - See Andrew County  
 (H,Hw) - See Statewide  
 CAMDEN COUNTY  
 (H,Hw) - See Statewide  
 CAPE GIRARDEAU COUNTY  
 Decision #Aq-3094 (D)  
 39 FR 5070 - 2/8/74  
 (H,Hw) - See Statewide  
 CARROLL COUNTY  
 (D) - See Andrew County  
 (H,Hw) - See Statewide  
 CARTER COUNTY  
 (H,Hw) - See Statewide

## MISSISSIPPI (Cont'd)

MALTHALL COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 MARSHALL COUNTY  
 Decision #Aq-4112 (B)  
 39 FR 16978 - 5/10/74  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 (R) - See Coahoma County  
 WASHINGTON COUNTY  
 Decision #Aq-4072 (B)  
 39 FR 9933 - 2/15/74  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 (R) - See Coahoma County  
 WAYNE COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 WEBSTER COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 WELKINSON COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 WINSTON COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 YALOBUSHA COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 YAZOO COUNTY  
 (D) - See Statewide  
 (F) - See Statewide  
 (H,Hw) - See Statewide  
 (R) - See Statewide

MISSOURI (CONT'D)

CASS COUNTY  
 Decision #AQ-44 (B,H,Hw) 7/19/74  
 38 FR 31780 - 11/16/74  
 Mod. #1 - 38 FR 2659 - 7/19/74  
 Decision #AQ-52 (R)  
 38 FR 32388 - 11/23/74  
 (H,Hw) - See Statewide  
 CEDAR COUNTY  
 (H,Hw) - See Statewide  
 CHARLTON COUNTY  
 (D) - See Andrew County  
 (H,Hw) - See Statewide  
 CHRISTIAN COUNTY  
 (Hw) - See Statewide  
 CLARK COUNTY  
 (H,Hw) - See Statewide  
 CLAY COUNTY  
 (B,R) - See Cass County  
 (D) - See Andrew County  
 (R) - See Cass County  
 (H,Hw) - See Statewide  
 CLINTON COUNTY  
 (H,Hw) - See Statewide  
 COLE COUNTY  
 (D) - See Andrew County  
 (H,Hw) - See Statewide  
 COOPER COUNTY  
 (D) - See Andrew County  
 (H,Hw) - See Statewide  
 CRAWFORD COUNTY  
 (H,Hw) - See Statewide  
 DADE COUNTY  
 (H,Hw) - See Statewide  
 DALLAS COUNTY  
 (H,Hw) - See Statewide  
 DAYTISS COUNTY  
 (H,Hw) - See Statewide  
 DE KALB COUNTY  
 (H,Hw) - See Statewide  
 DENT COUNTY  
 (Hw) - See Statewide  
 DOUGLAS COUNTY  
 (Hw) - See Statewide  
 DUNKLIN COUNTY  
 (Hw) - See Statewide  
 FRANKLIN COUNTY  
 (D) - See Andrew County  
 (H,Hw) - See Statewide  
 GASCORADE COUNTY  
 (D) - See Andrew County  
 (H,Hw) - See Statewide  
 GENTRY COUNTY  
 (H,Hw) - See Statewide  
 GREENE COUNTY  
 (H,Hw) - See Statewide

MISSOURI (CONT'D)

GRANDY COUNTY  
 (H,Hw) - See Statewide  
 HARRISON COUNTY  
 (H,Hw) - See Statewide  
 HENRY COUNTY  
 (H,Hw) - See Statewide  
 HICKORY COUNTY  
 (H,Hw) - See Statewide  
 HOLT COUNTY  
 (D) - See Andrew County  
 (H,Hw) - See Statewide  
 HOWARD COUNTY  
 (D) - See Andrew County  
 (H,Hw) - See Statewide  
 HOWELL COUNTY  
 (Hw) - See Statewide  
 IRON COUNTY  
 (Hw) - See Statewide  
 JACKSON COUNTY  
 (B,R) - See Cass County  
 (D) - See Andrew County  
 (R) - See Cass County  
 (H,Hw) - See Statewide  
 JASPER COUNTY  
 None  
 JEFFERSON COUNTY  
 (D) - See Cape Girardeau County  
 (H,Hw) - See Statewide  
 JOHNSON COUNTY  
 (H,Hw) - See Statewide  
 KNOX COUNTY  
 (H,Hw) - See Statewide  
 LACLEDE COUNTY  
 (Hw) - See Statewide  
 LAFAYETTE COUNTY  
 (D) - See Andrew County  
 (Hw) - See Statewide  
 LAWRENCE COUNTY  
 (H,Hw) - See Statewide  
 LEWIS COUNTY  
 (H,Hw) - See Statewide  
 LINCOLN COUNTY  
 (H,Hw) - See Statewide  
 LINN COUNTY  
 (H,Hw) - See Statewide  
 MC DONALD COUNTY  
 (H,Hw) - See Statewide  
 MADISON COUNTY  
 (H,Hw) - See Statewide  
 MADISON COUNTY  
 (H,Hw) - See Statewide  
 MARIES COUNTY  
 (H,Hw) - See Statewide

MISSOURI (CONT'D)

MARION COUNTY  
 (H,Hw) - See Statewide  
 MARGER COUNTY  
 (H,Hw) - See Statewide  
 MILLER COUNTY  
 (H,Hw) - See Statewide  
 MISSISSIPPI COUNTY  
 (D) - See Cape Girardeau County  
 (Hw) - See Statewide  
 MONITEAU COUNTY  
 (D) - See Andrew County  
 (H,Hw) - See Statewide  
 MONROE COUNTY  
 (H,Hw) - See Statewide  
 MONTGOMERY COUNTY  
 (H,Hw) - See Statewide  
 MORGAN COUNTY  
 (H,Hw) - See Statewide  
 NEW MADRID COUNTY  
 (Hw) - See Statewide  
 NEWTON COUNTY  
 (H,Hw) - See Statewide  
 NODDWAY COUNTY  
 (H,Hw) - See Statewide  
 OREGON COUNTY  
 (Hw) - See Statewide  
 OSAGE COUNTY  
 (D) - See Andrew County  
 (H,Hw) - See Statewide  
 OZARK COUNTY  
 (Hw) - See Statewide  
 PENNSCOT COUNTY  
 (Hw) - See Statewide  
 PERRY COUNTY  
 (D) - See Cape Girardeau County  
 (H,Hw) - See Statewide  
 PETTIS COUNTY  
 (H,Hw) - See Statewide  
 PHELPS COUNTY  
 (H,Hw) - See Statewide  
 PINE COUNTY  
 (H,Hw) - See Statewide  
 PLATTE COUNTY  
 (H,Hw) - See Cass County  
 (D) - See Andrew County  
 (R) - See Cass County  
 POLK COUNTY  
 (H,Hw) - See Statewide

MISSOURI (CONT'D)

PULASKI COUNTY  
 (Hw, H) - See Statewide  
 PUTNAM COUNTY  
 (H,Hw) - See Statewide  
 RALLS COUNTY  
 (H,Hw) - See Statewide  
 RANDOLPH COUNTY  
 (H,Hw) - See Statewide  
 RAY COUNTY  
 (B,R) - See Cass County  
 (H,Hw) - See Cass County  
 (D) - See Andrew County  
 REYNOLDS COUNTY  
 (Hw) - See Statewide  
 REPLY COUNTY  
 (Hw) - See Statewide  
 ST. CHARLES COUNTY  
 Decision #AQ-91 (B)  
 38 FR 14157 - 4/19/74  
 (D) - See Andrew County  
 Decision #AQ-94 (R)  
 38 FR 15649 - 5/3/74  
 (D) - See Cape Girardeau County  
 (H,Hw) - See Statewide  
 ST. CLAIR COUNTY  
 (H,Hw) - See Statewide  
 ST. FRANCOIS COUNTY  
 (H,Hw) - See Statewide  
 ST. LOUIS COUNTY  
 (B,R) - See St. Charles County  
 (D) - See Cape Girardeau County  
 (D) - See Andrew County  
 (H,Hw) - See Statewide  
 ST. GENEVIEVE COUNTY  
 (D) - See Cape Girardeau County  
 (H,Hw) - See Statewide  
 SALLINE COUNTY  
 (D) - See Andrew County  
 (H,Hw) - See Statewide  
 SCHUYLER COUNTY  
 (H,Hw) - See Statewide  
 SCOTLAND COUNTY  
 (H,Hw) - See Statewide  
 SCOTT COUNTY  
 (D) - See Cape Girardeau County  
 (Hw) - See Statewide  
 SHANNON COUNTY  
 (Hw) - See Statewide  
 SHELBY COUNTY  
 (H,Hw) - See Statewide  
 STODOLAR COUNTY  
 (Hw) - See Statewide

## MISSOURI (CONT'D)

STONE COUNTY (Hw) - See Statewide  
 SULLIVAN COUNTY (H,Hw) - See Statewide  
 TANEY COUNTY (Hw) - See Statewide  
 TEXAS COUNTY (Hw) - See Statewide  
 VERNON COUNTY (Hw) - See Statewide  
 WARREN COUNTY (H,Hw) - See Statewide  
 (D) - See Andrew County  
 (H,Hw) - See Statewide  
 WASHINGTON COUNTY (H,Hw) - See Statewide  
 WAYNE COUNTY (Hw) - See Statewide  
 WEBSTER COUNTY (Hw) - See Statewide  
 NORTH COUNTY (H,Hw) - See Statewide  
 WRIGHT COUNTY (Hw) - See Statewide

## MONTANA

STATEWIDE  
 Decision #M75-5012 (B)  
 40 FR 6059 - 2/7/75  
 Decision #M75-5017 (H,Hw)  
 40 FR 6081 - 2/7/75  
 BEAVERHEAD COUNTY (B,H,Hw) - See Statewide  
 BIG HORN COUNTY (B,H,Hw) - See Statewide  
 BLAINE COUNTY (B,H,Hw) - See Statewide  
 BROADWATER COUNTY (B,H,Hw) - See Statewide  
 CARBON COUNTY (B,H,Hw) - See Statewide  
 CARTER COUNTY (B,H,Hw) - See Statewide  
 CASCADE COUNTY (B,H,Hw) - See Statewide  
 (Decision #M75-5018 (R)  
 40 FR 6092 - 2/7/75  
 (B,H,Hw) - See Statewide  
 CROFTON COUNTY (B,H,Hw) - See Statewide  
 CUSTER COUNTY (B,H,Hw) - See Statewide  
 DANIELS COUNTY (B,H,Hw) - See Statewide  
 DAWSON COUNTY (B,H,Hw) - See Statewide  
 DEER LODGE COUNTY (B,H,Hw) - See Statewide  
 Decision #M75-5019 (R)  
 40 FR 6103 - 2/7/75  
 FALLOON COUNTY (B,H,Hw) - See Statewide  
 FERGOUS COUNTY (B,H,Hw) - See Statewide  
 FLATHEAD COUNTY (B,H,Hw) - See Statewide  
 (R) - See Cascade County  
 GALLATIN COUNTY (B,H,Hw) - See Statewide  
 (R) - See Deer Lodge County  
 GARFIELD COUNTY (B,H,Hw) - See Statewide  
 GLENCIER COUNTY (B,H,Hw) - See Statewide

## MONTANA (CONT'D)

GOLDEN VALLEY COUNTY (B,H,Hw) - See Statewide  
 GRANITE COUNTY (B,H,Hw) - See Statewide  
 HILL COUNTY (B,H,Hw) - See Statewide  
 (R) - See Cascade County  
 JEFFERSON COUNTY (B,H,Hw) - See Statewide  
 JUDITH BASIN COUNTY (B,H,Hw) - See Statewide  
 LAKE COUNTY (B,H,Hw) - See Statewide  
 LEWIS & CLARK COUNTY (B,H,Hw) - See Statewide  
 LIBERTY COUNTY (B,H,Hw) - See Statewide  
 LINCOLN COUNTY (B,H,Hw) - See Statewide  
 MT. CONE COUNTY (B,H,Hw) - See Statewide  
 MADISON COUNTY (B,H,Hw) - See Statewide  
 MEADOWS COUNTY (B,H,Hw) - See Statewide  
 MINERAL COUNTY (B,H,Hw) - See Statewide  
 MISSOULA COUNTY (B,H,Hw) - See Statewide  
 MUSSELSHELL COUNTY (B,H,Hw) - See Statewide  
 PARK COUNTY (B,H,Hw) - See Statewide  
 PETROLEUM COUNTY (B,H,Hw) - See Statewide  
 PHILLIPS COUNTY (B,H,Hw) - See Statewide  
 PONDERA COUNTY (B,H,Hw) - See Statewide  
 POWDER RIVER COUNTY (B,H,Hw) - See Statewide  
 PUEBLO COUNTY (B,H,Hw) - See Statewide  
 PRAIRIE COUNTY (B,H,Hw) - See Statewide  
 RAVALLI COUNTY (B,H,Hw) - See Statewide

## MONTANA (CONT'D)

RICHLAND COUNTY (B,H,Hw) - See Statewide  
 ROOSEVELT COUNTY (B,H,Hw) - See Statewide  
 ROSEBUD COUNTY (B,H,Hw) - See Statewide  
 SANDERS COUNTY (B,H,Hw) - See Statewide  
 (R) - See Cascade County  
 SHERIDAN COUNTY (B,H,Hw) - See Statewide  
 SILVERBOW COUNTY (B,H,Hw) - See Statewide  
 (R) - See Deer Lodge County  
 STILLWATER COUNTY (B,H,Hw) - See Statewide  
 SWEETGRASS COUNTY (B,H,Hw) - See Statewide  
 TETON COUNTY (B,H,Hw) - See Statewide  
 TOOLE COUNTY (B,H,Hw) - See Statewide  
 TREASURE COUNTY (B,H,Hw) - See Statewide  
 VALLEY COUNTY (B,H,Hw) - See Statewide  
 (R) - See Cascade County  
 WHEATLAND COUNTY (B,H,Hw) - See Statewide  
 WISLAUX COUNTY (B,H,Hw) - See Statewide  
 YELLOW STONE COUNTY (B,H,Hw) - See Statewide



NEBRASKA

STATEWIDE (Except Douglas & Sarpy)  
Decision #89-52 (Const., alteration  
& repair of streets, roads, highways  
(excluding bridges across navi-  
gible waterways), runways, and  
water and sewer utilities, SCS Flood-  
water retarding structures  
39 FR 44917 - 12/27/74

ADAMS COUNTY  
(H, W) - See Statewide  
ANGELOPE COUNTY  
(H, W) - See Statewide  
ARTHUR COUNTY  
(H, W) - See Statewide  
BANNER COUNTY  
Decision #89-79 (B)  
39 FR 5933 - 2/15/74  
(H, W) - See Statewide  
BLAINE COUNTY  
(H, W) - See Statewide  
BOONE COUNTY  
(H, W) - See Statewide  
BOX BUTTE COUNTY  
(B) - See Banner County  
(H, W) - See Statewide  
BOYD COUNTY  
(H, W) - See Statewide  
BROWN COUNTY  
(Chann. Stab.) - See Burt County  
(H, W) - See Statewide  
BUFFALO COUNTY  
(H, W) - See Statewide  
BURLY COUNTY  
Decision #89-75 (Chann. Stabilization)  
39 FR 38798 - 11/1/74  
Mod. #1 - 39 FR 41110 - 11/22/74  
(H, W) - See Statewide  
BUTLER COUNTY  
(H, W) - See Statewide  
CASS COUNTY  
(Chann. Stab.) - See Burt County  
(H, W) - See Douglas County  
CEDAR COUNTY  
Decision #89-93 (B)  
39 FR 15553 - 5/3/74  
(H, W) - See Statewide  
(Chann. Stab.) - See Burt County  
CHASE COUNTY  
(H, W) - See Statewide  
CHERRY COUNTY  
(H, W) - See Statewide  
CHEYENNE COUNTY  
(B) - See Banner County  
(H, W) - See Statewide  
CLAY COUNTY  
(H, W) - See Statewide  
COLEFAX COUNTY  
(H, W) - See Statewide

NEBRASKA (Cont'd.)

COMING COUNTY  
(B) - See Cedar County  
(H, W) - See Statewide  
CUSTER COUNTY  
(H, W) - See Statewide  
DARWIN COUNTY  
(Chann. Stab.) - See Burt County  
(H, W) - See Statewide  
DAVENS COUNTY  
(B) - See Banner County  
(H, W) - See Statewide  
DAWSON COUNTY  
(H, W) - See Statewide  
DEUEL COUNTY  
(B) - See Banner County  
(H, W) - See Statewide  
DIXON COUNTY  
(Chann. Stab.) - See Burt County  
(H, W) - See Statewide  
DODGE COUNTY  
(H, W) - See Statewide  
DOUGLAS COUNTY  
Decision #89-77 (H, W)  
39 FR 40485 - 1/15/74  
Mod. #1 - 39 FR 42609 - 12/6/74  
Mod. #2 - 39 FR 44909 - 12/27/74  
Mod. #3 - 40 FR 3952 - 1/24/75  
Mod. #4 - 40 FR 6909 - 2/14/75  
Decision #89-96 (B)  
39 FR 44518 - 12/27/74  
Mod. #1 - 40 FR 3862 - 1/24/75  
Mod. #2 - 40 FR 6909 - 2/14/75  
Decision #89-59 (H, W)  
39 FR 36705 - 10/11/74  
Mod. #1 - 39 FR 38081 - 10/25/74  
Mod. #2 - 39 FR 41638 - 11/29/74  
Mod. #3 - 39 FR 43464 - 12/13/74  
(Chann. Stab.) - See Burt County  
DUNDY COUNTY  
(H, W) - See Statewide  
FILLMORE COUNTY  
(H, W) - See Statewide  
FRANKLIN COUNTY  
(H, W) - See Statewide  
FRONTIER COUNTY  
(H, W) - See Statewide  
FURNAS COUNTY  
(H, W) - See Statewide  
GAGE COUNTY  
(H, W) - See Statewide  
GARDNER COUNTY  
(B) - See Banner County  
(H, W) - See Statewide  
GARFIELD COUNTY  
(H, W) - See Statewide  
GOSPER COUNTY  
(H, W) - See Statewide  
GRANT COUNTY  
(H, W) - See Statewide  
GREGG COUNTY  
(H, W) - See Statewide

NEBRASKA (CONT'D.)

HALL COUNTY  
Decision #89-24 (B)  
38 FR 24486 - 9/7/74  
Mod. #1 - 38 FR 30330 - 11/2/73  
(H, W) - See Statewide  
HAMILTON COUNTY  
(H, W) - See Statewide  
HARLAN COUNTY  
(H, W) - See Statewide  
HAYES COUNTY  
(H, W) - See Statewide  
HITCHCOCK COUNTY  
(H, W) - See Statewide  
HOLT COUNTY  
(H, W) - See Statewide  
HOOKER COUNTY  
(H, W) - See Statewide  
HOWARD COUNTY  
(H, W) - See Statewide  
JEFFERSON COUNTY  
(H, W) - See Statewide  
JOHNSON COUNTY  
(H, W) - See Statewide  
KEARNEY COUNTY  
(H, W) - See Statewide  
KIELTH COUNTY  
(H, W) - See Statewide  
KEWASKA COUNTY  
(H, W) - See Statewide  
KIMBALL COUNTY  
(B) - See Banner County  
(H, W) - See Statewide  
KNOX COUNTY  
(Chann. Stab.) - See Burt County  
(H, W) - See Statewide  
LANCASTER COUNTY  
Decision #89-76 (B)  
39 FR 40462 - 11/15/74  
Decision #89-6140 (B)  
36 FR 21736 - 11/12/71  
(H, W) - See Statewide  
LINCOLN COUNTY  
(H, W) - See Statewide  
LOGAN COUNTY  
(H, W) - See Statewide  
LOUP COUNTY  
(H, W) - See Statewide  
MC PHERSON COUNTY  
(H, W) - See Statewide  
MADISON COUNTY  
(H, W) - See Statewide  
MERRICK COUNTY  
(H, W) - See Statewide  
MCBRILL COUNTY  
(B) - See Banner County  
(H, W) - See Statewide  
NANCE COUNTY  
(H, W) - See Statewide

NEBRASKA (CONT'D.)

NEMHA COUNTY  
Decision #89-21 (D)  
38 FR 23647 - 8/31/74  
(H, W) - See Statewide  
(Chann. Stab.) - See Burt County  
NICKOLLS COUNTY  
(H, W) - See Statewide  
OTOE COUNTY  
(Chann. Stab.) - See Burt County  
PAKES COUNTY  
(H, W) - See Statewide  
PERKINS COUNTY  
(H, W) - See Statewide  
PHELPS COUNTY  
(H, W) - See Statewide  
PIERCE COUNTY  
(B) - See Cedar County  
(H, W) - See Statewide  
PLATTE COUNTY  
(H, W) - See Statewide  
POLK COUNTY  
(H, W) - See Statewide  
RED WILLOW COUNTY  
(H, W) - See Statewide  
RICHARDSON COUNTY  
(Chann. Stab.) - See Burt County  
(D) - See Nemaha County  
(H, W) - See Statewide  
ROCK COUNTY  
(H, W) - See Statewide  
SALINE COUNTY  
(H, W) - See Statewide  
SARPY COUNTY  
(Chann. Stab.) - See Burt County  
(B, H, W) - See Douglas County  
SAUNDERS COUNTY  
(H, W) - See Douglas County  
SCOTT BLUFF COUNTY  
(B) - See Banner County  
(H, W) - See Statewide  
SEWARD COUNTY  
(H, W) - See Statewide  
SHERIDAN COUNTY  
(B) - See Banner County  
(H, W) - See Statewide  
SHERMAN COUNTY  
(H, W) - See Statewide  
STANBOL COUNTY  
(B) - See Banner County  
(H, W) - See Statewide  
THAYER COUNTY  
(H, W) - See Adams County  
(H, W) - See Adams County  
(H, W) - See Adams County

STANTON COUNTY  
 (B) - See Cedar County  
 (Bw) - See Adams County  
 TRAYER COUNTY  
 (Bw) - See Adams County  
 TROMAS COUNTY  
 (Bw) - See Adams County  
 TROWEN COUNTY  
 (Chann. Stab.) - See Burt County  
 (Bw) - See Adams County  
 VALLEY COUNTY  
 (Bw) - See Adams County  
 WASHINGTON COUNTY  
 (Chann. Stab.) - See Burt County  
 (B, Bw) - See Douglas County  
 (Bw) - See Adams County  
 WAYNE COUNTY  
 (B) - See Cedar County  
 (Bw) - See Adams County  
 WEBSTER COUNTY  
 (Bw) - See Adams County  
 WHEELER COUNTY  
 (Bw) - See Adams County  
 YORK COUNTY  
 (Bw) - See Adams County

STATEWIDE (Excluding the Nevada  
 Test Site & Tonopah Test Range)  
 Decision #AR-1057 (B, B, Bw)  
 39 FR 43473 - 12/13/74  
 CHURCHILL COUNTY  
 (B, B, Bw) - See Statewide  
 CLARK COUNTY  
 Decision #AR-1058 (B) (Excluding the  
 Nevada Test Site)  
 39 FR 44168 - 12/20/74  
 (B, B, Bw) - See Statewide  
 Decision #NV75-5005 (B) (Nevada Test  
 Site including the Tonopah Test Range)  
 40 FR 3918 - 1/24/75

DOUGLAS COUNTY  
 (B, B, Bw) - See Statewide  
 ELKO COUNTY  
 (B, B, Bw) - See Statewide  
 ESSEX COUNTY  
 (B, B, Bw) - See Statewide  
 EURICA COUNTY  
 (B, B, Bw) - See Statewide  
 HUMBOLDT COUNTY  
 (B, B, Bw) - See Statewide  
 LANIER COUNTY  
 (B, B, Bw) - See Statewide  
 LINCOLN COUNTY  
 (B, B, Bw) - See Statewide  
 LYON COUNTY  
 (B, B, Bw) - See Statewide  
 MINERAL COUNTY  
 (B, B, Bw) - See Statewide  
 NYE COUNTY  
 (B, B, Bw) - See Clark County (Nevada  
 Test Site)  
 (B, B, Bw) - See Statewide  
 ORMSBY COUNTY  
 (B, B, Bw) - See Statewide  
 PERSHING COUNTY  
 (B, B, Bw) - See Statewide  
 STOREY COUNTY  
 (B, B, Bw) - See Statewide  
 WASHOE COUNTY  
 Decision #AR-1059 (B)  
 39 FR 44172 - 12/20/74  
 (B, B, Bw) - See Statewide  
 WHITE PINE COUNTY  
 (B, B, Bw) - See Statewide

BELKNAP COUNTY  
 None  
 CARROLL COUNTY  
 None  
 CHESHIRE COUNTY  
 None  
 COOS COUNTY  
 None  
 GRAFTON COUNTY  
 None  
 HILLSBORO COUNTY  
 Decision #AR-3142 (B, H, Bw, R & Marine)  
 39 FR 35021 - 9/27/74  
 Mod. #1 - 39 FR 36717 - 10/11/74  
 MERRIMACK COUNTY  
 Decision #AR-3143 (B, H, Bw, & Marine)  
 39 FR 35024 - 9/27/74  
 Mod. #1 - 39 FR 36717 - 10/11/74  
 ROCKINGHAM COUNTY  
 Decision #NV75-3010 (D)  
 40 FR 3881 - 1/24/75  
 Decision #AR-3144 (B, H, Bw, & Marine)  
 39 FR 35027 - 9/27/74  
 Mod. #1 - 39 FR 36718 - 10/11/74  
 STRAFFORD COUNTY  
 Decision #AR-3145 (B, H, Bw, R & Marine)  
 39 FR 35031 - 9/27/74  
 Mod. #1 - 39 FR 36718 - 10/11/74  
 SULLIVAN COUNTY  
 None

NEW JERSEY

ATLANTIC COUNTY

Decision #AR-2077 (B,H,Hw)  
39 FR 40457 - 11/15/74  
Mod. #1 - 39 FR 42812 - 12/16/74  
Mod. #2 - 39 FR 43465 - 12/13/74  
Mod. #3 - 40 FR 5960 - 2/7/75  
Decision #NY75-3010 (D)  
40 FR 3681 - 1/24/75

BERGEN COUNTY

Decision #AR-2078 (B,H,Hw)  
39 FR 40473 - 11/15/74  
Mod. #1 - 39 FR 42811 - 12/16/74  
Mod. #2 - 39 FR 44156 - 12/20/74  
Mod. #3 - 40 FR 5981 - 2/7/75

BURLINGTON COUNTY

Decision #AR-2080 (B,H,Hw)  
39 FR 41130 - 11/22/74  
Mod. #1 - 39 FR 43654 - 12/13/74  
Mod. #2 - 39 FR 44156 - 12/20/74  
Mod. #3 - 40 FR 5981 - 2/7/75  
(D) - See Atlantic County

CAMDEN COUNTY

Decision #AR-2081 (B,H,Hw)  
39 FR 41139 - 11/22/74  
Mod. #1 - 40 FR 5981 - 2/7/75  
(D) - See Atlantic County

CAPE MAY COUNTY

(B,H,Hw,D) - See Atlantic County  
CUMBERLAND COUNTY  
Decision #AR-2082 (B,H,Hw)  
39 FR 41146 - 11/22/74

Mod. #1 - 39 FR 43645 - 12/13/74  
Mod. #2 - 39 FR 44156 - 12/20/74  
Mod. #3 - 40 FR 5981 - 2/7/75  
(D) - See Atlantic County

ESSEX COUNTY

Decision #AR-2083 (B,H,Hw)  
39 FR 41153 - 11/22/74  
Mod. #1 - 40 FR 5982 - 2/7/75  
GLOUCESTER COUNTY

(B,H,Hw) - See Camden County  
(D) - See Atlantic County  
HUDSON COUNTY  
Decision #AR-2087 (B,H,Hw,R)  
39 FR 41671 - 11/25/74

Mod. #1 - 40 FR 5982 - 2/7/75  
(D) - See Atlantic County  
HUNTERDON COUNTY  
Decision #AR-2076 (B,H,Hw)  
39 FR 40393 - 11/15/74

Mod. #1 - 39 FR 42812 - 12/16/74  
Mod. #2 - 40 FR 5980 - 2/7/75  
MERCER COUNTY  
Decision #AR-2088 (B,H,Hw)  
39 FR 41677 - 11/25/74

Mod. #1 - 39 FR 44157 - 12/20/74  
Mod. #2 - 5982 - 2/7/75  
(D) - See Atlantic County

Decision #AR-2074 (B,H,Hw)  
39 FR 40378 - 11/15/74  
Mod. #1 - 40 FR 5980 - 2/7/75  
Mod. #2 - 40 FR 5980 - 2/7/75

NEW JERSEY (Cont'd.)

MIDDLESEX COUNTY

Decision #AR-2040 (B,H,Hw)  
39 FR 33164 - 9/13/74  
Mod. #1 - 39 FR 34923 - 9/27/74  
Mod. #2 - 40 FR 5977 - 2/7/75  
(D) - See Atlantic County

MONMOUTH COUNTY

Decision #AR-2088 (B,H,Hw)  
39 FR 41685 - 11/29/74  
Mod. #1 - 40 FR 5983 - 2/7/75  
(D) - See Atlantic County

MORRIS COUNTY

Decision #AR-2041 (B,H,Hw)  
39 FR 33172 - 9/13/74  
Mod. #1 - 39 FR 34924 - 9/27/74  
Mod. #2 - 39 FR 42810 - 12/16/74  
Mod. #3 - 40 FR 5978 - 2/7/75

OCEAN COUNTY

Decision #AR-2090 (B,H,Hw)  
39 FR 41693 - 11/29/74  
Mod. #1 - 40 FR 5983 - 2/7/75  
(D) - See Atlantic County

PASSAIC COUNTY

Decision #AR-2042 (B,H,Hw,R)  
39 FR 33179 - 9/13/74  
Mod. #1 - 39 FR 34924 - 9/27/74  
Mod. #2 - 39 FR 41659 - 11/29/74  
Mod. #3 - 39 FR 42811 - 12/16/74  
Mod. #4 - 40 FR 5978 - 2/7/75

SALEM COUNTY

(D) - See Atlantic County  
Decision #AR-2073 (B,H,Hw)  
39 FR 40371 - 11/15/74  
Mod. #1 - 40 FR 5979 - 2/7/75  
(D) - See Atlantic County

SOMERSET COUNTY

Decision #AR-2043 (B,H,Hw)  
39 FR 32456 - 9/16/74  
Mod. #1 - 39 FR 34925 - 9/27/74  
Mod. #2 - 39 FR 42810 - 12/16/74  
Mod. #3 - 40 FR 5979 - 2/7/75  
(D) - See Atlantic County

SUSSEX COUNTY

Decision #AR-2075 (B,H,Hw)  
39 FR 40386 - 11/15/74  
Mod. #1 - 39 FR 42811 - 12/16/74  
Mod. #2 - 40 FR 5980 - 2/7/75  
UNION COUNTY

Decision #AR-2044 (B,H,Hw)  
39 FR 32464 - 9/16/74  
Mod. #1 - 39 FR 34925 - 9/27/74  
Mod. #2 - 39 FR 41659 - 11/29/74  
Mod. #3 - 39 FR 42811 - 12/16/74  
Mod. #4 - 40 FR 5979 - 2/7/75  
(D) - See Atlantic County

WARREN COUNTY

Decision #AR-2074 (B,H,Hw)  
39 FR 40378 - 11/15/74  
Mod. #1 - 40 FR 5980 - 2/7/75  
Mod. #2 - 40 FR 5980 - 2/7/75

NEW MEXICO

STATEMIDE

Decision #AQ-18 (Streets, Highways, Utilities and Light Engineering Construction)  
38 FR 21714 - 8/10/73  
Mod. #1 - 38 FR 22853 - 8/24/73  
Mod. #2 - 39 FR 32443 - 9/16/74  
Decision #M75-4002 (Building, including residential in McKinley, Santa Fe, San Juan & Bernalillo Cos.) and Heavy engineering construction.  
40 FR 2391 - 1/10/75  
Mod. #1 - 40 FR 3663 - 1/24/75  
Mod. #2 - 40 FR 4786 - 1/31/75

BERNALILLO COUNTY

(B,H,Hw,R) - See Statewide  
(B,H,Hw) - See Statewide  
CHAVES COUNTY  
(B,H,Hw) - See Statewide  
COLFAX COUNTY  
(B,H,Hw) - See Statewide  
CURRY COUNTY  
(B,H,Hw) - See Statewide  
DE BACA COUNTY  
(B,H,Hw) - See Statewide  
DOMA ANA COUNTY  
(B,H,Hw) - See Statewide  
Decision #M75-4014 (R)  
40 FR 3148 - 1/17/75

EDDY COUNTY

(B,H,Hw) - See Statewide  
GRANT COUNTY  
(B,H,Hw) - See Statewide  
GUADALUPE COUNTY  
(B,H,Hw) - See Statewide  
HARDING COUNTY  
(B,H,Hw) - See Statewide  
HIDALGO COUNTY  
(B,H,Hw) - See Statewide  
LER COUNTY  
(B,H,Hw) - See Statewide  
LINCOLN COUNTY  
(B,H,Hw) - See Statewide  
LOS ALAMOS COUNTY  
(B,H,Hw) - See Statewide  
LUNA COUNTY  
(B,H,Hw) - See Statewide  
MCKINLEY COUNTY  
(R) - See San Juan County  
(B,H,Hw,R) - See Statewide  
MORA COUNTY  
(B,H,Hw) - See Statewide

MIDDLESEX COUNTY

Decision #AQ-18 (Streets, Highways, Utilities and Light Engineering Construction)  
38 FR 21714 - 8/10/73  
Mod. #1 - 38 FR 22853 - 8/24/73  
Mod. #2 - 39 FR 32443 - 9/16/74  
Decision #M75-4002 (Building, including residential in McKinley, Santa Fe, San Juan & Bernalillo Cos.) and Heavy engineering construction.  
40 FR 2391 - 1/10/75  
Mod. #1 - 40 FR 3663 - 1/24/75  
Mod. #2 - 40 FR 4786 - 1/31/75

MIQUEL COUNTY

(B,H,Hw,R) - See Statewide  
(B,H,Hw) - See Statewide  
SANTA FE COUNTY  
(B,H,Hw,R) - See Statewide  
SIERRA COUNTY  
(B,H,Hw) - See Statewide  
SOCORRO COUNTY  
(B,H,Hw) - See Statewide  
TAGS COUNTY  
(B,H,Hw) - See Statewide  
TORRANCE COUNTY  
(B,H,Hw) - See Statewide  
UNION COUNTY  
(B,H,Hw) - See Statewide  
VALENCIA COUNTY  
(B,H,Hw) - See Statewide

NEW MEXICO (Cont'd.)

OTERO COUNTY

(B,H,Hw) - See Statewide  
QUAY COUNTY  
(B,H,Hw) - See Statewide  
RIO ABBRIBA COUNTY  
(B,H,Hw) - See Statewide  
ROOSEVELT COUNTY  
(B,H,Hw) - See Statewide  
SANDOVAL COUNTY  
(B,H,Hw) - See Statewide  
SAN JUAN COUNTY  
Decision #M75-5004 (R)  
(B,H,Hw,R) - See Statewide  
SAN MIGUEL COUNTY  
(B,H,Hw) - See Statewide  
SANTA FE COUNTY  
(B,H,Hw,R) - See Statewide  
SIERRA COUNTY  
(B,H,Hw) - See Statewide  
SOCORRO COUNTY  
(B,H,Hw) - See Statewide  
TAGS COUNTY  
(B,H,Hw) - See Statewide  
TORRANCE COUNTY  
(B,H,Hw) - See Statewide  
UNION COUNTY  
(B,H,Hw) - See Statewide  
VALENCIA COUNTY  
(B,H,Hw) - See Statewide

## NEW YORK (Cont'd)

## NEW YORK (Cont'd)

## NEW YORK (Cont'd)

## NEW YORK

- ALBANY COUNTY  
Decision #AR-2064 (B,H,Hw)  
39 FR 36799 - 10/11/74  
Mod. #1 - 39 FR 38807 - 11/1/74  
Mod. #2 - 40 FR 3864 - 1/24/75
- ALLEGANY COUNTY  
None
- BROWX COUNTY  
Decision #AR-2101 (B,H,Hw)  
39 FR 44924 - 12/27/74  
Mod. #1-40 FR 5984 - 2/7/75  
Decision #AQ-2120 (R)  
39 FR 17670 - 5/17/74  
Mod. #1 - 39 FR 20916 - 6/14/74  
Decision #NY75-3010 (D)  
40 FR 3881 - 1/24/75
- BROOME COUNTY  
Decision #AR-2017 (B,H,Hw)  
39 FR 29888 - 8/16/74  
Mod. #1 - 39 FR 36716 - 10/11/74  
Mod. #2 - 40 FR 3863 - 1/24/75
- CATTARAUGUS COUNTY  
None
- CAYUGA COUNTY  
Decision #AQ-3095 (D)  
39 FR 5962 - 2/15/74  
Mod. #1 - 39 FR 44161 - 12/20/74
- CHAUTAUGUA COUNTY  
Decision #AR-2014 (B,H,Hw)  
39 FR 28735 - 8/9/74  
Mod. #1 - 40 FR 3863 - 1/24/75  
(D) - See Cayuga County
- CHEMUNG COUNTY  
None
- CHENANGO COUNTY  
None
- CLINTON COUNTY  
None
- COLUMBIA COUNTY  
None
- CORTLAND COUNTY  
None
- DELAWARE COUNTY  
None
- DUTCHESS COUNTY  
Decision #AR-2072 (B,H,Hw)  
39 FR 40480 - 11/15/74  
Mod. #1 - 40 FR 3865 - 1/24/75  
(D) - See Bronx County
- ERIE COUNTY  
Decision #AR-2096 (B,H,Hw)  
39 FR 44178 - 12/20/74  
(D) - See Cayuga County
- ESSEX COUNTY  
None
- FRANKLIN COUNTY  
(D) - See Cayuga County
- FULTON COUNTY  
None
- GENESEE COUNTY  
None
- GREENE COUNTY  
None
- HAMILTON COUNTY  
None
- HERKIMER COUNTY  
None
- JEFFERSON COUNTY  
Decision #AR-2059 (B,H,Hw)  
39 FR 36773 - 10/11/74  
Mod. #1 - 40 FR 3865 - 1/24/75  
(D) - See Cayuga County
- KINGS COUNTY  
None
- LEWIS COUNTY  
None
- LIVINGSTON COUNTY  
None
- MADISON COUNTY  
None
- MONROE COUNTY  
Decision #AR-2065 (B,H,Hw)  
39 FR 36803 - 10/11/74  
Mod. #1 - 40 FR 3864 - 1/24/75  
Mod. #2 - 40 FR 5984 - 2/7/75  
(D) - See Cayuga County
- MONTGOMERY COUNTY  
None
- NASSAU COUNTY  
Decision #NY75-3013 - (B,H,Hw)  
40 FR 6939 - 2/14/75  
(D) - See Bronx County
- NEW YORK COUNTY  
(B,H,Hw,R,D) - See Bronx County
- NIAGARA COUNTY  
Decision #NY75-3014 (B,H,Hw)  
40 FR 6944 - 2/14/75  
(D) - See Cayuga County
- ONTIEDA COUNTY  
Decision #AR-2066 (B,H,Hw)  
39 FR 36808 - 10/11/74  
Decision #AR-2067 (B,H,Hw)  
39 FR 36814 - 10/11/74  
Mod. #1 - 40 FR 4791 - 1/31/75  
Mod. #2 - 40 FR 5984 - 2/7/75
- ONTARIO COUNTY  
None
- ORANSE COUNTY  
Decision #AR-2063 (B,H,Hw)  
39 FR 36792 - 10/11/74  
(D) - See Bronx County
- ORLEANS COUNTY  
(D) - See Cayuga County
- OSWEGO COUNTY  
(D) - See Cayuga County
- OTSEGA COUNTY  
None
- PUTNAM COUNTY  
None
- QUEENS COUNTY  
(B,H,Hw,R) - See Bronx County
- RENSSELAER COUNTY  
Decision #AR-2068 (B,H,Hw)  
39 FR 36818 - 10/11/74  
Mod. #1 - 39 FR 38808 - 11/1/74
- RICHMOND COUNTY  
(B,H,Hw,R,D) - See Bronx County
- ROCKLAND COUNTY  
(D) - See Albany County
- ST LAWRENCE COUNTY  
(D) - See Cayuga County
- SARATOGA COUNTY  
Decision #AR-2097 (B,H,Hw)  
39 FR 44919 - 12/27/74
- SCHENECTADY COUNTY  
Decision #AR-2011 (B,H,Hw)  
38 FR 27402 - 7/26/74  
Mod. #1 - 38 FR 21028 - 8/3/73
- SCHORLIE COUNTY  
None
- SCHUYLER COUNTY  
None
- SENECA COUNTY  
None
- STEUUBEN COUNTY  
Decision #AR-2069 (B,H,Hw)  
39 FR 38827 - 11/1/74
- SUFFOLK COUNTY  
Decision #NY75-3012 (B,H,Hw)  
40 FR 6934 - 2/14/75  
(D) - See Bronx County
- SULLIVAN COUNTY  
None
- TIOGA COUNTY  
None

NEW YORK (cont'd.)

TOWPKINS COUNTY

- None
- ULSTER COUNTY
- None
- WAGHEN COUNTY
- None
- WASHINGTON COUNTY
- None
- WARTE COUNTY
- Decision #AQ-2128 (B, H, Hw) - 6/28/74
- 39 FR 24163 - 6/28/74
- (D) - See Cayuga County
- WESTCHESTER COUNTY
- Decision #AR-2021 (B, H, Hw)
- 39 FR 33979 - 9/20/74
- (D) - See Broxon County
- WYOMING COUNTY
- None
- YATES COUNTY
- None

NORTH CAROLINA (Cont'd.)

ANSON COUNTY

- (Sewer & Water, H, Hw) - See Statewide
- ASHE COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- AVERY COUNTY
- Decision #AR-4017 (B)
- 39 FR 28739 - 8/9/74
- Mod. #1-39 FR 43466 - 12/13/74
- (Sewer & Water, H, Hw) - See Statewide
- BEAUFORT COUNTY
- Decision #AR-2100 (D)
- 39 FR 44916 - 12/27/74
- (Sewer & Water, H, Hw) - See Statewide
- BERTIE COUNTY
- Decision #AQ-4079 (R)
- 39 FR 7010 - 2/22/74
- Mod. #1 - 40 FR 3087 - 1/17/75
- (D) - See Beaufort County
- BLADER COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- BURKS COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- (Sewer & Water, H, Hw) - See Statewide
- (D) - See Beaufort County
- Decision #AR-4031 (R)
- 39 FR 32441 - 9/16/74
- BUNCOMBE COUNTY
- Decision #AR-4005 (B)
- 39 FR 24778 - 7/5/74
- Mod. #1 - 39 FR 43465 - 12/13/74
- Decision #NC75-1014 (R)
- 40 FR 6111 - 2/7/75
- (Sewer & Water, H, Hw) - See Statewide
- BURKE COUNTY
- Decision #AQ-4105 (B)
- 39 FR 14842 - 4/26/74
- Decision #AQ-4117 (R)
- 39 FR 18397 - 5/24/74
- (Sewer & Water, H, Hw) - See Statewide
- CASAREUS COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- CALDWELL COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- CANDLER COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- CARTERET COUNTY
- Decision #AQ-4083 (R)
- 39 FR 8101 - 3/1/74
- (D) - See Beaufort County
- CASWELL COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- CATAWBA COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- (R) - See Burke County
- CHARHAM COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- Decision #AR-4044 (R)
- 39 FR 7010 - 2/22/74
- (Sewer & Water, H, Hw) - See Statewide

NORTH CAROLINA (CONT'D)

CHowan COUNTY

- (Sewer & Water, H, Hw) - See Statewide
- (D) - See Beaufort County
- (R) - See Bertie County
- CLAY COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- CLEVELAND COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- COLLINGS COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- CRATER COUNTY
- (R) - See Carteret County
- (Sewer & Water, H, Hw) - See Statewide
- (D) - See Beaufort County
- CUMBERLAND COUNTY
- (R) - See Chatham County
- (Sewer & Water, H, Hw) - See Statewide
- QUARTRICK COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- (D) - See Beaufort County
- DARE COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- (D) - See Beaufort County
- DAVIDSON COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- DAVIE COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- DUPLIN COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- (Sewer & Water, H, Hw) - See Statewide
- (R) - See Carteret County
- DURHAM COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- EDGEcombe COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- (R) - See Bertie County
- FORSYTH COUNTY
- Decision #AR-4019 (R)
- 39 FR 29702 - 8/16/74
- (Sewer & Water, H, Hw) - See Statewide
- FRANKLIN COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- (R) - See Bertie County
- GASTON COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- GATES COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- (D) - See Beaufort County
- GRAHAM COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- GRANVILLE COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- GREENE COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- (R) - See Carteret County
- GUILFORD COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- (R) - See Alamance County
- HALLIFAX COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- (R) - See Bertie County

NORTH CAROLINA (Cont'd.)

HARRIETT COUNTY

- (R) - See Chatham County
- (Sewer & Water, H, Hw) - See Statewide
- HAYWOOD COUNTY
- (R) - See Buncombe County
- (R) - See Cumberland County
- (Sewer & Water, H, Hw) - See Statewide
- HENDERSON COUNTY
- (R) - See Buncombe County
- (Sewer & Water, H, Hw) - See Statewide
- HERFORD COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- (D) - See Beaufort County
- (R) - See Bertie County
- HOKE COUNTY
- (R) - See Chatham County
- (Sewer & Water, H, Hw) - See Statewide
- HYDE COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- (D) - See Beaufort County
- IREDELL COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- JACKSON COUNTY
- (R) - See Buncombe County
- (Sewer & Water, H, Hw) - See Statewide
- JOHNSTON COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- (Sewer & Water, H, Hw) - See Statewide
- JOHNS COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- (R) - See Carteret County
- LEE COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- LENOIR COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- (Sewer & Water, H, Hw) - See Statewide
- (R) - See Carteret County
- LINCOLN COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- (R) - See Burke County
- MCDONELL COUNTY
- (R) - See Buncombe County
- (Sewer & Water, H, Hw) - See Statewide
- MACON COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- (Sewer & Water, H, Hw) - See Statewide
- MADISON COUNTY
- (R) - See Buncombe County
- MARTIN COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- (Sewer & Water, H, Hw) - See Statewide
- MECKLENBURG COUNTY
- Decision #AP-161 (B)
- 38 FR 5753 - 3/22/73
- Mod. #1 - 38 FR 7166 - 3/16/73
- Mod. #2 - 38 FR 31770 - 1/16/73
- MITCHELL COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- (Sewer & Water, H, Hw) - See Statewide
- (B) - See Avery County

NORTH CAROLINA

- STATEWIDE
- Decision #NC75-1015 (R, Hw)
- 40 FR 4857 - 1/31/75
- Decision #NC75-1002 (Sewer & Water)
- 40 FR 3149 - 1/17/75
- ALAMANCE COUNTY
- Decision #AQ-4078 (R)
- 39 FR 7010 - 2/22/74
- (Sewer & Water, H, Hw) - See Statewide
- ALEXANDER COUNTY
- (Sewer & Water, H, Hw) - See Statewide
- ALLEGHANY COUNTY
- (Sewer & Water, H, Hw) - See Statewide

NOTICES

NORTH CAROLINA (CONT'D)

MONROE COUNTY  
(Sewer & Water, H,Bw) - See Statewide

MOORE COUNTY  
(R) - See Chatham County  
(Sewer & Water, H,Bw) - See Statewide

MASH COUNTY  
(Sewer & Water, H,Bw) - See Statewide

NEW HANOVER COUNTY  
(R) - See Brunswick County  
(D) - See Beaufort County  
(Sewer & Water, H,Bw) - See Statewide

NORTHAMPTON COUNTY  
(Sewer & Water, H,Bw) - See Statewide  
(R) - See Bertie County

ONSLOW COUNTY  
Decision #A3-4048 (B)  
39 FR 38076 - 10/25/74  
(Sewer & Water, H,Bw) - See Statewide  
(R) - See Brunswick County

ORANGE COUNTY  
(Sewer & Water, H,Bw) - See Statewide

PAMLICO COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H,Bw) - See Statewide  
(R) - See Carteret County

PASQUOTANK COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H,Bw) - See Statewide

PENDER COUNTY  
(D) - See Brunswick County  
(D) - See Beaufort County  
(R) - See Brunswick County  
(Sewer & Water, H,Bw) - See Statewide

PERQUIMANS COUNTY  
(D) - See Beaufort County

PERSONS COUNTY  
(Sewer & Water, H,Bw) - See Statewide

PIKE COUNTY  
(Sewer & Water, H,Bw) - See Statewide  
(R) - See Bertie County

POLK COUNTY  
(R) - See Burke County  
(Sewer & Water, H,Bw) - See Statewide

RANDOLPH COUNTY  
(Sewer & Water, H,Bw) - See Statewide  
(R) - See Alamance County

RICHMOND COUNTY  
(Sewer & Water, H,Bw) - See Statewide

ROBERTSON COUNTY  
(Sewer & Water, H,Bw) - See Statewide

ROCKINGHAM COUNTY  
(Sewer & Water, H,Bw) - See Statewide  
(R) - See Alamance County

ROWAN COUNTY  
(Sewer & Water, H,Bw) - See Statewide

RUTHERFORD COUNTY  
(R) - See Burke County  
(Sewer & Water, H,Bw) - See Statewide

NORTH CAROLINA (Cont'd)

SAMPSON COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
(R) - See Chatham County

SCOTLAND COUNTY  
(Sewer & Water, H,Hw) - See Statewide

STANLY COUNTY  
(Sewer & Water, H,Hw) - See Statewide

STOKES COUNTY  
(Sewer & Water, H,Hw) - See Statewide

SURRY COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
(R) - See Forsyth County

SWAIN COUNTY  
(Sewer & Water, H,Hw) - See Statewide

TRANSYLVANIA COUNTY  
Decision #A9-4042 (B)  
39 FR 34906 - 9/27/74  
(R) - See Buncombe County  
(Sewer & Water, H,Hw) - See Statewide

TYRELL COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H,Hw) - See Statewide

UNION COUNTY  
(Sewer & Water, H,Hw) - See Statewide

VANCE COUNTY  
(Sewer & Water, H,Hw) - See Statewide

WAKE COUNTY  
(R) - See Bertie County  
Decision #A0-4032 (B)  
38 FR 31093 - 11/9/73  
Mod. #1 - 39 FR 5066 - 2/8/74  
(Sewer & Water, H,Hw) - See Statewide

WARREN COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
(R) - See Bertie County

WASHINGTON COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H,Hw) - See Statewide

WATAUGA COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
(R) - See Avery County

WAYNE COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
(R) - See Carteret County

WILKES COUNTY  
Decision #AR-4063 (B)  
39 FR 42803 - 12/6/74  
Mod. #1 - 40 FR 5984 - 2/7/75  
Mod. #2 - 40 FR 5984 - 2/7/75  
(Sewer & Water, H,Hw) - See Statewide

WILSON COUNTY  
(Sewer & Water, H,Hw) - See Statewide  
(R) - See Bertie County

YADKIN COUNTY  
(Sewer & Water, H,Hw) - See Statewide

YANCEY COUNTY  
(Sewer & Water, H,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE  
Decision #AR-1053 (Hw)  
39 FR 42823 - 12/6/74

ADAMS COUNTY  
(Hw) - See Statewide

BARNES COUNTY  
(Hw) - See Statewide

BENSON COUNTY  
(Hw) - See Statewide

BILLINGS COUNTY  
(Hw) - See Statewide

BOTTINEAU COUNTY  
(Hw) - See Statewide

BUNNEN COUNTY  
(Hw) - See Statewide

BURKE COUNTY  
(Hw) - See Statewide

BURLINGHAM COUNTY  
(Hw) - See Statewide

Decision #AR-1055 (B)  
39 FR 44184 - 12/20/74  
Mod. #1 - 40 FR 5984 - 2/7/75

CASS COUNTY  
(Hw) - See Statewide  
(B) - See Burleigh County

CAVALIER COUNTY  
(Hw) - See Statewide

DICKEY COUNTY  
(Hw) - See Statewide

DIVIDE COUNTY  
(Hw) - See Statewide

DUNN COUNTY  
(Hw) - See Statewide

EDDY COUNTY  
(Hw) - See Statewide

EMMONS COUNTY  
(Hw) - See Statewide

FOSTER COUNTY  
(Hw) - See Statewide

GOLDEN VALLEY COUNTY  
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY  
(Hw) - See Statewide  
(B) - See Burleigh County

GRANT COUNTY  
(Hw) - See Statewide

GRIGGS COUNTY  
(Hw) - See Statewide

HETTINGER COUNTY  
(Hw) - See Statewide

KIDDER COUNTY  
(Hw) - See Statewide

LAKOTA COUNTY  
(Hw) - See Statewide

LOGAN COUNTY  
(Hw) - See Statewide

McKENRY COUNTY  
(Hw) - See Statewide

McINTOSH COUNTY  
(Hw) - See Statewide

McKENZIE COUNTY  
(Hw) - See Statewide

McLEAN COUNTY  
(Hw) - See Statewide

McNER COUNTY  
(Hw) - See Statewide

MORTON COUNTY  
(Hw) - See Statewide

MOUNT RAIL COUNTY  
(B) - See Burleigh County

MELSON COUNTY  
(Hw) - See Statewide

OLIVER COUNTY  
(Hw) - See Statewide

PENNINGTON COUNTY  
(Hw) - See Statewide

ROBSON COUNTY  
(Hw) - See Statewide

ROSEMOUNT COUNTY  
(Hw) - See Statewide

STANLEY COUNTY  
(Hw) - See Statewide

WALSH COUNTY  
(B) - See Burleigh County

## NORTH DAKOTA (Cont'd)

ROLETTE COUNTY  
(Hw) - See Statewide  
SARGENT COUNTY  
(Hw) - See Statewide  
SHERIDAN COUNTY  
(Hw) - See Statewide  
SIOUX COUNTY  
(Hw) - See Statewide  
SLOPE COUNTY  
(Hw) - See Statewide  
STARBUCK COUNTY  
(Hw) - See Statewide  
STEELE COUNTY  
(Hw) - See Statewide  
STUTSMAN COUNTY  
(B) - See Burleigh County  
(Hw) - See Statewide  
TOWNER COUNTY  
(Hw) - See Statewide  
TRALL COUNTY  
(Hw) - See Statewide  
WALSH COUNTY  
(Hw) - See Statewide  
WARD COUNTY  
(Hw) - See Statewide  
WELLS COUNTY  
(Hw) - See Statewide  
WILLIAMS COUNTY  
(Hw) - See Statewide

## OHIO

STATEWIDE  
Decision #AR-3048 (H, Hw)  
39 FR 27992 - 8/2/74  
Mod. #1 - 39 FR 27222 - 8/16/74  
Mod. #2 - 39 FR 34927 - 9/27/74  
Mod. #3 - 39 FR 37330 - 10/18/74  
Mod. #4 - 39 FR 40406 - 11/15/74  
Mod. #5 - 40 FR 4787 - 1/31/75  
ADAMS COUNTY  
Decision #AO-3094 (D)  
39 FR 5795 - 2/18/74  
(H, Hw) - See Statewide  
ALLEN COUNTY  
Decision #OH75-2034 - (B)  
40 FR 5967 - 2/7/75  
(H, Hw) - See Statewide  
ASHLAND COUNTY  
(H, Hw) - See Statewide  
ASHTABULA COUNTY  
Decision #AP-3169 (B, B)  
39 FR 40401 - 11/15/74  
Decision #AO-3095 (D)  
39 FR 5982 - 2/15/74  
Mod. #1 - 39 FR 44161 - 12/20/74  
ATHENS COUNTY  
(D) - See Adams County  
(H, Hw) - See Statewide  
AUSLAIZE COUNTY  
(B) - See Allen County  
(H, Hw) - See Statewide  
BELMONT COUNTY  
(H, Hw) - See Statewide  
BROWN COUNTY  
(D) - See Adams County  
(H, Hw) - See Statewide  
BUTLER COUNTY  
Decision #AR-3033 (B)  
39 FR 30774 - 8/23/74  
Decision #AP-683 (R)  
38 FR 14049 - 5/25/73  
(H, Hw) - See Statewide  
CARROLL COUNTY  
(H, Hw) - See Statewide  
CHAMPAIN COUNTY  
(H, Hw) - See Statewide  
CLARK COUNTY  
Decision #AR-3034 (B)  
39 FR 30776 - 8/23/74  
Decision #AP-684 (B)  
38 FR 14045 - 5/25/73  
(H, Hw) - See Statewide  
CLEMONT COUNTY  
Decision #AW-685 (R)  
38 FR 14050 - 5/25/73  
(B) - See Hamilton County  
(D) - See Adams County  
(H, Hw) - See Statewide

## OHIO (Cont'd)

CLINTON COUNTY  
(H, Hw) - See Statewide  
COLUMBIANA COUNTY  
(H, Hw) - See Statewide  
COSHOCTON COUNTY  
(H, Hw) - See Statewide  
CRANFORD COUNTY  
(H, Hw) - See Statewide  
CUYAHOGA COUNTY  
Decision #AR-3035 (B, R)  
39 FR 30778 - 8/23/74  
(H, Hw) - See Statewide  
DARKE COUNTY  
(H, Hw) - See Statewide  
DEFANCE COUNTY  
(H, Hw) - See Statewide  
DELAWARE COUNTY  
Decision #AW-420 (R)  
36 FR 15963 - 8/18/71  
Mod. #1 - 38 FR 4630 - 2/16/73  
(H, Hw) - See Statewide  
ERIE COUNTY  
Decision #AR-3172 (B)  
39 FR 41102 - 11/22/74  
(D) - See Ashtabula County  
(H, Hw) - See Statewide  
FAIRFIELD COUNTY  
(R) - See Delaware County  
(H, Hw) - See Statewide  
FAVETTE COUNTY  
(H, Hw) - See Statewide  
FRANKLIN COUNTY  
Decision #AR-3036 (B)  
39 FR 30780 - 8/23/74  
(D) - See Delaware County  
(H, Hw) - See Statewide  
FULTON COUNTY  
(B) - See Lucas County  
(H, Hw) - See Statewide  
GALLIA COUNTY  
(D) - See Adams County  
(H, Hw) - See Statewide  
GEAUGA COUNTY  
(H, Hw) - See Statewide  
GREENE COUNTY  
Decision #AR-3037 (B)  
39 FR 30782 - 8/23/74  
Decision #AW-422 (R)  
36 FR 15965 - 8/18/71  
Mod. #1 - 37 FR 8619 - 4/28/72  
(H, Hw) - See Statewide  
GUERNSEY COUNTY  
(H, Hw) - See Statewide  
HAMILTON COUNTY  
Decision #AR-3038 (B)  
39 FR 30784 - 8/23/74  
(D) - See Adams County  
(R) - See Clermont County  
(H, Hw) - See Statewide

## OHIO (Cont'd)

HAMCOCK COUNTY  
Decision #AR-3173 (B)  
39 FR 41105 - 11/22/74  
(H, Hw) - See Statewide  
HARDIN COUNTY  
(H, Hw) - See Statewide  
HARRISON COUNTY  
(H, Hw) - See Statewide  
HENRY COUNTY  
(H, Hw) - See Statewide  
HIGHLAND COUNTY  
(H, Hw) - See Statewide  
HOCKING COUNTY  
(H, Hw) - See Statewide  
HOLMES COUNTY  
(H, Hw) - See Statewide  
HUBER COUNTY  
(B) - See Erie County  
(H, Hw) - See Statewide  
JACKSON COUNTY  
(H, Hw) - See Statewide  
JEFFERSON COUNTY  
(H, Hw) - See Statewide  
KNOX COUNTY  
(H, Hw) - See Statewide  
LAKE COUNTY  
(B, R) - See Cuyahoga County  
(D) - See Ashtabula County  
(B, H, Hw) - See Statewide  
LAWRENCE COUNTY  
(D) - See Adams County  
(H, Hw) - See Statewide  
LICKING COUNTY  
Decision #AR-3039 (B)  
39 FR 30786 - 8/23/74  
(H, Hw) - See Statewide  
(R) - See Delaware County  
LOGAN COUNTY  
(H, Hw) - See Statewide  
LORAIN COUNTY  
Decision #AR-3040 (B, R)  
39 FR 30653 - 8/23/74  
(D) - See Ashtabula County  
(H, Hw) - See Statewide  
LUCAS COUNTY  
Decision #AR-3041 (B)  
39 FR 30788 - 8/23/74  
Mod. #1 - 39 FR 36810 - 11/1/74  
(D) - See Ashtabula County  
(H, Hw) - See Statewide  
MADISON COUNTY  
(B) - See Franklin County  
(R) - See Delaware County  
(H, Hw) - See Statewide

OKLAHOMA (cont'd)

MARIONING COUNTY  
 Decision #46-3042 (B, R)  
 39 FR 30790 - 8/23/74

MARION COUNTY  
 (H, Hw) - See Statewide

MEDINA COUNTY  
 (H, Hw) - See Statewide

METES COUNTY  
 (H, Hw) - See Statewide

(D) - See Adams County

(H, Hw) - See Statewide

MESKER COUNTY  
 (B) - See Allen County

(H, Hw) - See Statewide

MIAMI COUNTY  
 (R) - See Greene County

(H, Hw) - See Statewide

MORRIS COUNTY  
 (D) - See Adams County

(H, Hw) - See Statewide

MONTGOMERY COUNTY  
 (B) - See Greene County

(R) - See Greene County

(H, Hw) - See Statewide

MORGAN COUNTY  
 (H, Hw) - See Statewide

MORROW COUNTY  
 (H, Hw) - See Statewide

MUSKOGEE COUNTY  
 Decision #48-3043 (B)  
 39 FR 30792 - 8/23/74

(H, Hw) - See Statewide

NOBLE COUNTY  
 (H, Hw) - See Statewide

OTTAWA COUNTY  
 (R) - See Erie County

(D) - See Ashtabula County

(H, Hw) - See Statewide

PAULING COUNTY  
 (H, Hw) - See Statewide

PERRY COUNTY  
 (H, Hw) - See Statewide

PICKAWAY COUNTY  
 (B) - See Franklin County

(R) - See Delaware County

(H, Hw) - See Statewide

PIKE COUNTY  
 Decision #49-3176 (B)  
 39 FR 43451 - 12/13/74

Mod. #1 - 40 FR 3087 - 1/17/75

Mod. #2 - 40 FR 5985 - 2/17/75

(H, Hw) - See Statewide

PORTAGE COUNTY  
 Decision #48-3044 (B, R)  
 39 FR 30794 - 8/23/74

(H, Hw) - See Statewide

OKLAHOMA (Cont'd)

PRIEBLE COUNTY  
 (R) - See Greene County

(H, Hw) - See Statewide

PITMAN COUNTY  
 (H, Hw) - See Statewide

RICHLAND COUNTY  
 (H, Hw) - See Statewide

ROSS COUNTY  
 (B) - See Pike County

(H, Hw) - See Statewide

SANDUSKY COUNTY  
 (R) - See Erie County

(D) - See Ashtabula County

(H, Hw) - See Statewide

SCIOTO COUNTY  
 (B) - See Pike County

(D) - See Adams County

(H, Hw) - See Statewide

SENECA COUNTY  
 (H, Hw) - See Statewide

SHELBY COUNTY  
 (H, Hw) - See Statewide

STARK COUNTY  
 Decision #49-3045 (B, R)  
 39 FR 30796 - 8/23/74

(H, Hw) - See Statewide

SUMMITT COUNTY  
 Decision #49-3046 (B, R)  
 39 FR 30798 - 8/23/74

Mod. #1 - 39 FR 34927 - 9/27/74

(H, Hw) - See Statewide

TRUMBULL COUNTY  
 Decision #49-3047 (B, R)  
 39 FR 30800 - 8/23/74

(H, Hw) - See Statewide

TUSCARAWAS COUNTY  
 (H, Hw) - See Statewide

UNION COUNTY  
 (H, Hw) - See Statewide

VAN HERT COUNTY  
 (B) - See Allen County

(H, Hw) - See Statewide

VINTON COUNTY  
 (H, Hw) - See Statewide

WARREN COUNTY  
 (R) - See Butler County

(H, Hw) - See Statewide

WASHINGTON COUNTY  
 (D) - See Adams County

(H, Hw) - See Statewide

WAYNE COUNTY  
 (H, Hw) - See Statewide

WILLIAMS COUNTY  
 (H, Hw) - See Statewide

WOOD COUNTY  
 (H, Hw) - See Statewide

WYANDOT COUNTY  
 (H, Hw) - See Statewide

(B) - See Tulsa County

OKLAHOMA

STATEWIDE (Except the City of Muskogee)  
 Decision #4Q-124 (Constr., alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water and sewer utilities)  
 39 FR 24194 - 6/28/74

ADAIR COUNTY  
 (B) - See Muskogee County

(H, Hw) - See Statewide

ALFALFA COUNTY  
 (H, Hw) - See Statewide

ATOKA COUNTY  
 (H, Hw) - See Statewide

BEAVER COUNTY  
 (H, Hw) - See Statewide

BECKHAM COUNTY  
 (H, Hw) - See Statewide

BLAINE COUNTY  
 (H, Hw) - See Statewide

BRYAN COUNTY  
 (H, Hw) - See Statewide

(H, Hw) - See Statewide

Decision #0K75-4016 (B)  
 40 FR 3151 - 1/17/75

CAUDO COUNTY  
 (H, Hw) - See Statewide

CANADIAN COUNTY  
 (H, Hw) - See Statewide

(B) - See Oklahoma County

(R) - See Oklahoma County

CARTER COUNTY  
 (H, Hw) - See Statewide

DEBONEE COUNTY  
 (B) - See Muskogee County

(H, Hw) - See Statewide

DECATUR COUNTY  
 (H, Hw) - See Statewide

CIMARRON COUNTY  
 (H, Hw) - See Statewide

CLEVELAND COUNTY  
 (H, Hw) - See Statewide

(B) - See Oklahoma County

(B) - See Oklahoma County

COAL COUNTY  
 (H, Hw) - See Statewide

COMANCHE COUNTY  
 Decision #0K75-4017 (R)  
 40 FR 3152 - 1/17/75

Decision #49-80 (B)  
 39 FR 41107 - 11/22/74

Mod. #1 - 39 FR 44157 - 1/23/75

Mod. #2 - 39 FR 3688 - 1/23/75

COTTON COUNTY  
 (H, Hw) - See Statewide

CRAGG COUNTY  
 (H, Hw) - See Statewide

CREEK COUNTY  
 (H, Hw) - See Statewide

(B) - See Tulsa County

OKLAHOMA (cont'd)

CUSTER COUNTY  
 (H, Hw) - See Statewide

DELAWARE COUNTY  
 (H, Hw) - See Statewide

DEWEY COUNTY  
 (H, Hw) - See Statewide

ELLIS COUNTY  
 (H, Hw) - See Statewide

GARFIELD COUNTY  
 Decision #49-85 (B)  
 39 FR 42801 - 12/6/74

Mod. #1 - 40 FR 6905 - 2/14/75

(H, Hw) - See Statewide

GARVIN COUNTY  
 (H, Hw) - See Statewide

GRADY COUNTY  
 (H, Hw) - See Statewide

GRANT COUNTY  
 (H, Hw) - See Statewide

(H, Hw) - See Statewide

GREER COUNTY  
 (H, Hw) - See Statewide

HARMON COUNTY  
 (H, Hw) - See Statewide

HASSELL COUNTY  
 (H, Hw) - See Statewide

HUGHES COUNTY  
 (H, Hw) - See Statewide

JACKSON COUNTY  
 (H, Hw) - See Statewide

JEFFERSON COUNTY  
 (H, Hw) - See Statewide

JOHNSTON COUNTY  
 (H, Hw) - See Statewide

KAY COUNTY  
 (H, Hw) - See Statewide

KINGFISHER COUNTY  
 (H, Hw) - See Statewide

KIONIA COUNTY  
 (H, Hw) - See Statewide

LATTIMER COUNTY  
 (H, Hw) - See Statewide

LEFLORE COUNTY  
 (H, Hw) - See Statewide

LINCOLN COUNTY  
 (R) - See Oklahoma County

(B) - See Oklahoma County

LOGAN COUNTY  
 (H, Hw) - See Statewide

LOVE COUNTY  
 (H, Hw) - See Statewide

MCCLATH COUNTY  
 (B) - See Oklahoma County

(H, Hw) - See Statewide

MCCURTAIN COUNTY  
 (H, Hw) - See Statewide



OKLAHOMA (cont'd)

MCINTOSH COUNTY  
 Decision #96-89 (B)  
 39 FR 43456 - 12/13/74  
 Mod. #1 - 40 FR 6906 - 2/14/75  
 (H,Hw) - See Statewide  
 MAJOR COUNTY  
 (H,Hw) - See Statewide  
 MARSHALL COUNTY  
 (H,Hw) - See Statewide  
 MAYES COUNTY  
 (H,Hw) - See Statewide  
 MURRAY COUNTY  
 (H,Hw) - See Statewide  
 MUSKOGEE COUNTY  
 (H,Hw) - See Statewide  
 Decision #AR-35 (B,H,Hw)  
 39 FR 35043 - 9/27/74  
 Mod. #1 - 39 FR 39674 - 11/8/74  
 Mod. #2 - 39 FR 42812 - 12/6/74  
 Mod. #3 - 40 FR 929 - 1/3/75  
 Mod. #4 - 40 FR 5985 - 2/7/75  
 NOBLE COUNTY  
 (H,Hw) - See Statewide  
 NOWATA COUNTY  
 (H,Hw) - See Statewide  
 OKTUSKEE COUNTY  
 (H,Hw) - See Statewide  
 OKLAHOMA COUNTY  
 Decision #OK75-4049 (B)  
 40 FR 6112 - 2/7/75  
 Decision #89-304 (R)  
 37 FR 15769 - 8/4/72  
 Mod. #1 - 37 FR 28799 - 12/28/72  
 Mod. #2 - 38 FR 4078 - 2/9/73  
 OKMULGEE COUNTY  
 (H,Hw) - See Statewide  
 OSAGE COUNTY  
 (H,Hw) - See Statewide  
 (R) - See Tulsa County  
 OTTAWA COUNTY  
 (H,Hw) - See Statewide  
 PAMREE COUNTY  
 (H,Hw) - See Statewide  
 PATNE COUNTY  
 (H,Hw) - See Statewide  
 PITTSBURG COUNTY  
 Decision #AR-88 (B)  
 39 FR 43454 - 12/13/74  
 Mod. #1 - 40 FR 2381 - 1/10/75  
 Mod. #2 - 40 FR 6906 - 2/14/75  
 (H,Hw) - See Statewide  
 POINTTODD COUNTY  
 (H,Hw) - See Statewide  
 POTTAWATOMIE COUNTY  
 (H,Hw) - See Statewide  
 (R) - See Oklahoma County  
 (B) - See Oklahoma County  
 PUSHMATAHA COUNTY  
 (H,Hw) - See Statewide  
 ROGER MILLS COUNTY  
 (H,Hw) - See Statewide

OKLAHOMA (Cont'd)

ROGERS COUNTY  
 (H,Hw) - See Statewide  
 SEMINOLE COUNTY  
 (B) - See Oklahoma County  
 (H,Hw) - See Statewide  
 SEQUOYAH COUNTY  
 (H,Hw) - See Statewide  
 STEPHENS COUNTY  
 (H,Hw) - See Statewide  
 TEXAS COUNTY  
 (H,Hw) - See Statewide  
 TILLMAN COUNTY  
 (H,Hw) - See Statewide  
 TULSA COUNTY  
 Decision #OK75-4050 (B)  
 40 FR 6115 - 2/7/75  
 (H,Hw) - See Statewide  
 Decision #OK75-4015 (R)  
 40 FR 3150 - 1/17/75  
 WAGONER COUNTY  
 Decision #AR-93 (B)  
 39 FR 44903 - 12/27/74  
 Mod. #1 - 40 FR 5985 - 2/7/75  
 (H,Hw) - See Statewide  
 WASHINGTON COUNTY  
 (H,Hw) - See Statewide  
 WASHITA COUNTY  
 (H,Hw) - See Statewide  
 WOODS COUNTY  
 (H,Hw) - See Statewide  
 WOODWARD COUNTY  
 (H,Hw) - See Statewide

OREGON

STATEWIDE  
 Decision #OK75-5014 (B,H,Hw,D)  
 40 FR 6117 - 2/7/75  
 BAKER COUNTY  
 (B,H,Hw,D) - See Statewide  
 BENTON COUNTY  
 (B,H,Hw,D) - See Statewide  
 CLACKAMAS COUNTY  
 Decision #AR-1016 (R)  
 39 FR 29910 - 8/16/74  
 (B,H,Hw,D) - See Statewide  
 CLATSOP COUNTY  
 (B,H,Hw,D) - See Statewide  
 COLUMBIA COUNTY  
 (B,H,Hw,D) - See Statewide  
 COOS COUNTY  
 (B,H,Hw,D) - See Statewide  
 CROOK COUNTY  
 (B,H,Hw,D) - See Statewide  
 CURRY COUNTY  
 (B,H,Hw,D) - See Statewide  
 DESCHUTES COUNTY  
 (B,H,Hw,D) - See Statewide  
 DOUGLAS COUNTY  
 (B,H,Hw,D) - See Statewide  
 GILLIAM COUNTY  
 (B,H,Hw,D) - See Statewide  
 GRANT COUNTY  
 (H,Hw,S,D) - See Statewide  
 HARNEY COUNTY  
 (B,H,Hw,D) - See Statewide  
 HOOD RIVER COUNTY  
 (H,Hw,S,D) - See Statewide  
 JACKSON COUNTY  
 (H,Hw,B,D) - See Statewide  
 JEFFERSON COUNTY  
 (B,H,Hw,D) - See Statewide  
 JOSEPHINE COUNTY  
 (B,H,Hw,D) - See Statewide  
 KLAMATH COUNTY  
 (B,H,Hw,D) - See Statewide  
 LAKE COUNTY  
 (B,H,Hw,D) - See Statewide  
 LANE COUNTY  
 Decision #AR-1015 (R)  
 39 FR 29702 - 8/16/74  
 (B,H,Hw,D) - See Statewide  
 LINCOLN COUNTY  
 (B,H,Hw,D) - See Statewide  
 LINN COUNTY  
 (B,H,Hw,D) - See Statewide  
 (R) - See Lane County

OREGON (Cont'd)

MALHEUR COUNTY  
 (B,H,Hw,D) - See Statewide  
 MARION COUNTY  
 (R) - See Lane County  
 (B,H,Hw,D) - See Statewide  
 MORROW COUNTY  
 (B,H,Hw,D) - See Statewide  
 MULTNOMAH COUNTY  
 (R) - See Clackamas County  
 (B,H,Hw,D) - See Statewide  
 POLK COUNTY  
 (B,H,Hw,D) - See Statewide  
 SHERMAN COUNTY  
 (B,H,Hw,D) - See Statewide  
 TILLAMOOK COUNTY  
 (B,H,Hw,D) - See Statewide  
 UMATILLA COUNTY  
 (B,H,Hw,D) - See Statewide  
 UNION COUNTY  
 (B,H,Hw,D) - See Statewide  
 WALLOWA COUNTY  
 (B,H,Hw,D) - See Statewide  
 WASCOCO COUNTY  
 (B,H,Hw,D) - See Statewide  
 WASHINGTON COUNTY  
 (B,H,Hw,D) - See Statewide  
 (R) - See Clackamas County  
 WHEELER COUNTY  
 (B,H,Hw,D) - See Statewide  
 YAMHILL COUNTY  
 (B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY  
 Decision #AR-2029 (H,Hw) 39 FR 31853 - 8/30/74  
 Mod. #1 - 39 FR 41660 - 11/29/74  
 Mod. #2 - 39 FR 43466 - 12/13/74  
 Decision #AR-2089 (B) 39 FR 46531 - 12/27/74  
 Mod. #1 - 40 FR 4790 - 1/31/75  
 Mod. #2 - 40 FR 5986 - 2/7/75  
 ALLEGHENY COUNTY  
 Decision #AR-2033 (B) 39 FR 35048 - 9/27/74  
 Mod. #1 - 39 FR 44157 - 12/20/74  
 39 FR 5043 - 2/8/74  
 (H,Hw) - See Beaver County  
 ARMSTRONG COUNTY  
 Decision #AQ-2058 (H,Hw) 39 FR 9410 - 3/8/74  
 Mod. #1 - 39 FR 2237 - 6/21/74  
 Mod. #2 - 39 FR 33918 - 9/20/74  
 Decision #AR-2034 (B) 39 FR 35051 - 9/27/74  
 Mod. #1 - 39 FR 44157 - 12/20/74  
 Mod. #2 - 40 FR 4789 - 1/31/75  
 BEAVER COUNTY  
 Decision #AQ-2059 (H,Hw) 39 FR 6004 - 2/15/74  
 Mod. #1 - 39 FR 22370 - 6/21/74  
 Mod. #2 - 39 FR 26562 - 7/19/74  
 Mod. #3 - 39 FR 28008 - 8/2/74  
 Mod. #4 - 39 FR 33918 - 9/20/74  
 Decision #AR-2035 (B) 39 FR 40487 - 11/15/74  
 Mod. #1 - 39 FR 44912 - 12/27/74  
 BEDFORD COUNTY  
 Decision #AQ-2060 (H,Hw) 39 FR 9410 - 3/8/74  
 Mod. #1 - 39 FR 22372 - 6/21/74  
 Mod. #2 - 39 FR 33918 - 9/20/74  
 Decision #AQ-2084 (B) 39 FR 11808 - 3/23/74  
 Mod. #1 - 39 FR 13411 - 4/12/74  
 Mod. #2 - 39 FR 28919 - 6/14/74  
 Mod. #3 - 39 FR 28008 - 8/2/74  
 Mod. #4 - 39 FR 37332 - 10/18/74  
 Mod. #5 - 39 FR 44158 - 12/20/74  
 BERKS COUNTY  
 Decision #AR-2027 (B) 39 FR 31850 - 8/30/74  
 Mod. #1 - 39 FR 44911 - 12/27/74  
 Mod. #2 - 40 FR 5986 - 2/7/75  
 (H,Hw) - See Adams County  
 BLAIR COUNTY (Cont'd.)  
 Decision #AR-2029 (H,Hw) (H,Hw) - See Armstrong County  
 BRADFORD COUNTY  
 (H,Hw) - See Adams County  
 BUCKS COUNTY  
 Decision #PA75-3011 (B) 40 FR 4781 - 1/31/75  
 Decision #AR-2006 (B) 39 FR 25905 - 7/12/74  
 Mod. #1 - 39 FR 28012 - 8/2/74  
 Mod. #2 - 39 FR 38814 - 11/1/74  
 Decision #AR-2028 (H,Hw) 39 FR 33584 - 9/20/74  
 BUTLER COUNTY  
 Decision #AR-2036 (B) 39 FR 33988 - 9/20/74  
 Mod. #1 - 39 FR 41111 - 11/22/74  
 Mod. #2 - 39 FR 44912 - 12/27/74  
 Decision #AQ-2062 (H,Hw) 39 FR 6011 - 2/15/74  
 Mod. #1 - 39 FR 14121 - 4/19/74  
 Mod. #2 - 39 FR 22373 - 6/21/74  
 Mod. #3 - 39 FR 33918 - 9/20/74  
 CAMBERIA COUNTY  
 Decision #AQ-2081 (B) 39 FR 11805 - 3/29/74  
 Mod. #1 - 39 FR 20919 - 6/14/74  
 Mod. #2 - 39 FR 28008 - 8/2/74  
 Mod. #3 - 39 FR 37331 - 10/18/74  
 Mod. #4 - 39 FR 44158 - 12/20/74  
 Mod. #5 - 40 FR 4790 - 1/31/75  
 (H,Hw) - See Butler County  
 CAMERON COUNTY  
 (H,Hw) - See Bedford County  
 CARBON COUNTY  
 (H,Hw) - See Adams County  
 CENTRE COUNTY  
 Decision #AQ-2061 (H,Hw) 39 FR 6008 - 2/15/74  
 Mod. #1 - 39 FR 9357 - 3/8/74  
 Mod. #2 - 39 FR 14121 - 4/19/74  
 Mod. #3 - 39 FR 22373 - 6/21/74  
 Mod. #4 - 39 FR 33918 - 9/20/74  
 CHESTER COUNTY  
 (H,Hw) - See Bucks County  
 Decision #AR-2003 (B) 39 FR 25895 - 7/12/74  
 Mod. #1 - 39 FR 28012 - 8/2/74  
 Mod. #2 - 39 FR 38813 - 11/1/74  
 CLARION COUNTY  
 (H,Hw) - See Bedford County  
 CLEARFIELD COUNTY  
 (H,Hw) - See Centre County  
 CLINTON COUNTY  
 (H,Hw) - See Bedford County  
 COLUMBIA COUNTY  
 (H,Hw) - See Adams County  
 CRAWFORD COUNTY  
 Decision #AR-2068 (B) 39 FR 40928 - 12/27/74  
 (H,Hw) - See Armstrong County

PENNSYLVANIA (Cont'd.)

CUMBERLAND COUNTY  
 Decision #60-2009 (B) 39 FR 29519 - 1/19/74  
 Mod. #1 - 39 FR 20406 - 8/16/74  
 Mod. #2 - 39 FR 20406 - 11/15/74  
 Mod. #3 - 40 FR 4789 - 1/31/75  
 Mod. #4 - 40 FR 5986 - 2/7/75  
 (H,Hw) - See Adams County  
 DAUPHIN COUNTY  
 (H,Hw) - See Adams County  
 (B) - See Cumberland County  
 DELAWARE COUNTY  
 Decision #AR-2002 (B) 39 FR 25892 - 7/12/74  
 Mod. #1 - 39 FR 28012 - 8/2/74  
 Mod. #2 - 39 FR 38813 - 11/1/74  
 (R,H,Hw) - See Bucks County  
 ELK COUNTY  
 Decision #AQ-2046 (B) 39 FR 3338 - 3/8/74  
 Mod. #1 - 39 FR 18408 - 5/24/74  
 Mod. #2 - 39 FR 20919 - 6/14/74  
 Mod. #3 - 39 FR 28008 - 8/2/74  
 Mod. #4 - 39 FR 37333 - 10/18/74  
 Mod. #5 - 39 FR 44158 - 12/20/74  
 (H,Hw) - See Bedford County  
 ERIE COUNTY  
 Decision #AR-2094 (B) 39 FR 43491 - 12/13/74  
 (H,Hw) - See Butler County  
 FAYETTE COUNTY  
 (B) - See Butler County  
 FOREST COUNTY  
 Decision #AQ-2121 (B) 39 FR 18398 - 5/24/74  
 Mod. #1 - 39 FR 20920 - 6/14/74  
 Mod. #2 - 39 FR 28008 - 8/2/74  
 Mod. #3 - 39 FR 37332 - 10/18/74  
 Mod. #4 - 39 FR 38812 - 11/1/74  
 Mod. #5 - 39 FR 44911 - 12/27/74  
 (H,Hw) - See Bedford County  
 FRANKLIN COUNTY  
 Decision #AR-2001 (B) 39 FR 24803 - 7/15/74  
 Mod. #1 - 39 FR 28562 - 7/19/74  
 Mod. #2 - 39 FR 28010 - 8/2/74  
 Mod. #3 - 39 FR 40406 - 11/15/74  
 Mod. #4 - 39 FR 44157 - 12/20/74  
 (H,Hw) - See Bedford County  
 FULTON COUNTY  
 (H,Hw) - See Bedford County  
 GREENE COUNTY  
 (H,Hw) - See Centre County  
 HUNTINGDON COUNTY  
 (H,Hw) - See Bedford County  
 INDIANA COUNTY  
 Decision #60-2037 (B) 39 FR 31859 - 8/30/74  
 Mod. #1 - 39 FR 44912 - 12/27/74  
 Mod. #2 - 40 FR 4789 - 1/31/74  
 (H,Hw) - See Armstrong County  
 JEFFERSON COUNTY  
 (H,Hw) - See Centre County

PENNSYLVANIA (Cont'd.)

JUNIATA COUNTY  
 (H,Hw) - See Adams County  
 (B) - See Cumberland County  
 LACKAWANNA COUNTY  
 Decision #AR-2092 (B) 39 FR 41701 - 11/23/74  
 Mod. #1 - 40 FR 5982 - 2/7/75  
 LANCASTER COUNTY  
 Decision #AR-2030 (B) 39 FR 31857 - 8/30/74  
 Mod. #1 - 39 FR 40406 - 11/15/74  
 Mod. #2 - 40 FR 4789 - 1/31/75  
 Mod. #3 - 40 FR 5986 - 2/7/75  
 (H,Hw) - See Adams County  
 LAWRENCE COUNTY  
 Decision #AR-2045 (B) 39 FR 37345 - 10/18/74  
 Mod. #1 - 39 FR 44913 - 12/27/74  
 (H,Hw) - See Butler County  
 LEBANON COUNTY  
 Decision #AQ-2080 (B) 39 FR 12571 - 4/5/74  
 Mod. #1 - 39 FR 24785 - 7/5/74  
 Mod. #2 - 39 FR 26564 - 7/19/74  
 Mod. #3 - 39 FR 37331 - 10/18/74  
 Mod. #4 - 39 FR 40407 - 11/15/74  
 LEHIGH COUNTY  
 Decision #AQ-2099 (B) 39 FR 14175 - 4/19/74  
 Mod. #1 - 39 FR 30567 - 8/23/74  
 Mod. #2 - 39 FR 41111 - 11/22/74  
 Mod. #3 - 39 FR 44158 - 12/20/74  
 (H,Hw) - See Adams County  
 LUZERNE COUNTY  
 Decision #AR-2008 (B) 39 FR 27406 - 7/26/74  
 Mod. #1 - 39 FR 44911 - 12/27/74  
 (R,Hw) - See Adams County  
 LYCOMING COUNTY  
 Decision #AQ-2079 (B) 39 FR 11803 - 3/23/74  
 Mod. #1 - 39 FR 30667 - 8/23/74  
 Mod. #2 - 39 FR 40407 - 11/15/74  
 (H,Hw) - See Adams County  
 MC KEA COUNTY  
 (H,Hw) - See Adams County  
 MERCER COUNTY  
 (B) - See Forest County  
 Decision #AR-2046 (B) 39 FR 37349 - 10/18/74  
 Mod. #1 - 39 FR 44513 - 12/27/74  
 (H,Hw) - See Butler County  
 MIFFLIN COUNTY  
 (H,Hw) - See Bedford County  
 MONROE COUNTY  
 (H,Hw) - See Adams County  
 MONTGOMERY COUNTY  
 Decision #60-2004 (B) 39 FR 25898 - 7/12/74  
 Mod. #1 - 39 FR 28012 - 8/2/74  
 Mod. #2 - 39 FR 38813 - 11/1/74  
 (H,Hw) - See Bucks County  
 MONTGOMERY COUNTY  
 (H,Hw) - See Adams County  
 NORTHAMPTON COUNTY  
 Decision #PA75-3015 (B) 40 FR 6347 - 2/7/75

SOUTH CAROLINA (Cont'd)

CHESTERFIELD COUNTY  
(Sewer & Water, H,HW) - See Statewide

CLARENDON COUNTY  
Decision #AR-4032 (R)  
40 FR 39671 - 11/8/75  
(Sewer & Water, H,HW) - See Statewide

COLLETON COUNTY  
(D) - See Beaufort County  
Decision #AR-4052 (R)  
39 FR 39671 - 11/8/74

DARLINGTON COUNTY  
(R) - See Clarendon County  
(Sewer & Water, H,HW) - See Statewide

DILLON COUNTY  
(R) - See Clarendon County  
(Sewer & Water, H,HW) - See Statewide

EDGEFIELD COUNTY  
(R) - See Aiken County  
(Sewer & Water, H,HW) - See Statewide

FAIRFIELD COUNTY  
(B) - See Chester County  
(Sewer & Water, H,HW) - See Statewide

FLORENCE COUNTY  
(R) - See Clarendon County  
(Sewer & Water, H,HW) - See Statewide

GEORGETOWN COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H,HW) - See Statewide

GREENVILLE COUNTY  
(R) - See Anderson County  
(Sewer & Water, H,HW) - See Statewide

GREENWOOD COUNTY  
(Sewer & Water, H,HW) - See Statewide

HAMPTON COUNTY  
(Sewer & Water, H,HW) - See Statewide

HDBARY COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H,HW) - See Statewide

JASPER COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H,HW) - See Statewide

KERSHAW COUNTY  
(Sewer & Water, H,HW) - See Statewide

LANCASTER COUNTY  
(B) - See Chester County  
(Sewer & Water, H,HW) - See Statewide

LAURENS COUNTY  
(B) - See Abbeville County  
(Sewer & Water, H,HW) - See Statewide

LEE COUNTY  
(R) - See Clarendon County  
(Sewer & Water, H,HW) - See Statewide

LEXINGTON COUNTY  
Decision #AR-4049 (R)  
39 FR 39078 - 10/25/74  
Decision #AR-4004 (B)  
39 FR 24779 - 7/5/74  
Mod. #1 - 39 FR 43466 - 12/13/74  
(Sewer & Water, H,HW) - See Statewide

McCormack County  
(Sewer & Water, H,HW) - See Statewide

SOUTH CAROLINA

STATEWIDE  
Decision #SC75-1003 (H,HW)  
40 FR 3153 - 1-1/775  
Decision #AP-157 (Sewer & Water)  
38 FR 4619 - 2/16/73

ASHEVILLE COUNTY  
Decision #AR-4003 (B)  
39 FR 26554 - 7/19/74  
(Sewer & Water, H,HW) - See Statewide

AIXER COUNTY  
Decision #AR-4008 (R)  
39 FR 26555 - 7/19/74  
Mod. #1 - 39 FR 37334 - 10/18/74  
Mod. #2 - 39 FR 43467 - 12/13/74  
Mod. #3 - 40 FR 3087 - 1/17/75

ALLEDALE COUNTY  
(Sewer & Water, H,HW) - See Statewide

ANDERSON COUNTY  
Decision #AR-6006 (R)  
39 FR 24780 - 7/5/74  
(Sewer & Water, H,HW) - See Statewide

ANDERSON COUNTY  
Decision #SC75-1004 (R)  
40 FR 3154 - 1/17/75  
(Sewer & Water, H,HW) - See Statewide

BAYBERG COUNTY  
(R) - See Allendale County  
(Sewer & Water, H,HW) - See Statewide

BARNWELL COUNTY  
(R) - See Aiken County  
(Sewer & Water, H,HW) - See Statewide

BEAUFORT COUNTY  
Decision #SC75-3008 (D)  
40 FR 3094 - 1/17/75  
(Sewer & Water, H,HW) - See Statewide

BERKELEY COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H,HW) - See Statewide

BLADE COUNTY  
Decision #AR-4029 (B)  
38 FR 31153 - 11/9/73  
Decision #AR-4045 (B)  
38 FR 31327 - 11/9/73  
Mod. #1 - 40 FR 33872 - 1/19/74  
Mod. #2 - 40 FR 33872 - 1/19/74  
Mod. #3 - 40 FR 4790 - 1/31/75

CALHOUN COUNTY  
(B) - See Allendale County  
(Sewer & Water, H,HW) - See Statewide

CHARLESTON COUNTY  
(B) - See Berkeley County  
(Sewer & Water, H,HW) - See Statewide

CHEROKEE COUNTY  
(Sewer & Water, H,HW) - See Statewide

CHESAPEAKE COUNTY  
Decision #SC75-1017 (R)  
40 FR 4705 - 1/31/75  
(Sewer & Water, H,HW) - See Statewide

CHESTER COUNTY  
Decision #AR-6009 (B)  
39 FR 25778 - 7/12/74  
(Sewer & Water, H,HW) - See Statewide

PENNSYLVANIA (Cont'd)

WASHINGTON COUNTY  
Decision #AR-2039 (B)  
39 FR 35054 - 9/27/74  
Mod. #1 - 39 FR 44912 - 12/27/74  
Mod. #2 - 40 FR 4790 - 1/31/75

WASHINGTON COUNTY  
(H,HW) - See Butler County

WASHINGTON COUNTY  
(H,HW) - See Adams County

WESTMORELAND COUNTY  
Decision #AR-2038 (B)  
39 FR 31662 - 8/30/74  
Mod. #1 - 39 FR 44913 - 12/27/74  
Mod. #2 - 40 FR 4790 - 1/31/75

WYOMING COUNTY  
(H,HW) - See Butler County

YORK COUNTY  
(B,HW) - See Adams County  
(Excluding New Cumberland Depot)

(B) - See Cumberland County (New Cumberland Depot)

(H,HW) - See Adams County (New Cumberland Depot)

PUERTO RICO

Decision #AR-2016 (R)  
39 FR 28859 - 8/9/74  
Decision #AQ-2052 (B)  
39 FR 5161 - 2/8/74  
Decision #AQ-2019 (H,HW)  
38 FR 24647 - 9/14/73  
Mod. #1 - 39 FR 27395 - 7/26/74

RHODE ISLAND

STATEWIDE  
Decision #RY75-3010 (D)  
40 FR 3881 - 1/24/75

BRISTOL COUNTY  
(D) - See Statewide  
(B,HW, & Marine) - See Providence Co

KENT COUNTY  
(B,HW, & Marine) - See Providence Co  
(D) - See Statewide

NEWPORT COUNTY  
Decision #RI75-2032 (B,HW,R,Marine)  
40 FR 6132 - 2/7/75  
(D) - See Statewide

PROVIDENCE COUNTY  
Decision #RI75-2031 (B,HW,R,Marine)  
40 FR 6128 - 2/7/75  
(D) - See Statewide

WASHINGTON COUNTY  
Decision #RI75-2033 (B,HW,R,Marine)  
40 FR 6124 - 2/7/75  
(H) - See Statewide

PENNSYLVANIA (Cont'd)

NORTHBERLAND COUNTY  
Decision #AR-2035 (B)  
39 FR 43494 - 12/13/74  
(H,HW) - See Adams County

PERRY COUNTY  
(H,HW) - See Adams County

PHILADELPHIA COUNTY  
Decision #AR-2005 (B)  
39 FR 25902 - 7/12/74  
Mod. #1 - 39 FR 28012 - 8/2/74  
Mod. #2 - 39 FR 38814 - 11/1/74

Decision #NY75-3010 (D)  
40 FR 3881 - 1/24/75  
(H,HW,R) - See Bucks County

PIKE COUNTY  
(H,HW) - See Adams County

POTTER COUNTY  
(H,HW) - See Bedford County

SCHUYLKILL COUNTY  
Decision #AQ-2050 (B)  
39 FR 5938 - 2/15/74  
Mod. #1 - 39 FR 10079 - 3/15/74  
Mod. #2 - 39 FR 16590 - 5/10/74  
Mod. #3 - 39 FR 30667 - 8/23/74  
Mod. #4 - 39 FR 41111 - 11/22/74

(H,HW) - See Adams County

SNYDER COUNTY  
(H,HW) - See Adams County

SOMERSET COUNTY  
(H,HW) - See Butler County

SULLIVAN COUNTY  
Decision #AQ-2070 (B)  
39 FR 10070 - 3/15/74  
Mod. #1 - 39 FR 26562 - 7/19/74  
Mod. #2 - 39 FR 44911 - 12/27/74  
Mod. #3 - 40 FR 4789 - 1/31/75

(H,HW) - See Adams County

SUSQUEHANNA COUNTY  
(H,HW) - See Adams County

TIOGA COUNTY  
(H,HW) - See Adams County

UNION COUNTY  
(H,HW) - See Adams County

VENANGO COUNTY  
Decision #AQ-2043 (B)  
39 FR 7011 - 2/22/74  
Mod. #1 - 39 FR 18408 - 5/24/74  
Mod. #2 - 39 FR 20919 - 6/14/74  
Mod. #3 - 39 FR 28008 - 8/2/74  
Mod. #4 - 39 FR 41110 - 11/22/74

(H,HW) - See Armstrong County

WARREN COUNTY  
Decision #AQ-2085 (B)  
39 FR 14115 - 4/19/74  
Mod. #1 - 39 FR 20920 - 6/14/74  
Mod. #2 - 39 FR 28008 - 8/2/74  
Mod. #3 - 39 FR 37332 - 10/18/74  
Mod. #4 - 39 FR 38811 - 11/1/74  
Mod. #5 - 39 FR 44911 - 12/27/74

(H,HW) - See Armstrong county

## SOUTH CAROLINA (Cont'd.)

## MARION COUNTY

(R) - See Clarendon County  
(Sewer & Water, H,HW) - See Statewide

## MARLBORO COUNTY

(R) - See Clarendon County  
(Sewer & Water, H,HW) - See Statewide

## MEMPHIS COUNTY

(B) - See Abbeville County  
(Sewer & Water, H,HW) - See Statewide

## OCONEE COUNTY

(R) - See Anderson County  
(Sewer & Water, H,HW) - See Statewide

## ORANGEBURG COUNTY

(Sewer & Water, H,HW) - See Statewide  
(R) - See Allendale County

## PICKENS COUNTY

(R) - See Anderson County  
(Sewer & Water, H,HW) - See Statewide

## RICHLAND COUNTY

(Sewer & Water, H,HW) - See Statewide  
(B) - See Lexington County

## SALUDA COUNTY

(Sewer & Water, H,HW) - See Statewide

## SPARTANBURG COUNTY

(R) - See Cherokee County  
(Sewer & Water, H,HW) - See Statewide

## SUMTER COUNTY

Decision #AQ-6097 (B)  
39 FR 12581 - 4/5/74

## UNION COUNTY

(Sewer & Water, H,HW) - See Statewide  
(R) - See Clarendon County

## WILKES COUNTY

(R) - See Cherokee County  
(Sewer & Water, H,HW) - See Statewide

## WILLIAMS COUNTY

(B) - See Abbeville County

## YORK COUNTY

(R) - See Clarendon County  
(Sewer & Water, H,HW) - See Statewide

(Sewer & Water, H,HW) - See Statewide

## SOUTH DAKOTA (Cont'd.)

TODD COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
TRIPP COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
TURNER COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
UNION COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
MILWORTH COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
MASHAUBAUGH COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
YANKTON COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
ZIEBACH COUNTY  
(H) - See Beadle County  
(HW) - See Statewide

## SOUTH DAKOTA (Cont'd)

Mc COOK COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
Mc PHERSON COUNTY  
(H) - See Statewide  
MARSHALL COUNTY  
(HW) - See Statewide  
MEADE COUNTY  
Decision #A8-1027 (B)  
39 FR 31866 - 8/30/74  
(H) - See Beadle County  
(HW) - See Statewide  
KELLETT COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
MISER COUNTY  
(HW) - See Statewide  
MINNEHAHA COUNTY  
Decision #A8-1056 (B)  
39 FR 44190 - 12/20/74  
Decision #A8-1091 (B)  
39 FR 8146 - 3/11/74  
39 FR 14856 - 4/25/74  
(H) - See Beadle County  
(HW) - See Statewide  
MOODY COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
PENNINGTON COUNTY  
(B) - See Meade County  
(H) - See Beadle County  
(HW) - See Statewide  
PERKINS COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
POTTER COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
ROBERTS COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
SANBORN COUNTY  
(HW) - See Statewide  
SHANNON COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
SPINK COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
STANLEY COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
SULLY COUNTY  
(H) - See Beadle County  
(HW) - See Statewide

## SOUTH DAKOTA (Cont'd)

DOUGLAS COUNTY  
(HW) - See Statewide  
EDWARDS COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
FALL RIVER COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
FAULK COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
GRANT COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
GREGORY COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
HASKIN COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
HAWKIN COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
HARDY COUNTY  
(HW) - See Statewide  
HANSON COUNTY  
(HW) - See Statewide  
HARDING COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
HUGHES COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
HUTCHINSON COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
HYDE COUNTY  
(HW) - See Statewide  
JACKSON COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
JEROME COUNTY  
(HW) - See Statewide  
JONES COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
KINGSBURY COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
LAKE COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
LAWRENCE COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
LINCOLN COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
LYMAN COUNTY  
(H) - See Beadle County  
(HW) - See Statewide

## SOUTH DAKOTA

STATEWIDE  
Decision #S075-5013 (H,HW)  
40 FR 4858 - 1/31/75  
AURORA COUNTY  
(HW) - See Statewide  
BEADLE COUNTY  
(H,HW) - See Statewide  
BENNETT COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
BOW HOME COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
BROOKINGS COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
BROWN COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
BRULE COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
BUFFALO COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
BUTTE COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
CAMPBELL COUNTY  
(HW) - See Statewide  
CHARLES MIX COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
CLAY COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
CLARK COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
CODDINGTON COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
COPPER COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
CUSTER COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
DAVISON COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
DAY COUNTY  
(H) - See Beadle County  
(HW) - See Statewide  
DEUEL COUNTY  
(HW) - See Statewide  
DENY COUNTY  
(H) - See Beadle County  
(HW) - See Statewide

## TENNESSEE

STATEWIDE  
Decision #AR-4057 (F)  
39 FR 41113 - 11/22/74  
Mod. #1 - 40 FR 4791 - 1/31/75  
Decision #AR-4046 (Hw)  
40 FR 940 - 1/3/75

ANDERSON COUNTY  
Decision #AR-4061 (B) (Oak Ridge and Atomic Energy Commission)  
39 FR 42826 - 12/16/74  
Mod. #1 - 40 FR 3088 - 1/17/75  
Mod. #2 - 40 FR 6910 - 2/14/75  
(Hw) - See Statewide  
(F) - See Statewide

BEDFORD COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

BENTON COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

BLEDSOE COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

BLOUNT COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

BRADLEY COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

CAMPBELL COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

CANNON COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

CARROLL COUNTY  
Decision #AR-4013 (D)  
39 FR 27397 - 7/26/74  
(F) - See Statewide  
(Hw) - See Statewide

CARTER COUNTY  
Decision #AP-104 (B)  
37 FR 13915 - 7/14/72  
Decision #AQ-4128 (R)  
39 FR 24198 - 6/28/74  
(F) - See Statewide  
(Hw) - See Statewide

CHEATHAM COUNTY  
Decision #AQ-4061 (R)  
39 FR 3426 - 1/25/74  
(F) - See Statewide  
(Hw) - See Statewide

CHESTER COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

CLAIBORNE COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

CLAY COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

## TENNESSEE (CONT'D.)

COCKE COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

COFFEE COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

CROCKETT COUNTY  
(D) - See Carroll County  
(F) - See Statewide  
(Hw) - See Statewide

CUMBERLAND COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

DAVIDSON COUNTY  
Decision #AR-4021 (B)  
39 FR 31868 - 8/30/74  
Mod. #1 - 39 FR 38815 - 11/1/74  
Mod. #2 - 39 FR 42813 - 12/16/74  
Mod. #3 - 40 FR 3088 - 1/17/75  
Mod. #4 - 40 FR 6910 - 2/14/75  
(R) - See Cheatham County  
(F) - See Statewide  
(Hw) - See Statewide

DECATUR COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

DEKALB COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

DICKSON COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

DYER COUNTY  
Decision #AQ-4073 (B)  
39 FR 5947 - 2/15/74  
Mod. #1 - 39 FR 9357 - 3/8/74  
(D) - See Carroll County  
(F) - See Statewide  
(Hw) - See Statewide

FAYETTE COUNTY  
(D) - See Carroll County  
(F) - See Statewide  
(Hw) - See Statewide

FENTRESS COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

FRANKLIN COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

GIBSON COUNTY  
(D) - See Carroll County  
(F) - See Statewide  
(Hw) - See Statewide

(B) - See Dyer County

## TENNESSEE (Cont'd.)

JEFFERSON COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

JOHNSON COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

KNOX COUNTY  
Decision #AR-4022 (B)  
39 FR 31869 - 8/30/74  
Mod. #1 - 39 FR 38815 - 11/1/74  
Mod. #2 - 39 FR 42813 - 12/16/74  
Mod. #3 - 40 FR 3088 - 1/17/75  
Mod. #4 - 40 FR 4022 - 2/14/75  
Decision #AQ-4051 (R)  
39 FR 2321 - 1/18/74  
(F) - See Statewide  
(Hw) - See Statewide

LAKE COUNTY  
Decision #AQ-4074 (B)  
39 FR 5947 - 2/15/74  
(F) - See Statewide  
(Hw) - See Statewide

LAUDERDALE COUNTY  
(D) - See Carroll County  
(F) - See Statewide  
(Hw) - See Statewide

LAMAR COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

LEWIS COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

LINCOLN COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

LODGE COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

MC KEEL COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

MC MURRAY COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

MACON COUNTY  
(F) - See Statewide  
(Hw) - See Statewide

MADISON COUNTY  
Decision #AQ-4094 (B)  
39 FR 10957 - 3/22/74  
Mod. #1 - 39 FR 34929 - 9/27/74  
Mod. #2 - 40 FR 3088 - 1/17/75  
Mod. #3 - 40 FR 6911 - 2/14/75  
(D) - See Carroll County  
(F) - See Statewide  
(Hw) - See Statewide

MARION COUNTY  
(D) - See Statewide  
(F) - See Statewide  
(Hw) - See Statewide

## TENNESSEE (cont'd.)

BRITTON COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
UNION COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
VAN BUREN COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
WARREN COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
WASHINGTON COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
Decision #AP-100 (B)  
37 FR 13419 - 7/7/72  
Mod. #1 - 37 FR 17316 - 8/25/72  
Mod. #2 - 37 FR 22708 - 10/20/72  
(R) - See Carter County  
(F) - See Statewide  
(Hw) - See Statewide  
WAYNE COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
WEAVER COUNTY  
(D) - See Carroll County  
(F) - See Statewide  
(Hw) - See Statewide  
WELLS COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
WILLIAMSON COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
(R) - See Cheatham County  
WILSON COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
(R) - See Cheatham County

## TENNESSEE (Cont'd.)

BUTHERFORD COUNTY  
Decision #AQ-4114 (B)  
39 FR 16980 - 5/10/74  
Mod. #1 - 39 FR 20013 - 8/2/74  
Mod. #2 - 39 FR 29726 - 8/16/74  
Mod. #3 - 39 FR 31762 - 8/30/74  
Mod. #4 - 40 FR 30688 - 1/17/75  
(F) - See Statewide  
(Hw) - See Statewide  
(R) - See Cheatham County  
SCOTT COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
SEQUOIA COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
SEVIER COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
SHELBY COUNTY  
Decision #TN75-1006 (B, H, & Utility)  
40 FR 3155 - 1/17/75  
Mod. #1 - 40 FR 6911 - 2/14/75  
Decision #AP-152 (R)  
38 FR 4176 - 2/9/73  
(D) - See Carroll County  
(F) - See Statewide  
(Hw) - See Statewide  
SMITH COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
STENART COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
SULLIVAN COUNTY  
Decision #M-8623 (B)  
37 FR 12013 - 6/16/72  
Mod. #1 - 37 FR 23065 - 10/27/72  
Mod. #2 - 39 FR 11815 - 3/29/74  
Mod. #3 - 39 FR 17655 - 5/17/74  
(F) - See Statewide  
(Hw) - See Statewide  
(R) - See Carter County  
SUMNER COUNTY  
(Hw) - See Statewide  
(F) - See Statewide  
(R) - See Cheatham County  
TIPTON COUNTY  
(D) - See Carroll County  
(F) - See Statewide  
(Hw) - See Statewide  
TROUSDALE COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
(R) - See Cheatham County

## TENNESSEE (Cont'd.)

MARSHALL COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
(R) - See Cheatham County  
MAURY COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
(R) - See Cheatham County  
MELISSA COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
MONROE COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
MONTGOMERY COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
MOORE COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
MORGAN COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
OBION COUNTY  
(R) - See Lake County  
(D) - See Carroll County  
(F) - See Statewide  
(Hw) - See Statewide  
OVERTON COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
PERRY COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
PICKETT COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
POLK COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
PUTNAM COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
RHEA COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
ROANE COUNTY  
(B) - See Anderson Co. (Oak Ridge and Atomic Energy Commission)  
(F) - See Statewide  
(Hw) - See Statewide  
ROBERTSON COUNTY  
(F) - See Statewide  
(Hw) - See Statewide  
(R) - See Cheatham County

## TEXAS

STATEWIDE (Excluding Dallas-Fort Worth Regional Airport)  
 Decision #TX75-4001 (H (Excluding tunnels and dams), HW  
 incidental shore work, and paving and utilities incidental to general building construction)  
 40 FR 2402 - 1/10/75  
 Mod. #1 - 40 FR 3887 - 1/24/75  
 Mod. #2 - 40 FR 4791 - 1/31/75

ANDERSON COUNTY (H,HW) - See Statewide  
 ANDREWS COUNTY (H,HW) - See Statewide  
 ANGELINA COUNTY (H,HW) - See Statewide  
 ARKANSAS COUNTY (H,HW) - See Statewide  
 (H,HW) - See Statewide  
 Decision #AR-4013 (D)  
 39 FR 27397 - 7/26/74  
 ARDER COUNTY (H,HW) - See Statewide  
 ARMSTRONG COUNTY (H,HW) - See Statewide  
 Decision #TX75-4020 (B)  
 40 FR 3922 - 1/24/75  
 Mod. #1 - 40 FR 5987 - 2/7/75  
 (H,HW) - See Statewide  
 Decision #TX75-4021 (R)  
 40 FR 3925 - 1/24/75  
 Mod. #1 - 5988 - 2/7/75

ATASCOSA COUNTY (H,HW) - See Statewide  
 AUSTIN COUNTY (H,HW) - See Statewide  
 BAILEY COUNTY (H,HW) - See Statewide  
 (H,HW) - See Statewide  
 Decision #TX75-4003 (R)  
 40 FR 3158 - 1/17/75  
 BANDERA COUNTY (H,HW) - See Statewide  
 BASTROP COUNTY (H,HW) - See Statewide  
 Decision #AR-1 (R)  
 39 FR 24809 7/5/74  
 (H,HW) - See Statewide  
 BAYLOR COUNTY (H,HW) - See Statewide  
 BEE COUNTY (H,HW) - See Statewide  
 Decision #TX75-4004 (R)  
 40 FR 3160 - 1/17/75  
 (H,HW) - See Statewide  
 BELL COUNTY (H,HW) - See Statewide  
 Decision #TX75-4022 (B)  
 40 FR 3927 - 1/24/75

## TEXAS (Cont'd)

BECHAR COUNTY (H,HW) - See Statewide  
 Decision #AR-45 (B)  
 39 FR 34015 - 9/20/74  
 Mod. #1 - 39 FR 35915 - 10/4/74  
 Mod. #2 - 39 FR 39875 - 11/8/74  
 Mod. #3 - 39 FR 44158 - 12/20/74

(H,HW) - See Statewide  
 Decision #TX75-4005 (R)  
 40 FR 3161 - 1/17/75  
 BLANCO COUNTY (H,HW) - See Statewide  
 (D) - See Bastrop County  
 BORDEN COUNTY (H,HW) - See Statewide  
 BOSQUE COUNTY (B) - See Bell County  
 (H,HW) - See Statewide  
 BOWIE COUNTY (H,HW) - See Statewide  
 Decision #TX75-4023 (B)  
 40 FR 3930 - 1/24/75  
 (H,HW) - See Statewide  
 BRADFORD COUNTY (H,HW) - See Statewide  
 (D) - See Arkansas County  
 Decision #AR-11 (R)  
 39 FR 25910 - 8/16/74

BRADSHAW COUNTY (H,HW) - See Statewide  
 Decision #TX75-4047 - (B)  
 40 FR 5969 - 2/7/75  
 (H,HW) - See Statewide  
 BREWSTER COUNTY (H,HW) - See Statewide  
 (H,HW) - See Statewide  
 BRISCOE COUNTY (H,HW) - See Statewide  
 BROOKS COUNTY (H,HW) - See Statewide  
 (H,HW) - See Statewide  
 BROWN COUNTY (H,HW) - See Statewide  
 BURLINGAME COUNTY (H,HW) - See Statewide  
 BURNETT COUNTY (H,HW) - See Statewide  
 CALDWELL COUNTY (H,HW) - See Statewide  
 (R) - See Bastrop County  
 CALHOUN COUNTY (H,HW) - See Statewide  
 (D) - See Arkansas County  
 CALLAHAN COUNTY (H,HW) - See Statewide  
 CANYON COUNTY (H,HW) - See Statewide  
 Decision #TX75-4007 (B)  
 40 FR 3165 - 1/17/75  
 (D) - See Arkansas County  
 (H,HW) - See Statewide  
 Decision #TX75-4008 (R)  
 40 FR 3166 - 1/17/75  
 CANP COUNTY (H,HW) - See Statewide

## TEXAS (Cont'd)

CARSON COUNTY (B) - See Armstrong County  
 (H,HW) - See Statewide  
 (R) - See Armstrong County  
 CASS COUNTY (H,HW) - See Statewide  
 CASTRO COUNTY (B) - See Statewide  
 (B) - See Armstrong County  
 (H,HW) - See Statewide  
 (R) - See Armstrong County  
 CHAMBERS COUNTY (H,HW) - See Statewide  
 (D) - See Arkansas County  
 CHEROKEE COUNTY (H,HW) - See Statewide  
 CHILDRESS COUNTY (B) - See Armstrong County  
 (H,HW) - See Statewide  
 (R) - See Armstrong County  
 CLAY COUNTY (H,HW) - See Statewide  
 COCHRAN COUNTY (H,HW) - See Statewide  
 (R) - See Bailey County  
 COKE COUNTY (H,HW) - See Statewide  
 COLEMAN COUNTY (H,HW) - See Statewide  
 COLLIN COUNTY (H,HW) - See Statewide  
 Decision #TX75-4009 (B-excluding Dallas-Fort Worth Regional Airport)  
 40 FR 3168 - 1/17/75  
 Mod. #1 - 40 FR 4791 - 1/31/75  
 Mod. #2 - 40 FR 5987 - 2/7/75  
 (H,HW) - See Statewide  
 Decision #AQ-87 (R)  
 39 FR 10106 - 3/15/74  
 (H,HW) - See Statewide  
 COLLEGE COUNTY (B) - See Armstrong County  
 (H,HW) - See Statewide  
 (R) - See Armstrong County  
 COLORADO COUNTY (H,HW) - See Statewide  
 COMAL COUNTY (H,HW) - See Statewide  
 COMANCHE COUNTY (H,HW) - See Statewide  
 CONCHO COUNTY (H,HW) - See Statewide  
 COOKE COUNTY (H,HW) - See Statewide  
 CORYELL COUNTY (B) - See Bell County  
 (H,HW) - See Statewide  
 COTTLE COUNTY (H,HW) - See Statewide

CRANE COUNTY (H,HW) - See Statewide  
 Decision #TX75-4006 (R)  
 40 FR 3163 - 1/17/75  
 CROCKETT COUNTY (H,HW) - See Statewide  
 CROSBY COUNTY (R) - See Bailey County  
 (H,HW) - See Statewide  
 CULBERSON COUNTY (H,HW) - See Statewide  
 (H,HW) - See Statewide  
 DALLAS COUNTY (R)(B) - See Armstrong County  
 (H,HW) - See Statewide  
 DALLAS COUNTY (R)(B) - See Collin County  
 (H,HW) - See Statewide  
 DAWSON COUNTY (H,HW) - See Statewide  
 DEAF SMITH COUNTY (R)(B) - See Armstrong County  
 (H,HW) - See Statewide  
 DELTA COUNTY (H,HW) - See Statewide  
 DENTON COUNTY (R)(B) - See Collin County  
 (H,HW) - See Statewide  
 DE WITT COUNTY (H,HW) - See Statewide  
 (H,HW) - See Statewide  
 DICKENS COUNTY (H,HW) - See Statewide  
 Decision #TX75-4010 (B,R)  
 40 FR 3172 - 1/17/75  
 (H,HW) - See Statewide  
 DONLEY COUNTY (R)(B) - See Armstrong County  
 (H,HW) - See Statewide  
 DONVAL COUNTY (H,HW) - See Statewide  
 EASTLAND COUNTY (H,HW) - See Statewide  
 ECTOR COUNTY (H,HW) - See Statewide  
 (R) - See Crane County  
 EDWARDS COUNTY (H,HW) - See Statewide  
 ELLIS COUNTY (R)(B) - See Collin County  
 (H,HW) - See Statewide  
 EL PASO COUNTY Decision #TX75-4024 (B)  
 40 FR 3931 - 1/24/75  
 (H,HW) - See Statewide  
 ERATH COUNTY (H,HW) - See Statewide  
 (H,HW) - See Statewide



TEXAS (Cont'd)

FALLS COUNTY  
(B) - See Bell County  
(H, Hw) - See Statewide  
FANNIN COUNTY - See Statewide  
(H, Hw) - See Statewide  
FAYETTE COUNTY  
(R) - See Brazoria County  
(H, Hw) - See Statewide  
FISHER COUNTY  
(H, Hw) - See Statewide  
FLOYD COUNTY  
(R) - See Bailey County  
(H, Hw) - See Statewide  
FOND COUNTY  
(H, Hw) - See Statewide  
FORT BEND COUNTY  
(R) - See Brazoria County  
(H, Hw) - See Statewide  
FRANKLIN COUNTY  
(H, Hw) - See Statewide  
FREESTONE COUNTY  
(H, Hw) - See Statewide  
FRIO COUNTY  
(H, Hw) - See Statewide  
GAINES COUNTY  
(H, Hw) - See Statewide  
GALVESTON COUNTY  
Decision #TX75-4025 (B)  
40 FR 3933 - 1/24/75  
Mod. #1 - 40 FR 5958 - 2/17/75  
(R) - See Brazoria County  
(D) - See Aransas County  
(H, Hw) - See Statewide  
GARZA COUNTY  
(R) - See Bailey County  
(H, Hw) - See Statewide  
GILLESPIE COUNTY  
(H, Hw) - See Statewide  
GLASSCOCK COUNTY  
(H, Hw) - See Statewide  
GOLIAD COUNTY  
(H, Hw) - See Statewide  
GONZALES COUNTY  
(H, Hw) - See Statewide  
GRAY COUNTY  
(R, B) - See Armstrong County  
(H, Hw) - See Statewide  
GRAYSON COUNTY  
(B) - See Collin County  
(H, Hw) - See Statewide  
GREGG COUNTY  
Decision #TX75-4026 (B)  
40 FR 3935 - 1/24/75  
(H, Hw) - See Statewide

TEXAS (Cont'd)

GRIMES COUNTY  
(H, Hw) - See Statewide  
GUADALUPE COUNTY  
(H, Hw) - See Statewide  
HALE COUNTY  
(R) - See Bailey County  
(H, Hw) - See Statewide  
HALL COUNTY  
(H, Hw) - See Statewide  
HAMILTON COUNTY  
(H, Hw) - See Statewide  
HANFORD COUNTY  
(R, B) - See Armstrong County  
(H, Hw) - See Statewide  
HARDEN COUNTY  
(H, Hw) - See Statewide  
HARDIN COUNTY  
(H, Hw) - See Statewide  
HARRIS COUNTY  
(B) - See Galveston County  
(R) - See Brazoria County  
(D) - See Aransas County  
(H, Hw) - See Statewide  
HARRISON COUNTY  
Decision #TX75-4027 (B, R)  
40 FR 3936 - 1/24/75  
Mod. #1 - 40 FR 3987 - 1/24/75  
(H, Hw) - See Statewide  
HARTLEY COUNTY  
(R, B) - See Armstrong County  
(H, Hw) - See Statewide  
HASKELL COUNTY  
(H, Hw) - See Statewide  
HAYS COUNTY  
(H, Hw) - See Statewide  
(B) - See Bastrop County  
HENNEPIN COUNTY  
(R, B) - See Armstrong County  
(H, Hw) - See Statewide  
HENDERSON COUNTY  
(H, Hw) - See Statewide  
HIDALGO COUNTY  
(R, B) - See Cameron County  
(H, Hw) - See Statewide  
HILL COUNTY  
(B) - See Bell County  
(H, Hw) - See Statewide  
HOCKLEY COUNTY  
(R) - See Bailey County  
(H, Hw) - See Statewide  
HOOD COUNTY  
(B) - See Collin County  
Decision #TX75-4011 (R)  
40 FR 3173 - 1/17/75  
(H, Hw) - See Statewide

TEXAS (Cont'd)

HOPKINS COUNTY  
(H, Hw) - See Statewide  
HOUSTON COUNTY  
(H, Hw) - See Statewide  
HOWARD COUNTY  
Decision #TX75-4027 (B, R)  
40 FR 3936 - 1/24/75  
Mod. #1 - 40 FR 5988 - 2/17/75  
(H, Hw) - See Statewide  
HUGHES COUNTY  
(H, Hw) - See Statewide  
HUERT COUNTY  
(R, B) - See Collin County  
(H, Hw) - See Statewide  
HUTCHINSON COUNTY  
(R, B) - See Armstrong County  
(H, Hw) - See Statewide  
IRION COUNTY  
(H, Hw) - See Statewide  
JACK COUNTY  
(H, Hw) - See Statewide  
JACKSON COUNTY  
(D) - See Aransas County  
(H, Hw) - See Statewide  
JASPER COUNTY  
(H, Hw) - See Statewide  
JEFF DAVIS COUNTY  
(H, Hw) - See Statewide  
JEFFERSON COUNTY  
Decision #TX75-4012 (B, R)  
40 FR 3178 - 1/17/75  
(H, Hw) - See Statewide  
JIM HOGG COUNTY  
(H, Hw) - See Statewide  
(B, R) - See Dimmitt County  
JIM WELLS COUNTY  
(H, Hw) - See Statewide  
JOHNSON COUNTY  
(B) - See Collin County  
(H, Hw) - See Statewide  
(R) - See Hood County  
JONES COUNTY  
(H, Hw) - See Statewide  
KARNES COUNTY  
(H, Hw) - See Statewide

TEXAS (Cont'd)

KAUFMAN COUNTY  
(888) - See Collin County  
(H, Hw) - See Statewide  
KENDALL COUNTY  
(H, Hw) - See Statewide  
KENEDY COUNTY  
(H, Hw) - See Statewide  
(D) - See Aransas County  
KENT COUNTY  
(H, Hw) - See Statewide  
KERR COUNTY  
(H, Hw) - See Statewide  
KIMBLE COUNTY  
(H, Hw) - See Statewide  
KING COUNTY  
(H, Hw) - See Statewide  
KINNEY COUNTY  
(H, Hw) - See Statewide  
KLEBERG COUNTY  
Decision #TX75-4028 (B)  
40 FR 3938 - 1/24/75  
(D) - See Aransas County  
(H, Hw) - See Statewide  
(R) - See Bee County  
KNOX COUNTY  
(H, Hw) - See Statewide  
LAMAR COUNTY  
(H, Hw) - See Statewide  
LAMB COUNTY  
(R) - See Bailey County  
(H, Hw) - See Statewide  
LAMPASAS COUNTY  
(H, Hw) - See Statewide  
LA SALLE COUNTY  
(B, R) - See Dimmitt County  
(H, Hw) - See Statewide  
LAVACA COUNTY  
(H, Hw) - See Statewide  
LEE COUNTY  
(H, Hw) - See Statewide  
(R) - See Bastrop County

## TEXAS (Cont'd)

LEON COUNTY (H, Hw) - See Statewide  
 LIBERTY COUNTY (H, Hw) - See Statewide  
 LIMESTONE COUNTY (H, Hw) - See Statewide  
 LIPSCOMB COUNTY (H, Hw) - See Statewide  
 (B) (R) - See Armstrong County  
 LIVE OAK COUNTY (H, Hw) - See Statewide  
 LLAMO COUNTY (H, Hw) - See Statewide  
 LOWING COUNTY (H, Hw) - See Statewide  
 (R) - See Crane County  
 LUBBOCK COUNTY (R) - See Bailey County  
 (H, Hw) - See Statewide  
 Decision #TX75-4029 (B)  
 40 FR 3940 - 1/24/75  
 LYNN COUNTY (R) - See Bailey County  
 (H, Hw) - See Statewide  
 McCULLOCH COUNTY (H, Hw) - See Statewide  
 McLENNAN COUNTY (B) - See Bell County  
 (H, Hw) - See Statewide  
 McMULLEN COUNTY (H, Hw) - See Statewide  
 MADISON COUNTY (H, Hw) - See Statewide  
 MADISON COUNTY (H, Hw) - See Statewide  
 MARTIN COUNTY (H, Hw) - See Statewide

## TEXAS (Cont'd)

MASON COUNTY (H, Hw) - See Statewide  
 MATAGORDA COUNTY (R) - See Brazoria County  
 (H, Hw) - See Statewide  
 (D) - See Aransas County  
 MAVERICK COUNTY (B, R) - See Dimitt County  
 (H, Hw) - See Statewide  
 MEDINA COUNTY (H, Hw) - See Statewide  
 MENARD COUNTY (H, Hw) - See Statewide  
 MIDLAND COUNTY (H, Hw) - See Statewide  
 (R) - See Crane County  
 MILAM COUNTY (H, Hw) - See Statewide  
 MILLS COUNTY (H, Hw) - See Statewide  
 MITCHELL COUNTY (H, Hw) - See Statewide  
 MONTAGUE COUNTY (H, Hw) - See Statewide  
 MONTGOMERY COUNTY (R) - See Brazoria County  
 (H, Hw) - See Statewide  
 MOORE COUNTY (R) (B) - See Armstrong County  
 (H, Hw) - See Statewide  
 MORRIS COUNTY (H, Hw) - See Statewide  
 MOTLEY COUNTY (H, Hw) - See Statewide  
 MADDOODRES COUNTY (H, Hw) - See Statewide  
 NAVASO COUNTY (H, Hw) - See Statewide

## TEXAS (Cont'd)

NEWTON COUNTY (H, Hw) - See Statewide  
 MOLAN COUNTY (H, Hw) - See Statewide  
 NUECES COUNTY (B) - See Kleberg County  
 (D) - See Aransas County  
 (H, Hw) - See Statewide  
 (R) - See Bee County  
 OCHILTREE COUNTY (R) (B) - See Armstrong County  
 (H, Hw) - See Statewide  
 OLDHAM COUNTY (R) (B) - See Armstrong County  
 (H, Hw) - See Statewide  
 ORANGE COUNTY (R) (B) - See Jefferson County  
 (Hw) - See Statewide  
 (D) - See Aransas County  
 PALO PINTO COUNTY (B) - See Collin County  
 (H, Hw) - See Statewide  
 (R) - See Hood County  
 PANOLA COUNTY (H, Hw) - See Statewide  
 PARKER COUNTY (R) - See Hood County  
 (H, Hw) - See Statewide  
 PARMER COUNTY (H, Hw) - See Statewide  
 PECOS COUNTY (H, Hw) - See Statewide  
 (R) - See Crane County  
 POLK COUNTY (H, Hw) - See Statewide  
 POTTER COUNTY (H, Hw) - See Statewide  
 (B) (R) - See Armstrong County  
 PRESIDIO COUNTY (R) - See Statewide  
 RAINES COUNTY (H, Hw) - See Statewide  
 RANDALL COUNTY (H, Hw) - See Statewide  
 (B) (R) - See Armstrong County  
 REAGAN COUNTY (H, Hw) - See Statewide  
 REAL COUNTY (H, Hw) - See Statewide  
 RED RIVER COUNTY (H, Hw) - See Statewide

## TEXAS (Cont'd)

REEVES COUNTY (H, Hw) - See Statewide  
 (R) - See Crane County  
 REFUGIO COUNTY (D) - See Aransas County  
 (H, Hw) - See Statewide  
 ROBERTS COUNTY (H, Hw) - See Statewide  
 (B) (R) - See Armstrong County  
 ROBERTSON COUNTY (H, Hw) - See Statewide  
 ROCKWALL COUNTY (R) (B) - See Collin County  
 (H, Hw) - See Statewide  
 RUNNELS COUNTY (H, Hw) - See Statewide  
 RUSK COUNTY (H, Hw) - See Statewide  
 SABINE COUNTY (H, Hw) - See Statewide  
 SAN AUGUSTINE COUNTY (H, Hw) - See Statewide  
 SAN JACINTO COUNTY (H, Hw) - See Statewide  
 SAN PATRICIO COUNTY (R) - See Bee County  
 (D) - See Aransas County  
 (H, Hw) - See Statewide  
 SAN SABA COUNTY (H, Hw) - See Statewide  
 SCHLEICHER COUNTY (H, Hw) - See Statewide  
 SCURRY COUNTY (H, Hw) - See Statewide  
 SHELBY COUNTY (H, Hw) - See Statewide  
 SHERMAN COUNTY (H, Hw) - See Statewide  
 (B) (R) - See Armstrong County  
 SMITH COUNTY (H, Hw) - See Statewide  
 SOMEWELL COUNTY (H, Hw) - See Statewide  
 STARR COUNTY (H, Hw) - See Statewide  
 (B) (R) - See Cameron County  
 STEPHENS COUNTY (H, Hw) - See Statewide

## TEXAS (Cont'd.)

STERLING COUNTY  
(H, Hw) - See Statewide

STONEMAN COUNTY  
(H, Hw) - See Statewide

SUTTON COUNTY  
(H, Hw) - See Statewide

SWISHER COUNTY  
(H, Hw) - See Statewide

(B, R) - See Statewide

TARRANT COUNTY  
(B) - See Collin County

(H, Hw) - See Statewide

Decision #A0-117 (R)

39 FR 22400 - 6/21/74

TAYLOR COUNTY  
Decision #T775-4029 (B)

40 FR 3941 - 1/24/75

(H, Hw) - See Statewide

TERRELL COUNTY  
(H, Hw) - See Statewide

TERRY COUNTY  
(H, Hw) - See Statewide

(R) - See Bailey County

THROCKMORTON COUNTY  
(H, Hw) - See Statewide

TITUS COUNTY  
(H, Hw) - See Statewide

TOM GREEN COUNTY  
(H, Hw) - See Statewide

TRAVIS COUNTY  
Decision #T775-4031 (B)

40 FR 3942 - 1/24/75

(R) - See Bastrop County

(H, Hw) - See Statewide

TRINITY COUNTY  
(H, Hw) - See Statewide

TYLER COUNTY  
(H, Hw) - See Statewide

UPSHUR COUNTY  
(H, Hw) - See Statewide

UPTON COUNTY  
(H, Hw) - See Statewide

(R) - See Crane County

UNVALDE COUNTY  
(H, Hw) - See Statewide

VAL VERDE COUNTY  
(H, Hw) - See Statewide

VAN ZANDT COUNTY  
(H, Hw) - See Statewide

VICTORIA COUNTY  
(H, Hw) - See Statewide

(D) - See Aransas County

WALKER COUNTY  
(H, Hw) - See Statewide

(R) - See Brazoria County

## TEXAS (Cont'd.)

WALLER COUNTY  
(H, Hw) - See Statewide

WARD COUNTY  
(H, Hw) - See Statewide

(R) - See Crane County

WASHINGTON COUNTY  
(H, Hw) - See Statewide

WEBB COUNTY  
(B, R) - See Dimmit County

(H, Hw) - See Statewide

WHARTON COUNTY  
(H, Hw) - See Statewide

WHEELER COUNTY  
(R, B) - See Armstrong County

(H, Hw) - See Statewide

WICHITA COUNTY  
Decision #T775-4013 (R)

40 FR 3177 - 1/17/75

Decision #T775-4032 (B)

40 FR 3944 - 1/24/75

WILBARGER COUNTY  
(H, Hw) - See Statewide

WILLACY COUNTY  
(R, B) - See Cameron County

(H, Hw) - See Statewide

(D) - See Aransas County

WILLINGBORO COUNTY  
(H, Hw) - See Statewide

(R) - See Bastrop County

WILSON COUNTY  
(H, Hw) - See Statewide

WINKLER COUNTY  
(H, Hw) - See Statewide

(R) - See Crane County

WISE COUNTY  
(B) - See Collin County

(H, Hw) - See Statewide

(R) - See Hood County

WOOD COUNTY  
(H, Hw) - See Statewide

YORKCOM COUNTY  
(R) - See Bailey County

(H, Hw) - See Statewide

YOUNG COUNTY  
(H, Hw) - See Statewide

ZAPATA COUNTY  
(B, R) - See Dimmit County

(H, Hw) - See Statewide

ZAVALLA COUNTY  
(B, R) - See Dimmit County

(H, Hw) - See Statewide

## UTAH

STATEWIDE  
Decision #AR-1040 (B, H, Hw)

39 FR 35940 - 10/1/74

Mod. #1 - 39 FR 35082 - 10/25/74

Mod. #2 - 40 FR 929 - 1/3/75

BEAVER COUNTY  
(B, H, Hw) - See Statewide

BOX ELDER COUNTY  
(B, H, Hw) - See Statewide

CACHE COUNTY  
(B, H, Hw) - See Statewide

CARSON COUNTY  
(B, H, Hw) - See Statewide

DAGBETT COUNTY  
(B, H, Hw) - See Statewide

DAVIS COUNTY  
(B, H, Hw) - See Statewide

DUCHESE COUNTY  
(B, H, Hw) - See Statewide

EMERY COUNTY  
(B, H, Hw) - See Statewide

GARFIELD COUNTY  
(B, H, Hw) - See Statewide

GRAND COUNTY  
(B, H, Hw) - See Statewide

IRON COUNTY  
(B, H, Hw) - See Statewide

JUAB COUNTY  
(B, H, Hw) - See Statewide

KANE COUNTY  
(B, H, Hw) - See Statewide

MILLARD COUNTY  
(B, H, Hw) - See Statewide

MORGAN COUNTY  
(B, H, Hw) - See Statewide

PIUTE COUNTY  
(B, H, Hw) - See Statewide

REICH COUNTY  
(B, H, Hw) - See Statewide

SALT LAKE COUNTY  
(B, H, Hw) - See Statewide

SAN JUAN COUNTY  
(B, H, Hw) - See Statewide

SANPETE COUNTY  
(B, H, Hw) - See Statewide

SEVIER COUNTY  
(B, H, Hw) - See Statewide

SUMMIT COUNTY  
(B, H, Hw) - See Statewide

TOWHEE COUNTY  
(B, H, Hw) - See Statewide

UNITAH COUNTY  
(B, H, Hw) - See Statewide

UTAH COUNTY  
(B, H, Hw) - See Statewide

WASATCH COUNTY  
(B, H, Hw) - See Statewide

WASHINGTON COUNTY  
(B, H, Hw) - See Statewide

## UTAH (Cont'd.)

WAYNE COUNTY  
(B, H, Hw) - See Statewide

WEBER COUNTY  
(B, H, Hw) - See Statewide

VERMONT  
Statewide (Except Rutland County)

Decision #AR-3184 (Hw)

39 FR 24203 - 5/28/74

Mod. #1 - 39 FR 27397 - 7/26/74

ADDITION COUNTY  
(Hw) - See Statewide

BENNINGTON COUNTY  
(Hw) - See Statewide

CALEDONIA COUNTY  
(Hw) - See Statewide

CHITTENDEN COUNTY  
(Hw) - See Statewide

ESSEX COUNTY  
(Hw) - See Statewide

FRANKLIN COUNTY  
(Hw) - See Statewide

GRAND ISLE COUNTY  
(Hw) - See Statewide

LAMOILLE COUNTY  
(Hw) - See Statewide

ORANGE COUNTY  
(Hw) - See Statewide

ORLEANS COUNTY  
(Hw) - See Statewide

RUTLAND COUNTY  
None

WASHINGTON COUNTY  
(Hw) - See Statewide

WINDHAM COUNTY  
(Hw) - See Statewide

WINDSOR COUNTY  
(Hw) - See Statewide

## VIRGINIA

ACCOMACK COUNTY  
Decision #AP-805 (Hw)  
38 FR 11279 - 5/4/73  
Mod. #1 - 38 FR 13127 - 5/18/73  
Decision #VA75-3008 (D)  
40 FR 3094 - 1/13/75  
ALBERMARLE COUNTY  
Decision #AM-1874 (Hw)  
36 FR 16342 - 8/20/71  
ALEXANDRIA CITY  
Decision #VA75-3003 (B)  
40 FR 937 - 1/3/75  
ALLEGHANY COUNTY  
Decision #AM-1875 (Hw)  
36 FR 16343 - 8/20/71  
Mod. #1 - 37 FR 5169 - 3/10/72  
AMELIA COUNTY  
Decision #AR-2032 (Hw) -  
39 FR 31871 - 8/30/74  
AMHERST COUNTY  
Decision #AQ-2032 (Hw)  
38 FR 32259 - 11/30/73  
APPOMATTOX COUNTY  
(Hw) - See Amherst County  
ARLINGTON COUNTY  
(B) - See Alexandria City  
(D) - See Accomack County  
AGUSTA COUNTY  
Decision #AM-9320 (B)  
37 FR 10267 - 5/19/72  
(Hw) - See Alleghany County  
BATH COUNTY  
(Hw) - See Alleghany County  
BEDFORD CITY  
(Hw) - See Bedford County  
BEDFORD COUNTY  
Decision #AQ-2021 (Hw)  
38 FR 27744 - 10/5/73  
BLAND COUNTY  
Decision #AQ-2020 (Hw)  
38 FR 27744 - 10/5/73  
BOTECOURT COUNTY  
(Hw) - See Bedford County

## VIRGINIA (Cont'd)

BRISTOL CITY  
(Hw) - See Bland County  
BRUNSWICK COUNTY  
(Hw) - See Amelia County  
BUCHANAN COUNTY  
(Hw) - See Bland County  
BUCKINGHAM COUNTY  
(Hw) - See Amherst County  
BUENA VISTA COUNTY  
(Hw) - See Alleghany County  
CAMPELL COUNTY  
(Hw) - See Amherst County  
CAROLINE COUNTY  
Decision #AQ-2031 (Hw)  
38 FR 33258 - 11/30/73  
CARROLL COUNTY  
(Hw) - See Bedford County  
CHARLES CITY COUNTY  
(Hw) - See Amelia County  
CHARLOTTE COUNTY  
(Hw) - See Amherst County  
CHARLOTTESVILLE CITY  
(Hw) - See Albemarle County  
CHESAPEAKE CITY  
Decision #VA75-3005 (B)  
40 FR 944 - 1/3/75  
Decision #AP-494 (Hw)  
38 FR 3693 - 3/23/73  
(D) - See Accomack County  
CHESTERFIELD COUNTY  
(Hw) - See Amelia County  
CLARK COUNTY  
Decision #AP-406 (R)  
37 FR 15234 - 7/28/72  
(Hw) - See Alleghany County  
CLIFTON FORGE CITY  
(Hw) - See Alleghany County  
COLONIAL HEIGHTS CITY  
(Hw) - See Amelia County  
COVINGTON CITY  
(Hw) - See Alleghany County  
CRAIG COUNTY  
(Hw) - See Bedford County

## VIRGINIA (Cont'd)

CULPEPER COUNTY  
(Hw) - See Albemarle County  
CUMBERLAND COUNTY  
(Hw) - See Amherst County  
DANVILLE CITY  
(Hw) - See Amherst County  
DICKERSON COUNTY  
(Hw) - See Bland County  
DINNIDOOE COUNTY  
(Hw) - See Amelia County  
EMPORIA CITY  
(Hw) - See Accomack County  
ESSEX COUNTY  
(Hw) - See Caroline County  
(D) - See Accomack County  
FAIRFAX COUNTY  
(B) - See Alexandria City  
(D) - See Accomack County  
FAIRFAX CITY  
(B) - See Alexandria City  
FALLS CHURCH CITY  
(B) - See Alexandria City  
FAUCQUIER COUNTY  
(Hw) - See Albemarle County  
FLOYD COUNTY  
(Hw) - See Bedford County  
FLUVANNA COUNTY  
(Hw) - See Albemarle County  
FORT MONROE CITY  
(Hw) - See Accomack County  
FRANKLIN CITY  
(Hw) - See Accomack County  
FRANKLIN COUNTY  
(Hw) - See Bedford County  
FREDERICK COUNTY  
(R) - See Clarke County  
(Hw) - See Alleghany County

## VIRGINIA (Cont'd)

FREDERICKSBURG CITY  
(Hw) - See Caroline County  
GALAX CITY  
(Hw) - See Bedford County  
GILES COUNTY  
(Hw) - See Bedford County  
GLOUCESTER COUNTY  
(D) - See Accomack County  
GOOCHLAND COUNTY  
(Hw) - See Amelia County  
GRAYSON COUNTY  
(Hw) - See Bland County  
GREENE COUNTY  
(Hw) - See Albemarle County  
GREENSVILLE COUNTY  
(Hw) - See Accomack County  
HALIFAX COUNTY  
(Hw) - See Amherst County  
HAMPTON CITY  
Decision #AQ-2103 (R)  
39 FR 14119 - 4/19/74  
Mod. #1 - 15612 - 5/3/74  
(B,H,M,S) - See York County  
(Hw) - See Chesapeake City  
(D) - See Accomack County  
HANOVER COUNTY  
(Hw) - See Amelia County  
HARRISONBURG CITY  
(Hw) - See Alleghany County  
HENRICO COUNTY  
Decision #VA75-3006 (B)  
40 FR 946 - 1/3/75  
(Hw) - See Amelia County

## VIRGINIA (Cont'd.)

HENRY COUNTY  
(Hw) - See Bedford County  
HIGHLAND COUNTY  
(Hw) - See Allegheny County  
HOPKINELL CITY  
(Hw) - See Amelia County  
ISLE OF NIGHT COUNTY  
(Hw) - See Accomack County  
JAMES CITY COUNTY  
(D) - See Accomack County  
Decision #42-407 (R)  
37 FR 15235 -- 7/28/72  
(Hw) - See Accomack County  
(D) - See Accomack County  
KING AND QUEEN COUNTY  
(Hw) - See Caroline County  
KING GEORGE COUNTY  
(Hw) - See Caroline County  
(D) - See Accomack County  
KING WILLIAM COUNTY  
(Hw) - See Caroline County  
LANCASTER COUNTY  
(Hw) - See Caroline County  
(D) - See Accomack County  
LEE COUNTY  
(Hw) - See Bland County  
LOUGHOON COUNTY  
(Hw) - See Albemarle County  
LOUISA COUNTY  
(Hw) - See Albemarle County  
LUNENBURG COUNTY  
(Hw) - See Amelia County  
LYNCHBURG CITY  
(Hw) - See Adherst County  
MADISON COUNTY  
(Hw) - See Albemarle County  
MARTINSVILLE CITY  
(Hw) - See Bedford County

## VIRGINIA (Cont'd.)

MATHEWS COUNTY  
(Hw) - See Caroline County  
(D) - See Accomack County  
MECKLENBURG COUNTY  
(Hw) - See Amelia County  
MIDDLESEX COUNTY  
(Hw) - See Caroline County  
(D) - See Accomack County  
MONTGOMERY COUNTY  
(Hw) - See Bedford County  
MANASSAS COUNTY  
(Hw) - See Accomack County  
(D) - See Accomack County  
NELSON COUNTY  
(Hw) - See Adherst County  
NEW KENT COUNTY  
(Hw) - See Amelia County  
NEWPORT NEWS CITY  
(B,H,MS) - See York County  
(Hw) - See Chesapeake City  
(D) - See Accomack County  
(R) - See Hampton County  
NORFOLK CITY  
(Hw,B) - See Chesapeake City  
(D) - See Accomack County  
NORTHAMPTON COUNTY  
(Hw) - See Accomack County  
(D) - See Accomack County  
NORTON CITY  
(Hw) - See Bland County  
NORTHUMBERLAND COUNTY  
(Hw) - See Caroline County  
(D) - See Accomack County  
NOTTOWAY COUNTY  
(Hw) - See Amelia County  
ORANGE COUNTY  
(Hw) - See Albemarle County

## VIRGINIA (cont'd.)

PAGE COUNTY  
(Hw) - See Allegheny County  
PATRICK COUNTY  
(Hw) - See Bedford County  
PETERSBURG CITY  
(Hw) - See Amelia County  
PITTSYLVANIA COUNTY  
(Hw) - See Adherst County  
PORTSMOUTH CITY  
(Hw,B) - See Chesapeake City  
(D) - See Accomack County  
POWhatan COUNTY  
(Hw) - See Accomack County  
PRINCE EDWARD COUNTY  
(Hw) - See Adherst County  
PRINCE GEORGE COUNTY  
(Hw) - See Amelia County  
PRINCE WILLIAM COUNTY  
(Hw) - See Albemarle County  
(D) - See Accomack County  
PULASKI COUNTY  
(Hw) - See Bedford County  
RADFORD CITY  
(Hw) - See Bedford County  
RAPAHANNOCK COUNTY  
(Hw) - See Albemarle County  
RICHMOND CITY  
(B) - See Henrico County  
(Hw) - See Amelia County  
RICHMOND COUNTY  
(Hw) - See Caroline County  
ROANOKE CITY  
(Hw) - See Bedford County  
ROANOKE COUNTY  
(Hw) - See Bedford County  
ROCKBRIDGE COUNTY  
(Hw) - See Allegheny County  
ROCKINGHAM COUNTY  
(R) - See Clarke County  
(Hw) - See Allegheny County  
RUSSELL COUNTY  
(Hw) - See Bland County  
SALEM CITY  
(Hw) - See Bedford County  
SCOTT COUNTY  
(Hw) - See Bland County  
SHENANDOAH COUNTY  
(Hw) - See Allegheny County  
(R) - See Clarke County  
SNYTH COUNTY  
(Hw) - See Bland County  
SOUTHAMPTON COUNTY  
(Hw) - See Accomack County

## VIRGINIA (Cont'd.)

SOUTH BOSTON CITY  
(Hw) - See Adherst County  
SPOTSYLVANIA COUNTY  
(Hw) - See Caroline County  
STRAUNTON CITY  
(Hw) - See Allegheny County  
STAFFORD COUNTY  
(Hw) - See Caroline County  
(D) - See Accomack County  
SUFFOLK CITY  
(Hw) - See Accomack County  
SURREY COUNTY  
(D) - See Accomack County  
SUSSEX COUNTY  
(Hw) - See Accomack County  
TAZEWELL COUNTY  
(Hw) - See Bland County  
VIRGINIA BEACH CITY  
Decision #49-9321 (R)  
37 FR 10266 - 5/19/72  
(Hw,B) - See Chesapeake City  
(D) - See Accomack County  
WARREN COUNTY  
(R) - See Clarke County  
(Hw) - See Allegheny County  
WASHINGTON COUNTY  
(Hw) - See Bland County  
WAYNESBORO CITY  
(Hw) - See Allegheny County  
WESTMORELAND COUNTY  
(Hw) - See Caroline County  
(D) - See Accomack County  
WILLIAMSBURG CITY  
(Hw) - See Accomack County  
WINCHESTER CITY  
(Hw) - See Allegheny County  
WISE COUNTY  
(Hw) - See Bland County  
WYTHE COUNTY  
(Hw) - See Bland County  
YORK COUNTY  
Decision #A75-3004 (B,H,SSM)  
40 FR 941 - 1/3/75  
(R) - See James County  
(Hw) - See Accomack County  
(D) - See Accomack County

## WASHINGTON (Cont'd)

LEWIS COUNTY  
(B, H, Hw, D) - See Statewide

LINCOLN COUNTY  
(B, H, Hw, D) - See Statewide

MASON COUNTY  
(B, H, Hw, D) - See Statewide

OKANOGAN COUNTY  
(B, H, Hw, D) - See Statewide

PACIFIC COUNTY  
(B, H, Hw, D) - See Statewide

PEND OREILLE COUNTY  
(B, H, Hw, D) - See Statewide

PIERCE COUNTY  
(B, H, Hw, D) - See Statewide

SAN JUAN COUNTY  
(B, H, Hw, D) - See Statewide

SKAGIT COUNTY  
(B, H, Hw, D) - See Statewide

SKAMMIA COUNTY  
(B, H, Hw, D) - See Statewide

SKOHOMISH COUNTY  
(B, H, Hw, D) - See Statewide

SPOKANE COUNTY  
(B, H, Hw, D) - See Statewide

STEMENS COUNTY  
(B, H, Hw, D) - See Statewide

THURSTON COUNTY  
(B, H, Hw, D) - See Statewide

WACKELUM COUNTY  
(B, H, Hw, D) - See Statewide

WALLA WALLA COUNTY  
(B, H, Hw, D) - See Statewide

WHATCOM COUNTY  
(B, H, Hw, D) - See Statewide

WHITMAN COUNTY  
(B, H, Hw, D) - See Statewide

YAKIMA COUNTY  
Decision #40-1109 (R)  
39 FR 18416 - 5/24/74  
(B, H, Hw, D) - See Statewide

## WASHINGTON, D. C.

WASHINGTON, D. C.  
Decision #DC75-3002 (B, H, Hw, WBS)  
40 FR 948 - 1/3/75  
Decision #DC75-3008 (U)  
40 FR 3094 - 1/17/75

## WEST VIRGINIA

STATEWIDE  
Decision #W75-3009 (H, Hw)  
40 FR 4883 - 1/31/75

BARBOUR COUNTY  
Decision #W75-3007 (B)  
40 FR 6136 - 2/7/75  
(H, Hw) - See Statewide

BERKELEY COUNTY  
(H, Hw) - See Statewide

BOONE COUNTY  
(H, Hw) - See Statewide

BRATTON COUNTY  
(H, Hw) - See Statewide

BROOKE COUNTY  
(H, Hw) - See Statewide

CABELL COUNTY  
(B) - See Barbour County  
Decision #40-3094 (D)  
39 FR 5070 - 2/8/74  
(H, Hw) - See Statewide

CALHOUN COUNTY  
Decision #AR-2007 (B)  
39 FR 25779 - 7/12/74  
(H, Hw) - See Statewide

CLAY COUNTY  
(H, Hw) - See Statewide

DOODRIDGE COUNTY  
(B) - See Barbour County

FAYETTE COUNTY  
(H, Hw) - See Statewide

GILMER COUNTY  
(B) - See Barbour County

GRANT COUNTY  
(H, Hw) - See Statewide

GREENBRIER COUNTY  
(H, Hw) - See Statewide

HAPPESHIRE COUNTY  
(H, Hw) - See Statewide

HANCOCK COUNTY  
(H, Hw) - See Statewide

HARDY COUNTY  
(H, Hw) - See Statewide

HARRISON COUNTY  
(B) - See Barbour County  
(H, Hw) - See Statewide

JACKSON COUNTY  
(U) - See Cabell County  
(H, Hw) - See Statewide  
(B) - See Calhoun County

## WEST VIRGINIA (Cont'd)

JEFFERSON COUNTY  
(H, Hw) - See Statewide

KANAWHA COUNTY  
(B) - See Barbour County

(H, Hw) - See Statewide  
Decision #AR-2058 (R)  
39 FR 35948 - 10/4/74  
Mod. #1 - 39 FR 44913 - 12/27/74

LEWIS COUNTY  
(H, Hw) - See Statewide  
(B) - See Barbour County

LINCOLN COUNTY  
(H, Hw) - See Statewide

LOGAN COUNTY  
(H, Hw) - See Statewide

MC DONELL COUNTY  
(H, Hw) - See Statewide

MARION COUNTY  
(H, Hw) - See Statewide

MARSHALL COUNTY  
(H, Hw) - See Statewide

MASON COUNTY  
(D) - See Cabell County  
(H, Hw) - See Statewide

MERCER COUNTY  
(H, Hw) - See Statewide

MINERAL COUNTY  
(H, Hw) - See Statewide

KINGO COUNTY  
(H, Hw) - See Statewide

MORGAN COUNTY  
(H, Hw) - See Statewide

MORGAN COUNTY  
(H, Hw) - See Statewide

NICHOLAS COUNTY  
(H, Hw) - See Statewide

OLIO COUNTY  
(H, Hw) - See Statewide

PENDLETON COUNTY  
(H, Hw) - See Statewide

PLEASANT COUNTY  
(D) - See Cabell County  
(H, Hw) - See Statewide  
(B) - See Calhoun County

## WASHINGTON

STATEWIDE  
Decision #W75-5006 (B, H, Hw, D)  
40 FR 4860 - 1/31/75

ADAMS COUNTY  
(B, H, Hw, D) - See Statewide

ASOTIN COUNTY  
(B, H, Hw, D) - See Statewide

BENTON COUNTY  
(B, H, Hw, D) - See Statewide

CHELAN COUNTY  
(B, H, Hw, D) - See Statewide

CLALLAM COUNTY  
Decision #AR-1030 (R)  
39 FR 34017 - 9/20/74  
Mod. #1 - 40 FR 929 - 1/3/75  
(B, H, Hw, D) - See Statewide

CLARK COUNTY  
(B, H, Hw, D) - See Statewide

COLUMBIA COUNTY  
(B, H, Hw, D) - See Statewide

COMALITZ COUNTY  
(B, H, Hw, D) - See Statewide

DOUGLAS COUNTY  
(B, H, Hw, B) - See Statewide

FERRY COUNTY  
(B, H, Hw, D) - See Statewide

FRANKLIN COUNTY  
(B, H, Hw, D) - See Statewide

GARFIELD COUNTY  
(B, H, Hw, D) - See Statewide

GRANT COUNTY  
(B, H, Hw, D) - See Statewide

GRAYS HARBOR COUNTY  
(B, H, Hw, D) - See Statewide  
(R) - See Clallam County

ISLAND COUNTY  
(B, H, Hw, D) - See Statewide  
(R) - See Clallam County

JEFFERSON COUNTY  
(B, H, Hw, D) - See Statewide  
(R) - See Clallam County

KINGS COUNTY  
(R) - See Clallam County

KITSAP COUNTY  
(B, H, Hw, D) - See Statewide  
(B, H, Hw, D) - See Statewide  
(R) - See Clallam County

KITTITAS COUNTY  
(B, H, Hw, D) - See Statewide  
(B, H, Hw, D) - See Statewide  
(R) - See Clallam County

KLICKITAT COUNTY  
(B, H, Hw, D) - See Statewide

WEST VIRGINIA (CONT'D.)

PRESTON COUNTY  
(H, Hw) - See Statewide  
PUTNAM COUNTY  
(H, Hw) - See Statewide  
RALEIGH COUNTY  
(H, Hw) - See Statewide  
RANDOLPH COUNTY  
(H, Hw) - See Statewide  
RITCHIE COUNTY  
(H, Hw) - See Statewide  
(B) - See Calhoun County  
ROANE COUNTY  
(H, Hw) - See Statewide  
SUMMERS COUNTY  
(H, Hw) - See Statewide  
TAYLOR COUNTY  
(H, Hw) - See Statewide  
TUCKER COUNTY  
(H, Hw) - See Statewide  
TYLER COUNTY  
(H, Hw) - See Statewide  
UPSHUR COUNTY  
(B) - See Barbour County  
(H, Hw) - See Statewide  
WAYNE COUNTY  
(B) - See Barbour County  
(H, Hw) - See Statewide  
WEBSTER COUNTY  
(H, Hw) - See Statewide  
WETZEL COUNTY  
(D) - See Cabell County  
(H, Hw) - See Statewide  
WIRT COUNTY  
(B) - See Calhoun County  
(H, Hw) - See Statewide  
WOOD COUNTY  
(B) - See Calhoun County  
(D) - See Cabell County  
(H, Hw) - See Statewide  
WYOMING COUNTY  
(H, Hw) - See Statewide

WISCONSIN

STATEWIDE  
Decision #AR-3146 (H, Hw, W&S)  
39 FR 35092 - 9/27/74  
Mod. #1 - 39 FR 37337 - 10/18/74  
Mod. #2 - 39 FR 38817 - 11/1/74  
ADAMS COUNTY  
(H, Hw, W&S) - See Statewide  
ASHLAND COUNTY  
Decision #AQ-3095 (D)  
39 FR 5982 - 2/15/74  
Mod. #1 - 39 FR 44161 - 12/20/74  
(H, Hw, W&S) - See Statewide  
Decision #AR-3151 (B, B)  
39 FR 36706 - 10/11/74  
BARABOR COUNTY  
(B) - See Polk County  
(H, Hw, W&S) - See Statewide  
BAYFIELD COUNTY  
(D) - See Ashland County  
(H, Hw, W&S) - See Statewide  
(B, B) - See Ashland County  
BROWN COUNTY  
Decision #AR-3153 (B)  
39 FR 36825 - 10/11/74  
(D) - See Ashland County  
(H, Hw, W&S) - See Statewide  
BUFFALO COUNTY  
(H, Hw, W&S) - See Statewide  
BERNETT COUNTY  
(H, Hw, W&S) - See Statewide  
CALUMET COUNTY  
(H, Hw, W&S) - See Statewide  
CHIPPEWA COUNTY  
(B, B) - See Eau Clair County  
CLARK COUNTY  
(H, Hw, W&S) - See Statewide  
COLUMBIA COUNTY  
(H, Hw, W&S) - See Statewide  
CRAMFORD COUNTY  
(H, Hw, W&S) - See Statewide  
DANE COUNTY  
(H, Hw, W&S) - See Statewide  
Decision #AR-3155 (B, B)  
39 FR 36829 - 10/11/74  
DODGE COUNTY  
(H, Hw, W&S) - See Statewide  
DOOR COUNTY  
(D) - See Ashland County  
(H, Hw, W&S) - See Statewide  
DOUGLAS COUNTY  
(D) - See Ashland County  
(H, Hw, W&S) - See Statewide  
(B, B) - See Ashland County  
(B, B) - See Ashland County  
BOSS COUNTY  
(B) - See Polk County  
(H, Hw, W&S) - See Statewide  
EAU CLAIRE COUNTY  
Decision #AR-3154 (B, B)  
39 FR 36827 - 10/11/74  
(H, Hw, W&S) - See Statewide

WISCONSIN (Cont'd.)

FLORENCE COUNTY  
(H, Hw, W&S) - See Statewide  
FOND DU LAC COUNTY  
(H, Hw, W&S) - See Statewide  
FOREST COUNTY  
(H, Hw, W&S) - See Statewide  
GRANT COUNTY  
(H, Hw, W&S) - See Statewide  
GREEN COUNTY  
(B) - See Rock County  
(H, Hw, W&S) - See Statewide  
GREEN LAKE COUNTY  
(H, Hw, W&S) - See Statewide  
(B) - See Winnebago County  
IOWA COUNTY  
(B) - See Dane County  
(H, Hw, W&S) - See Statewide  
IRON COUNTY  
(D) - See Ashland County  
(H, Hw, W&S) - See Statewide  
JACKSON COUNTY  
(H, Hw, W&S) - See Statewide  
JEFFERSON COUNTY  
(H, Hw, W&S) - See Statewide  
JUNEAU COUNTY  
(H, Hw, W&S) - See Statewide  
Decision #AR-3158 (B)  
39 FR 36835 - 10/11/74  
KENOSHA COUNTY  
(H, Hw, W&S) - See Statewide  
Decision #AR-3155 (B, B)  
39 FR 36837 - 10/11/74  
Mod. #1 - 39 FR 41662 - 11/29/74  
KENAUBEE COUNTY  
(D) - See Ashland County  
(H, Hw, W&S) - See Statewide  
LA CROSSE COUNTY  
Decision #AR-3160 (B, B)  
39 FR 36839 - 10/11/74  
(H, Hw, W&S) - See Statewide  
LA PAVETTE COUNTY  
(H, Hw, W&S) - See Statewide  
LANGLADE COUNTY  
(B) - See Marathon County  
(H, Hw, W&S) - See Statewide  
LINCOLN COUNTY  
(B) - See Marathon County  
(H, Hw, W&S) - See Statewide  
MARATHON COUNTY  
Decision #AR-3161 (B)  
39 FR 35840 - 10/11/74  
(H, Hw, W&S) - See Statewide  
MARSHETTE COUNTY  
(D) - See Ashland County  
(H, Hw, W&S) - See Statewide  
MARQUETTE COUNTY  
(B) - See Winnebago County  
(H, Hw, W&S) - See Statewide  
MENOMINEE COUNTY  
(H, Hw, W&S) - See Statewide

WISCONSIN (Cont'd.)

MILWAUKEE COUNTY  
 Decision #AR-3162 (B,R)  
 39 FR 36833 - 10/11/74  
 (H,Bv,WAS) - See Statewide

MONROE COUNTY  
 (H,Bv,WAS) - See Statewide

OSHTO COUNTY  
 (D) - See Ashland County  
 (H,Bv,WAS) - See Statewide

OSHTO COUNTY  
 (H,Bv,WAS) - See Statewide

OUTAGAMIE COUNTY  
 (H,Bv,WAS) - See Statewide

OSHAKE COUNTY  
 (B,R) - See Milwaukee County  
 (D) - See Ashland County  
 (H,Bv,WAS) - See Statewide

PEPIN COUNTY  
 (B,R) - See Eau Claire County  
 (H,Bv,WAS) - See Statewide

PIERCE COUNTY  
 (H,Bv,WAS) - See Statewide

POLK COUNTY  
 Decision #AR-3132 (B)  
 39 FR 36823 - 10/11/74  
 (H,Bv,WAS) - See Statewide

PORTAGE COUNTY  
 (H,Bv,WAS) - See Statewide

PRICE COUNTY  
 (H,Bv,WAS) - See Statewide

RACINE COUNTY  
 Decision #AR-3163 (B,R)  
 39 FR 36845 - 10/11/74  
 (D) - See Ashland County  
 (H,Bv,WAS) - See Statewide

RICHLAND COUNTY  
 (H,Bv,WAS) - See Statewide

ROCK COUNTY  
 Decision #AR-3156 (B)  
 39 FR 36831 - 10/11/74  
 (H,Bv,WAS) - See Statewide

RUSK COUNTY  
 (H,Bv,WAS) - See Statewide

SALT CROIX COUNTY  
 (B) - See Polk County  
 (H,Bv,WAS) - See Statewide

SAUK COUNTY  
 (B) - See Dane County  
 (H,Bv,WAS) - See Statewide

SABYER COUNTY  
 (H,Bv,WAS) - See Statewide

SHAWANO COUNTY  
 (H,Bv,WAS) - See Statewide

SHEBOYGAN COUNTY  
 (B) - See Ashland County  
 (H,Bv,WAS) - See Statewide

TAYLOR COUNTY  
 (H,Bv,WAS) - See Statewide

TREXDALE COUNTY  
 (H,Bv,WAS) - See Statewide

WISCONSIN (Cont'd.)

VERMILION COUNTY  
 (H,Bv,WAS) - See Statewide

VILLAS COUNTY  
 (H,Bv,WAS) - See Statewide

WALWORTH COUNTY  
 (H,Bv,WAS) - See Statewide

WASHEGON COUNTY  
 (H,Bv,WAS) - See Statewide

WASHINGTON COUNTY  
 (B,R) - See Milwaukee County  
 (H,Bv,WAS) - See Statewide

WAXSHESSA COUNTY  
 (B,R) - See Milwaukee County  
 (H,Bv,WAS) - See Statewide

WAUPACA COUNTY  
 (B) - See Winnebago County  
 (H,Bv,WAS) - See Statewide

WAUSHAU COUNTY  
 (B) - See Winnebago County  
 (H,Bv,WAS) - See Statewide

WINNEBAGO COUNTY  
 Decision #AR-3157 (B)  
 39 FR 36833 - 10/11/74  
 (H,Bv,WAS) - See Statewide

WOOD COUNTY  
 (H,Bv,WAS) - See Statewide

WYOMING

STATEWIDE  
 Decision #AR-5011 (Hv)  
 40 FR 4875 - 1/31/75

ALBANY COUNTY  
 (Hv) - See Statewide

BIG HORN COUNTY  
 (Hv) - See Statewide

CAMPBELL COUNTY  
 (Hv) - See Statewide

CARBON COUNTY  
 (Hv) - See Statewide

CONVERSE COUNTY  
 Decision #AR-1004 (B,E)  
 39 FR 27415 - 7/25/74  
 Mod. #1 - 39 FR 30670 - 8/23/74  
 Mod. #2 - 39 FR 40408 - 11/15/74  
 Mod. #3 - 39 FR 42613 - 12/6/74  
 (Hv) - See Statewide

CROOK COUNTY  
 (Hv) - See Statewide

FREMONT COUNTY  
 (Hv) - See Statewide

GOSHEN COUNTY  
 (B,R) - See Converse County

HOT SPRINGS COUNTY  
 (Hv) - See Statewide

JONES COUNTY  
 (Hv) - See Statewide

LARAMIE COUNTY  
 (B,E) - See Converse County

LINCOLN COUNTY  
 (Hv) - See Statewide

NATRONA COUNTY  
 (B,H) - See Converse County

NIOBRARA COUNTY  
 (B,H) - See Converse County

PARK COUNTY  
 (Hv) - See Statewide

PLATTE COUNTY  
 (B,H) - See Converse County

SHERIDAN COUNTY  
 (Hv) - See Statewide

SUBLETTE COUNTY  
 (Hv) - See Statewide

SWEETWATER COUNTY  
 (Hv) - See Statewide

TETON COUNTY  
 (Hv) - See Statewide

VINTA COUNTY  
 (Hv) - See Statewide

WYOMING (Cont'd.)

WASSUKIE COUNTY  
 (Hv) - See Statewide

WESTON COUNTY  
 (Hv) - See Statewide

YELLOWSTONE NATIONAL PARK  
 (Hv) - See Statewide

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